United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, January 7, 1997*

The seventh day of January being the day prescribed by House Concurrent Resolution 230, as amended, for the meeting of the 1st session of the 105th Congress, the Senate assembled in its Chamber at the Capitol, at 12 noon.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Your glory fills this hallowed Senate Chamber. We exalt You as Sovereign of our beloved Nation, and we are exhilarated as we prepare to witness the divine encounter between You and the Senators-elect as they are sworn in. You have destined them for greatness as leaders of our Nation. They are here by Your choice and are accountable to You for how they lead this Nation under Your guidance. May the awesome vows that they take and the immense responsibilities they assume bring them to the knees of their hearts with profound humility and an unprecedented openness to You. Save them from the seduction of power, the addiction of popularity and the aggrandizement of pride. Lord, keep their priorities straight: You and their families first; the good of our Nation second; consensus around truth third; party loyalties fourth; and personal success last of all.

May they never forget that they are here to serve and not to be served. Consistently replenish the reserves of strength and courage so often drained by pressure and stress. Anoint their minds with Your spirit and guide them as they seek to know and do Your will in the crucial issues before our Nation. This can be America's finest hour awaiting leaders imbued with Your power. May it be, Lord, in Your holy name. Amen.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term and the credentials of 33 Senators elected for 6-year terms beginning on January 3, 1997.

All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned certificates will be waived and they will be printed in full in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Wayne Allard was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 1997.

Witness: His excellency our governor Roy Romer, and our seal hereto affixed at the City and County of Denver this 6th day of December, in the year of our Lord 1996.

By the Governor:

ROY ROMER,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Max Baucus was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd day of January, 1997.

Witness: His excellency our Governor Marc Racicot, and our seal hereunto affixed at the City of Helena, the Capital, this 2nd day of December, in the year of our Lord 1996.

By the Governor:

MARC RACICOT,
Governor.

STATE OF DELAWARE

To the President of the Senate of the United States:

Be it known, an election was held in the State of Delaware, on Tuesday, the fifth day of November, in the year of our Lord one thousand nine hundred and ninety-six, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas, the official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found Joseph R. Biden, Jr., to be the person highest in votes, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-seven.

I, Thomas R. Carper, Governor, do therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said Joseph R. Biden, Jr., the person highest in votes at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-seven.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the 14th day of November in the year of our Lord one thousand nine hundred and ninety-six and in the year of the Independence of the United States of America the two hundred and twenty-first.

By the Governor:

THOMAS R. CARPER,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, nineteen hundred ninety-six, Sam Brownback was duly chosen by the qualified electors of the State of Kansas a Senator to succeed Sheila Frahm for the unexpired term beginning on the sixth of November, nineteen hundred ninety-six, and ending at noon on the third day of January, nineteen hundred ninety-nine, to fill the vacancy in the representation from said State in the Senate of the United States.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Witness: His Excellency our governor Bill Graves, and our seal hereto affixed at Topeka, Kansas, this twenty-seventh day of November, in the year of our Lord, nineteen hundred ninety-six.

By the Governor:

BILL GRAVES,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Max Cleland was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our Governor Zell Miller, and our seal hereto affixed at the Capitol, in the City of Atlanta, this 18th day of November, in the year of our Lord 1996.

By the Governor:

ZELL MILLER,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi, a Senator from this State to represent the State of Mississippi in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

Done at the Capitol in the City of Jackson, this the 11th day of December, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America, the two hundred and twenty-first.

By the Acting Governor:

———,
Lt. and Acting Governor.

STATE OF MAINE

Know ye, that Susan M. Collins of Bangor in the County of Penobscot on the fifth day of November, in the year One Thousand Nine Hundred and Ninety-Six, was chosen by the electors of this State, a United States Senator in the One Hundred Fifth Congress of the United States of America to represent the State of Maine in the United States Senate, for the term of six years, beginning on the third day of January, in the year Nineteen Hundred and Ninety-Seven.

In testimony whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this fourth day of December in the year One Thousand Nine Hundred and Ninety-Six.

ANGUS S. KING, Jr.,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Larry Craig was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1997.

Witness: His excellency our governor Philip E. Batt, and our seal hereto affixed at Boise this 20th day of November, in the year of our Lord 1996.

By the Governor:

PHILIP E. BATT,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Pete Domenici was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our governor Gary Johnson, and our seal hereto affixed at Santa Fe this 9th day of December, in the year of our Lord 1996.

By the Governor:

GARY JOHNSON,
Governor.

STATE OF ILLINOIS

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, nineteen hundred and ninety-six, Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-seven.

Witness: His excellency our governor, Jim Edgar, and our seal hereto affixed at the City of Springfield this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-six.

By the Governor:

JIM EDGAR,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION

Whereas according to the official returns of the General Election held in the State of Wyoming on the 5th day of November 1996, regularly transmitted to the office of the Secretary of State and duly canvassed by the State Canvassing Board, it appears that Michael B. Enzi has been duly elected for the office of United States Senator.

Now, therefore, I, Jim Geringer, Governor of Wyoming, do hereby certify that he is elected for the term of six years from the third day of January 1997.

In witness whereof, I have hereunto set my hand and caused the Great Seal of Wyoming to be affixed. Given at Cheyenne this 20th day of November 1996.

JIM GERINGER,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Phil Gramm was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1997.

Witness: His excellency our governor George W. Bush, and our seal hereto affixed at Austin, Texas this 4th day of December, in the year of our Lord 1996.

By the Governor:

GEORGE W. BUSH,
Governor.

STATE OF NEBRASKA

At an election held on the 5th day of November, 1996 Chuck Hagel was elected to the office of United States Senator for the term of 6 years.

Given at Lincoln, Nebraska this 11th day of December, 1996.

BENJAMIN NELSON,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 6th day of December in the year of our Lord one thousand nine hundred ninety-six.

TERRY E. BRANSTAD,
Governor.

STATE OF NORTH CAROLINA

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Jesse Helms was duly chosen by the qualified electors of the State of North Carolina a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1997.

Witness: His excellency our governor James B. Hunt, Jr., and our seal hereto affixed at Raleigh this 11th day of December, in the year of our Lord 1996.

By the Governor:

JAMES B. HUNT, Jr.,
Governor.

STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, the Honorable Tim Hutchinson was duly chosen by the qualified electors of the State of Arkansas as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997, the vote being:

Tim Hutchinson	445,942
Winston Bryant	400,241
Total votes cast	846,183

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 4th day of December, 1996.

MIKE HUCKABEE,
Governor.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November 1996, James M. Inhofe was duly chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our Governor Frank Keating and out seal hereto affixed at Oklahoma City, Oklahoma this 14th of November in the year of our Lord 1996.

By the Governor:

FRANK KEATING,
Governor.

STATE OF SOUTH DAKOTA

CERTIFICATE OF ELECTION

This is to Certify, That on the fifth day of November, nineteen hundred ninety-six, at a general election Tim Johnson was duly chosen by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning the third day of January, nineteen hundred ninety-seven.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 27th day of November nineteen hundred ninety-six.

WILLIAM J. JANKLOW,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, nineteen hundred and ninety-six John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-seven.

Witness: His Excellency, our Governor, William F. Weld, and our seal hereto affixed at Boston, this twenty-seventh day of November in the year of our Lord nineteen hundred and ninety-six.

By His Excellency the Governor:

WILLIAM F. WELD,
Governor.

STATE OF LOUISIANA

ELECTION PROCLAMATION

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Mary L. Landrieu was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our Governor M.J. "Mike" Foster, Jr., and our seal hereto affixed at the City of Baton Rouge this 20th day of November, 1996.

By the Governor:

M.J. "MIKE" FOSTER, Jr.,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Carl Levin was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd of January, 1997.

Given under my hand and the Great Seal of the State of Michigan this 6th day of December, in the Year of our Lord, One Thousand Nine Hundred Ninety-Six.

By the Governor:

JOHN ENGLER,
Governor.

COMMONWEALTH OF KENTUCKY

To all to Whom These Presents Shall Come, Greeting:

Know Ye, That Honorable Mitch McConnell having been duly certified, that on November 5, 1996, was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd day of January 1997.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 25th day of November in the year of our Lord one thousand nine hundred and 96 and in the 205th year of the Commonwealth.

By the Governor:

PAUL E. PATTON,
Governor.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, John F. Reed was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His Excellency our Governor Lincoln C. Almond, and our seal affixed on this 27th day of November, in the year of our Lord 1996.

LINCOLN C. ALMOND,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, nineteen hundred ninety-six, Pat Roberts was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third of January, nineteen hundred ninety-seven.

Witness: His Excellency our governor Bill Graves, and our seal hereto affixed at Topeka, Kansas, this twenty-seventh day of November, in the year of our Lord, nineteen hundred ninety-six.

By the Governor:

BILL GRAVES,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 1996, Jay Rockefeller was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1997.

Witness: His excellency our Governor Caston Caperton, and our seal hereto affixed at Charleston this 12th day of December, in the year of our Lord 1996.

By the Governor:

GASTON CAPERTON,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

For a six-year term in the United States Senate.

This is to certify that on the fifth day of November, 1996, the Honorable Jeff Sessions was duly chosen by the qualified electors of the State of Alabama as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1997.

Witness: His excellency our governor the Honorable Fob James, and our seal hereto affixed at the Alabama State Capitol this sixth day of December, in the year of our Lord 1996.

FOB JAMES,
Governor.

STATE OF NEW HAMPSHIRE

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, nineteen hundred and ninety six Bob Smith was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, nineteen hundred and ninety-seven.

Witness: His Excellency, Governor Steve Merrill and the Seal of the State of New Hampshire hereto affixed at Concord, this twentieth day of November, in the year of Our Lord nineteen hundred and ninety-six.

By the Governor, with advice of the Council:

STEVEN MERRILL,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Gordon Smith was duly chosen by the qualified electors of the State of Oregon a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our Governor, John Kitzhaber, and our seal hereto affixed at Salem, Oregon this 5th day of December, in the year of our Lord 1996.

By the Governor:

JOHN KITZHABER,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that in an election held on the 5th day of November, 1996 and certified on the 27th day of November, 1996, Ted Stevens was duly elected by the qualified voters of the State of Alaska to serve as Senator from Alaska to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our Governor Tony Knowles, and our seal hereto affixed at Juneau, Alaska this 4th day of December, in the year of our Lord 1996.

TONY KNOWLES,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION TO UNITED STATES SENATOR

This is to certify, That at the General Election held on the 5th day of November, A.D., 1996, Fred Thompson was duly elected to this office as appears from the official returns and certificates on file in the Office of Secretary of State.

In testimony whereof I, Don Sundquist, Governor of the State of Tennessee, have hereunto set my hand and caused the Great Seal to be affixed, at the Capitol, in Nashville, on this 9th day of December, A.D., 1996.

DON SUNDQUIST,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the Secretary of the Senate of the United States:

This is to certify that on the fifth day of November, 1996, Honorable Strom Thurmond was duly chosen by the qualified electors of the State of South Carolina as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 1997.

Witness: His excellency our Governor, David M. Beasley, and our seal hereto affixed at Columbia, South Carolina this twenty-first day of November, in the year of our Lord, 1996.

By His Excellency:

DAVID M. BEASLEY,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

This is to certify that on the fifth day of November, 1996, Robert G. Torricelli, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd day of January, 1997.

Given, under my hand and the Great Seal of the State of New Jersey, this twenty-seventh day of November in the year of Our Lord one thousand nine hundred and ninety-six and of the Independence of the United States, the two hundred and twentieth.

By the Governor:

CHRISTINE TODD WHITMAN,
Governor.

COMMONWEALTH OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, John W. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd of January, 1997.

Witness: His excellency our Governor, George Allen, and our lesser seal hereto affixed at Richmond this 26th day of November, in the year of our Lord 1996.

By the Governor:

GEORGE ALLEN,
Governor.

STATE OF MINNESOTA

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 1996, Paul David Wellstone was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1997.

Witness: His excellency our governor Arne H. Carlson, and our seal hereto affixed at St. Paul, Minnesota this 19th day of November, in the year of our Lord 1996.

ARNE H. CARLSON,
Governor.

The VICE PRESIDENT. The majority leader.

WELCOME AND CONGRATULATIONS TO SENATORS

Mr. LOTT. Mr. President, first I wish to extend my welcome and congratulations to all of the newly elected Senators. We look forward to working with you in a bipartisan way for the best interests of our country. I know that we have a few of our retiring Senators here and we want to wish them a fond adieu and the very best in the future. Senator JOHNSTON there from Louisiana needs to be careful; he might change his mind and raise his hand and try to get sworn in again.

This is a magnificent occasion, and it is an honor to serve as the majority leader in this great body and to work with my friend, Senator DASCHLE, from South Dakota.

THE OATH WE TAKE

Mr. LOTT. Mr. President, today marks the 105th time since 1789 that newly elected Senators have stood before this body's Presiding Officer at the start of a new Congress to pledge their support for the Constitution of the United States. I would like to take advantage of this special event in the life of each new Congress to comment briefly about the origins of the oath we take.

There is a good deal of confusion about the oath and its origin. Some believe that the Constitution prescribes its specific text and that all Senators since 1789 have taken and signed the oath in the form that we know today. Neither is true. While the Constitution specifies a separate oath for the President, it leaves to Congress the responsibility of preparing an oath for its Members and all other Federal officeholders.

The Oath Act of June 1, 1789, was the first legislation passed by the Senate and the first law signed by President George Washington. It prescribed the following simple oath: "I _____ do solemnly swear (or affirm) that I will support the Constitution of the United States." On June 4, 1789, Senate President John Adams administered that new oath to all Senators, setting a pattern that future Presiding Officers followed, without controversy, for the next 74 years.

The outbreak of the War Between the States quickly transformed the act of oath-taking, which had become a routine procedure after 1789, into one of enormous significance. At a time of uncertain and shifting loyalties, President Abraham Lincoln ordered all Federal civilian personnel to retake the prewar oath of allegiance. When Congress convened for a brief emergency session in the summer of 1861, Members supplemented the President's action by passing a law requiring civil officers to take an expanded oath in support of the Union. Although Congress did not then apply this August 1861 oath to its own Members, its text is the earliest direct predecessor of the oath we take today.

When Congress returned for its regular session in December 1861, Members who believed that the Union had more to fear from northern traitors than from southern soldiers fundamentally revised the August 1861 statute in July 1862 by adding an "Ironclad Test Oath" provision. This war-inspired test oath required civil servants and military officers to swear not only to future loyalty, as required by the existing oaths, but also to affirm that they had never previously supported hostilities against the United States. Those who failed to take the 1862 test oath would not receive a salary; those who swore falsely would be prosecuted for perjury and forever denied Federal employment.

The 1862 oath's second section incorporated a more polished and graceful rendering of the hastily drafted 1861 oath in language that is identical to the oath we take today.

Early in 1864, the Senate adopted a rule specifying that all newly elected Members must not only orally agree to the test oath, but also "subscribe" to it by signing a printed copy. This condition reflected a wartime practice in which military and civilian authorities required anyone wishing to do business with the Federal Government to sign a copy of the test oath. The requirement included Confederate prisoners of war seeking parole and southerners who wished to be reimbursed for goods confiscated by foraging Union troops. Our modern practice of signing the oath comes from this period.

At the end of the war in 1865, the test oath stood as a formidable barrier to President Andrew Johnson's moderate reconstruction policies, designed to allow residents of the South to participate in their own government. While the President pushed for a rapid reintegration of Southern States, those in Congress who wished to impose a harsh peace insisted on the test oath, which had been created in part to prevent ex-Confederates from taking Federal positions. Many of the oath's drafters specifically had in mind blocking the return of one of my direct Senate predecessors—Jefferson Davis.

The Constitution's 14th amendment, ratified in 1868, permitted Congress to remove barriers to service by former Confederates through a two-thirds vote of both Houses. Congress then enacted an oath for those in this category, allowing them to ignore the test oath's first section, regarding past loyalties, and subscribe only to its second section pledging future allegiance. That 1868 oath is identical to the one we take today.

As postwar tensions eased, Congress in 1871 dropped the requirement for a two-thirds vote of both Houses for former Confederates entering congressional service or government employment. For another 13 years, however, all oath takers who were not former Confederates were required to take the full test oath. In 1877, to further complicate matters, the Senate amended its rules to require that Senators take not only the 1862 or the 1868 oath, but also the original oath of 1789.

Reflecting the confusion surrounding these multiple requirements, the Senate's archives contain no signed oaths for the years between 1871 and 1880. From 1880 until 1884, nearly 20 years after the war's conclusion, newly elected southern Senators who had participated in that conflict signed the 1868 oath, while all the others signed the 1862 test oath.

On January 11, 1884, as part of a general revision of its rules, the Senate replaced specific references to the rules of 1862 and 1868 with the simple statement that is now Rule III of our Standing Rules: "The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties." Seven weeks later, bringing to a close nearly a quarter century of confusion and acrimony, the Senate repealed the 1862 test oath. From that day to this, the high solemn oath "prescribed by law" has been the oath of 1868.

LOUISIANA ELECTION CONTEST

Mr. LOTT. Mr. President, before the Chair presents the certification of election for the swearing in to begin, I would like to take a moment to speak about the seating of one of our new colleagues who will be sworn in within the next few minutes. I am referring to the seating of Senator-elect LANDRIEU. The Senate has received petitions from the citizens of the State of Louisiana contesting the election of Senator-elect LANDRIEU.

As most of you know, direct election of U.S. Senators began as a result of the 17th amendment to the Constitution in 1913. Since that time, the Senate has called into question a number of election results. However, only on four occasions have the challenges been successful in persuading the Senate to overturn the outcome of an election. The U.S. Constitution leaves it entirely up to the Senate to decide what evidence it deems relevant for overturning an election.

At this point, the seating of Senator-elect LANDRIEU has been called into question as a result of investigative material by the Senate Rules Committee. The Senate Rules Committee is reviewing the evidence, and I am confident they will come to a conclusion as to whether the allegations should be dismissed or investigated further in a swift and timely manner.

With all of that in mind, Senator-elect LANDRIEU will take the oath of office with her colleagues but will be seated without prejudice. The seating without prejudice has occurred a number of times in U.S. Senate history. The term means without prejudice to the right of the Senate to determine the outcome of the questioned election.

I should like to quote from majority leader Taft of Ohio when he stated that "These Senators should be permitted to take the oath and to be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest and without prejudice to the right of anyone protesting or asking expulsion from the Senate to proceed."

In the case of our colleague, Senator-elect LANDRIEU, she will shortly begin her new role as a U.S. Senator from the State of Louisiana and the Rules Committee will continue to investigate the allegations. I know the Democratic leader concurs with this procedure of seating Senator-elect LANDRIEU without prejudice, and we are both hopeful that the Rules Committee will conclude its investigation and make its ruling in a swift and responsible fashion. It is possible that later today, after discussions with the Democratic leader, we will be able to reach a further colloquy and perhaps a consent agreement with respect to any motion the Rules Committee may make at a later date in response to those allegations. After consulting with the Democratic leader, I hope to propound a consent agreement that would limit debate on any motion so that the full Senate would be able to resolve the matter very quickly.

I now yield to the Democratic leader for any comments he may wish to make on the subject.

The VICE PRESIDENT. The Democratic leader is recognized.

SWEARING IN OF SENATORS

Mr. DASCHLE. Mr. President, let me begin by thanking the distinguished majority leader for his comments and welcoming him to the 105th Congress, as we welcome all of the newly elected Members to this prestigious body. As the Senator also noted, we have a number of former colleagues who have now reached the height of "citizen," and we welcome them in their new positions as well. The families are here. We all note their presence and recognize what an important day and a memorable day it is for not only the Senators-elect, but for the families as well.

We begin this session with much hope and good will. And I think the remarks just made by the majority leader concerning Senator LANDRIEU are reflective of that. I would like to believe that the administration of the oath of Senator-elect LANDRIEU will not prejudice in any way the Senate's constitutional power to judge the Louisiana election. Neither will the pendency of Mr. Jenkins' petition diminish in any way the effect of the oath that will now be administered to Senator-elect LANDRIEU.

Just as in recent cases of Senators COVERDELL, Packwood, and FEINSTEIN, all Senators sworn in today are Senators in every sense of the word. Those were the sentiments of leaders in those instances, and I believe they are just as appropriate today.

I yield the floor, and I thank the distinguished majority leader.

Mr. LOTT. Mr. President, I think we are ready to proceed.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the 33 Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ALLARD, Mr. BAUCUS, Mr. BIDEN, and Mr. BROWNBACK.

These Senators, escorted by Mr. CAMPBELL, Mr. BURNS, Mr. ROTH, and former Senator Dole, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The Senate will be in order. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, and Mr. CRAIG.

These Senators, escorted by Mr. NUNN, and Mr. COVERDELL, Mr. LOTT, Mr. Cohen, and Ms. SNOWE, and Mr. KEMPTHORNE, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The Senate will be in order. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. DOMENICI, Mr. DURBIN, Mr. ENZI, and Mr. GRAMM.

These Senators, escorted by Mr. BINGAMAN, Mr. SIMON, and Ms. MOSELEY-BRAUN, former Senator Wallop and Mr. Thomas, and Mrs. Hutchison, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. HAGEL, Mr. HARKIN, Mr. HELMS, and Mr. HUTCHINSON.

These Senators, escorted by Mr. KERREY, Mr. GRASSLEY, Mr. FAIRCLOTH, and Mr. BUMPERS, respectively, advanced to the desk of the Vice President, the oath prescribed by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. INHOFE, Mr. JOHNSON, Mr. KERRY of Massachusetts, and Ms. LANDRIEU.

These Senators, escorted by Mr. NICKLES, Mr. DASCHLE, Mr. KENNEDY, Mr. BREAUX, and Mr. Johnston, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. LEVIN, Mr. MCCONNELL, Mr. REED of Rhode Island, and Mr. ROBERTS.

These Senators, escorted by Mr. ABRAHAM, Mr. FORD, Mr. CHAFEE, Mr. PELL and Mrs. Kassebaum, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. ROCKEFELLER, Mr. SESSIONS, Mr. SMITH of New Hampshire, and Mr. SMITH of Oregon.

These Senators, escorted by Mr. BYRD, Mr. SHELBY, Mr. GREGG, and Mr. WYDEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. STEVENS, Mr. THOMPSON, Mr. THURMOND, and Mr. TORRICELLI.

These Senators, escorted by Mr. MURKOWSKI, Mr. FRIST, Mr. HOLLINGS, and Mr. LAUTENBERG, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. WARNER and Mr. WELLSTONE.

These Senators, escorted by Mr. ROBB and Mr. GRAMS, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

Mr. LOTT addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

CALL OF THE ROLL

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Abraham	Ford	Lugar
Allard	Frist	Mack
Ashcroft	Glenn	McCain
Baucus	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Moseley-Braun
Boxer	Grams	Moynihan
Breaux	Grassley	Murkowski
Brownback	Gregg	Murray
Bryan	Hagel	Nickles
Bumpers	Harkin	Reed
Burns	Hatch	Reid
Byrd	Helms	Robb
Campbell	Hollings	Roberts
Chafee	Hutchinson	Rockefeller
Cleland	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Collins	Jeffords	Sessions
Coverdell	Johnson	Shelby
Craig	Kempthorne	Smith (NH)
D'Amato	Kennedy	Smith (OR)
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Landrieu	Thompson
Durbin	Lautenberg	Thurmond
Enzi	Leahy	Torricelli
Faircloth	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lott	Wyden

The VICE PRESIDENT. A quorum is present.

NOTIFICATION TO THE HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the House that a quorum is present, ask that it be reported by title, agreed to, and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LOTT. Before that is completed, Mr. President, for the information of all Senators, there are a number of traditional resolutions and unanimous consent requests that we will need to work through now. We have discussed these, and they have been cleared with the Democratic leader. There are a number of them. It will take some time. We do not at this time anticipate any recorded vote. I wanted the Senators to be aware of that.

So I renew my request.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 1) was considered and agreed to, as follows:

S. RES. 1

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT

Mr. LOTT. Mr. President, I send a resolution to the desk creating a committee consisting of two Senators to notify the President that a quorum of each House is assembled, ask that it be reported by title, agreed to, and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 2) was considered and agreed to, as follows:

S. RES. 2

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. LOTT. Mr. President, in order that we may carry out the direction of this resolution, we will ask for a quorum call at this point so the Democratic leader and I can move across the Hall to the Vice President's office to make the traditional call.

With that, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I report to the Senate that Senator DASCHLE and I have spoken to the President and have assured him that we have taken the necessary actions to swear in our Members and establish our quorum, and we are ready to do business. He said he was glad to hear that and he is ready to go to work.

HOUR OF DAILY MEETING

Mr. LOTT. Mr. President, I send a resolution to the desk fixing the daily meeting of the Senate at 12 noon.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the daily meeting of the Senate at 12 noon.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 3) was agreed to.

The resolution is as follows:

S. RES. 3

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

PROVIDING FOR THE COUNTING OF THE ELECTORAL VOTES ON JANUARY 9, 1997

Mr. LOTT. Mr. President, I send a concurrent resolution to the desk providing for the counting of electoral votes on January 9 at 1 p.m.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to provide for the counting on January 9, 1997, of the electoral votes for President and Vice President of the United States.

The VICE PRESIDENT. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 9th day of January 1997, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

ELECTION OF THE HONORABLE STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. LOTT. Mr. President, it is now with great pleasure and truly indeed an honor that I send a resolution to the desk electing Senator STROM THURMOND as the President pro tempore of the Senate.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 4) electing STROM THURMOND, a Senator from the State of South Carolina, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 4) was agreed to.

The resolution is as follows:

S. RES. 4

Resolved, That Strom Thurmond, a Senator from the State of South Carolina, be, and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

ADMINISTRATION OF OATH TO SENATOR STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 105TH CONGRESS

The VICE PRESIDENT. The Senator from South Carolina, to be escorted by the majority leader, Mr. LOTT, the Democratic leader, Mr. DASCHLE, the former President pro tempore, Mr. BYRD, and the Senator from South Carolina, Mr. HOLLINGS, will present himself at the desk to take the oath of office.

The President pro tempore advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

[Mr. THURMOND assumed the chair.]

Mr. DASCHLE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Democratic leader.

CONGRATULATIONS TO THE PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, on behalf of all the Members of the Democratic caucus, let me congratulate the President pro tempore on his ascension to this position once again. He has served ably in the last Congress and he has gained the respect of many new Members who did not have the opportunity to work with him in the past. I know that will be the case once more in the 105th Congress.

So we join with our Republican colleagues in congratulating and wishing you well on your election and expressing the hope that we can continue to work so ably together, as you have so

clearly demonstrated the ability to do in the last Congress.

The PRESIDENT pro tempore. Thank you, very much.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The able majority leader.

Mr. LOTT. Mr. President, I would like to congratulate the distinguished Senator from South Carolina for his reelection. Once again the people of South Carolina have shown their usual good judgment. And I also congratulate you on your being reelected as the President pro tempore. Your leadership and your determination to pass good legislation for the best interests of our country and the honorable way in which you serve as the Senator for your great State and as leader in the Senate is one for which we are all very proud and one that as such sets an example for all of us to emulate. We congratulate you and wish you the very best in the 105th Congress. We know you will do your traditional good work.

The PRESIDENT pro tempore. Thank you for your kind words.

[Applause, Senators rising.]

Mr. LOTT. Mr. President, I would be delighted to yield to the distinguished Senator from West Virginia.

SENATE PRECEDENTS

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

For the record, and without being critical of anyone, I am sure that we have followed late precedent in notifying the House and notifying the President after the President pro tempore is elected.

When the Senate first met on April 6th, 1789, after having been delayed 34 days for the lack of a quorum, the first order of business was the election of a President pro tempore, who is a constitutional officer. The Senate is required to elect a Member of the body to serve as the President pro tempore in the absence of the Vice President.

When the Senate met on April 6th, 1789 there was no Vice President. There was no President. And once the President pro tempore was elected—his name was John Langdon from New Hampshire—the Senate then notified the House that it was organized and ready to count the electoral ballots.

So the selection of the President pro tempore was first because the Senate had to have a Presiding Officer. And there was no Vice President. There was no Vice President until April 21st of 1789 when the Vice President, John Adams, took the oath of office.

So I say this because sometimes we vary from precedent without thinking about it. And it escaped my notice that this was done, I think, in the last Congress when the President pro tempore was elected.

But in any event, for the record, I hope that in the future we will follow the practice of the Members of the Senate of 1789, when a President pro tempore is to be elected.

In the old days they elected a President pro tempore perhaps for the occasion, or one for a single day. But the practice now is that we elect a President pro tempore, who serves until another is elected—he retires, or passes on to another world, or his party loses control and a new President pro tempore is elected, or until his own term as Senator expires and he is reelected, as was the case today.

I thank all Senators for their indulgence. And especially I thank our two fine leaders. I am also very favorably impressed with both leaders. I know that they are going to do the Senate proud and do all of us proud.

Mr. LOTT. Mr. President, I thank the distinguished Senator from West Virginia for that information. And certainly we want to follow the precedents very closely. I will make sure that we look carefully at those and be prepared to elect a President pro tempore first the next time. Certainly, my feeling is that there is no higher honor nor greater responsibility nor greater opportunity than electing the Senator from South Carolina as the leader and as President pro tempore of the Senate.

So I thank Senator BYRD for his comments.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the President of the election of Senator THURMOND, and ask that the resolution be reported by title, agreed to, and that motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

Resolved, That the President of the United States be notified of the election of STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk notifying the House of the election of Senator THURMOND, and ask that the resolution be reported by title, agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 6) notifying the House of Representatives of the election of a President pro tempore of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 6) was agreed to, as follows:

S. RES. 6

Resolved, That the House of Representatives be notified of the election of STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES AND THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 48

Mr. LOTT. Mr. President, I send a concurrent resolution to the desk extending the life of the Joint Inaugural Committee, and ask that the resolution be reported by title, agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 48.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 2) was agreed to, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1997, the joint committee created by Senate Concurrent Resolution 47 of the One Hundred Fourth Congress, to make the necessary arrangements for the inauguration is hereby continued with the same power and authority.

SEC. 2. That effective from January 3, 1997, the provisions of Senate Concurrent Resolution 48 of the One Hundred Fourth Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President of the United States, and for other purposes, are hereby continued with the same power and authority.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, these unanimous-consent requests are those of the standing orders—for example, the setting of leaders' time each day—which are obtained at the beginning of each Congress which govern our day-to-day activities. As in the past, these

consents have been cleared with the Democratic leader. Therefore, I send to the desk 11 unanimous-consent requests and ask for their immediate consideration en bloc, that the requests be agreed to en bloc, and that the various consents be shown separately in the RECORD.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 105th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 105th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 105th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 105th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I yield to the distinguished Senator from West Virginia for some comments in regard to this particular resolution prior to the time we go to the next one.

Mr. BYRD. Mr. President, have the unanimous consent requests been agreed to, en bloc?

The PRESIDING OFFICER (Mr. JEFFORDS). They have been.

Mr. BYRD. I had hoped to be recognized before they were agreed to. But I take the floor now just to inquire of the Chair and to inquire of both leaders, during the leader time each day. are we talking about 10 minutes for speeches only? I do not think there has been any controversial motion ever made during the 10 minutes of either leader's time, and I think, for the RECORD, we ought to clarify this, that the 10 minutes are to be used for speeches or for unanimous consent requests but that no motion will be in order during those 10 minutes for either leader.

I say this because it seems to me—and I have not seen it happen, but I think it could happen—during the 10 minutes if there were a very controversial motion and a Senator or group of Senators were attempting to hold the floor and not let that motion be made, their leader could come in and claim his time, which he has a right to do, and during the 10 minutes I am concerned that he might make a controversial motion. This might never happen, and there might be other ways—I am sure there would be—to challenge that, but just in order that we do not have to worry about it, I wonder if it is agreed that during the 10 minutes no controversial motion will be made.

What is controversial? I should think we ought to know when either leader seeks to make a motion. If the motion is likely to be controversial, I hope that it would not be made during that period of 10 minutes.

Mr. LOTT. Mr. President, this unanimous consent request is that the majority and minority leaders may have up to 10 minutes each on each calendar day following the prayer and the disposition of the reading of or the approval of the Journal. It does not indicate any limitation as to what may be done in that 10 minutes. This is the language that has been used traditionally. It was taken from previous opening day unanimous consent requests that are traditionally done en bloc as we have done here today.

I know of no incident where this has been abused or any series of abuses of this 10-minute time by the leaders, certainly not during my time, and I do not remember it during Senator Dole's time. As far back as I have knowledge, I do not think that has been done.

I know that the leaders, Senator DASCHLE and I, will work together very carefully, and we have already indicated to each other we do not intend to pull surprises. And certainly if we were going to make any motion during that 10-minute period, we would have, I believe, an obligation to notify each other of such a plan.

But I do feel that it is not limited to just debate only. I would like to have the opportunity before we limit it in any way to go back and look carefully at what the precedents have been and how it has been dealt with in the past, and make sure we understand what we could or could not do. We are in no way enlarging upon what has been done in the past. Once again, in all due diligence and caution, I would want to make sure we are not giving up a right that in fact the leaders may need in the future.

Mr. DASCHLE. Mr. President, I think the distinguished senior Senator from West Virginia makes a very good point. I think the point of his inquiry in large measure has to do with whether or not either side will surprise the other with regard to tactics involving the leaders' time that would in some way assist the leaders in doing something for which there has not been proper notification. I believe, as the distinguished majority leader has indicated, both sides are going to make a good faith effort to assure that we are not surprised. I believe in this case that effort will be practiced as well as promised.

I think there have been occasions, and I can recall vaguely the occasions, where we have been working under a time agreement and, as a result of negotiations between both sides, have come up with a compromise substitute amendment, through a process that involves the leaders, that may allow us to expedite the legislative process, wherein the leaders will use their time to make the case involving that particular amendment and then offer the amendment at the end of that period of time as an alternative to the pending measure.

It would be my hope we could continue to work with that understanding because on some occasions we are out of time, and were it not for the leaders' time, we might not be able to address such a compromise. Of course, we still have the avenue of asking for unanimous consent, but the leaders' time gives us another option in that regard. So I think the distinguished Senator from West Virginia is right on the mark with regard to the concern he raises, and I think I am satisfied that I have the assurances from the majority leader in this case there will not be surprises and we will use this time prudently.

Mr. LOTT. Mr. President, if I could be recognized for a moment more before the distinguished senior Senator from West Virginia comments.

Mr. BYRD. Sure.

Mr. LOTT. I think that, once again, as we try very hard to make sure we preserve the decorum we should have in this Chamber and we have kind of gotten away from—the Senator from West Virginia has noted that fact to me, and I have heard him—we are going to try some things to effect that in fact and in appearance also. We have had a situation where maybe too many staff members are getting in the Chamber and blocking passages. We are going to try to address that.

Also, if we are going to be able to work together in a cordial and civil manner, it is going to be important we be honest with each other and fair and we notify each other when we are fixing to take action and we not have surprises.

That is the way I intend to proceed. I am sure we will have some bumps along the road. The Senate is an island of tranquility in many respects in this city. We have heavy responsibilities on which we need to act, and it is going to take give-and-take, cooperation, and I am absolutely committed to that approach. That will be the way I will proceed with regard to this 10 minutes and everything else that I try to do.

Mr. BYRD. Mr. President, I thank both Senators. I am fully satisfied with the colloquies that have resulted from my inquiry.

May I say to the distinguished majority leader that I do not believe we had the 10 minutes for each leader back when I was the majority leader the first time in 1977. I think this practice grew up in that period or soon thereafter. But in any event, as I thought I said earlier, I have never known—I cannot remember a time in which such a provocative situation might arise. I have never known that to happen. I have never known any majority leader or minority leader to transgress upon the confidence of the membership in giving its acquiescence to the request. It is just that I thought there could be such a situation. I thought we ought to try to clarify it and thus prevent some future misunderstanding. I am satisfied with what has been said.

While I have the floor, so that I will not impose upon the leaders too much, there was a second request made, and it was agreed to, and I just rise at this time to compliment the leaders on making this unanimous consent request and also on the progress that is being made and being discussed to which the majority leader has just referred, anent disorder in the Chamber.

In recent years, we have allowed too much gathering of staffs and too many conversations to go on in the rear of the Chamber, and it does not do the Senate credit. I can remember when we had no benches; we even had no seats in the rear of the Chamber. The staff stood when they came to the floor. They stood or sat on the floor of the Chamber, which I did not like. And it was for that reason that I had, when I was majority whip, chairs brought into the Chamber and a large davenport so staffs would at least have a place to sit.

And then, later, I had the gallery—this gallery here to the northeast, I guess it is—assigned to staff. Then I had these handsome benches and the bannister put back here so the staffs could be appropriately accommodated. I am glad that the request includes the words, "and that the Sergeant at Arms be instructed to rotate such staff members as space allows." I want to thank the leaders for including that language.

I especially want to take the floor here so that the Sergeant at Arms and all Senators—the leaders need our cooperation as well—so that the Sergeant at Arms and all Senators will be well aware that when more staff members are in the Chamber than the seating accommodations will allow, then there is a special gallery for staffs, and I would hope that the Sergeant at Arms would help us to keep the number of staff people in the Chamber down. I assure both leaders they will have my cooperation. I try, as I see that there are too many staff people—and I have two or three staff persons—I try to send mine out so as to leave only one. I am very much heartened by the letters that I have received from both leaders in response to concerns such as this, that I have expressed.

I foresee that we Senators are going to be even more proud of our leaders in the future than perhaps we have been at some times in the past. I see not only a willingness but a desire on the part of both leaders to have Members speak to them about matters that concern us. As I have noted, I followed through on that, and that has not been the end of it. Both leaders have written to me to let me know that they are aware of a matter and that they are working on it. I thank both, and I think it is to the credit of the two leaders, and certainly will redound to the credit of the Senate, if we can have better order in the coming days.

I thank both leaders.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank again the Senator from West Virginia for his comments. I am pleased that he noted this unanimous-consent agreement. The Sergeant at Arms is on the floor. We have discussed this matter, and we are undertaking procedures to set up this rotation of staff members. We are making sure that Senators are informed of that. We will remind Senators, probably on the 21st, of a number of these types of things so that they will not be surprised, and call on Members on both sides for their cooperation and courtesy. In fact, at the concluding part of our unanimous consent request today I will make a few comments about how we are going to try to reestablish some of the proper procedures, respect for each other's needs as Senators, and call on our Senators to be aware of that and to assist us as we try to do that. So we are not going to forget and, while we are not going to be dictatorial about it, we are going to try our very best to ask our Senators to recognize this is in the best interests of the institution and will allow us to do our work in a more efficient and effective way, I do believe.

Mr. BYRD. I thank the leader. We owe it to the Senate, we owe it to the membership, we owe it to the people of the United States of America with whom the power resides.

I thank the leader.

LEGISLATION ON AN APPROPRIATIONS BILL

Mr. LOTT. Mr. President, originally I had thought that at this point the Senate would grant a unanimous consent that would in effect make null and void the precedent set in March of 1995 with respect to legislation on an appropriations bill. Having spoken with the Democratic leader, we both feel, now, that the Senate would be better served by conducting a rollcall vote that would overturn the precedent.

Needless to say, this vote would occur at the first opportunity the Senate has during the appropriations process this year, at least we think that would be the appropriate time for it to occur. The Democratic leader has indicated to me that he would support such

an action in the early summer of this year as we begin the appropriations process, and I look forward to his cooperation at that time, when we have the vote which would reinstate the point of order with respect to legislation on an appropriations bill.

I believe, and I think the Democratic leader would agree, that the process has been abused in recent months. There seems to be a growing use of this opportunity, and, in some of the discussions that we had at the end of the session last year, I believe that point was made by the Senator from South Dakota and perhaps the Senator from West Virginia. I think it was an unintentioned precedent that was set. I do not think it is in the best interests or the long-term interests of the Senate. I would like for us to preserve rule XXVI of the Standing Rules of the Senate. I think the Senate would be better served if we would do that, preserve that rule. So we will look for the opportunity, the best opportunity we can find, to consider changing back that precedent.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. The overturning of the Chair, back in March 1995, had far-reaching consequences, as the majority leader has indicated. By overturning the Chair, the Senate no longer had the legislation on appropriations point of order to keep legislative riders from being added to crucial appropriations bills. Many on this side of the aisle believe the point of order should be restored. However, we also believe that this situation should be remedied in the same way that it was imposed on the Senate; that is, by rollcall vote. So I intend to work with the majority leader to see if we can, by rollcall vote, restore this point of order at some point in the early months of the 105th Congress.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—INTRODUCTION OF LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that the introduction of Senate bills, concurrent, joint, and simple resolutions not be in order prior to Tuesday, January 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. This now establishes Tuesday, January 21, as the first day in which Members may introduce legislation. I will inform my colleagues that Members may make statements during the next day or two regarding any proposed legislation, however all Senators must wait until January 21 to formally introduce such legislation.

I might note that we have been working very aggressively to get organized quickly. We agreed early on the committee ratios. I believe both parties now have decided most of their committee membership. The committee chairmen will be elected by their respective committees today, ratified by our conference tomorrow. I assume the same thing will occur or has occurred on the Democratic side. Hopefully, by Thursday we will have available to the Senate the list of all the committee membership and we will be ready for business.

There are a number of committees that intend to start hearings this week on some issues, as I understand it, like airbags; perhaps some early hearings on confirmations of the President's nominations. Again, next week I understand that there will certainly be hearings on the nominees that the President has submitted to the Senate. We are anxious to cooperate with the President, work expeditiously on these nominations from the Executive Calendar, and the day after inauguration, or certainly that week of the inauguration, we hope to have some of these nominations ready for a vote of the full Senate. I believe the cooperation by the Democratic leader in this effort will allow us to concentrate on that. And then we will have our opportunity to introduce our first bills on the 21st, make our statements, and get going for business. So I appreciate your cooperation, Senator DASCHLE.

Mr. DASCHLE. If the majority leader will yield for a moment to let me make a comment, I fully share the views expressed by the leader with regard to the timeframe within which legislation will be considered and introduced. We will be holding a conference tomorrow to talk in part about the intentions of our caucus to introduce the first 10 bills, numbered S. 11 through S. 20. But let me also emphasize how appreciative we are with regard to the early consideration of some of the nominees by the administration. They have emphasized, on a number of occasions, their desire to have their people in place as quickly as possible. That requires, of course, early consideration and early confirmation of many of these nominees. The distinguished majority leader again has reiterated his desire to do that, and I am appreciative of that and will work with him to accommodate that schedule.

So, I think we are doing the very best we can in meeting all of the different demands that we have upon us, schedulewise, and I appreciate very much the interest in moving ahead on many of these nominations.

The PRESIDING OFFICER. The majority leader.

ORDER FOR RECESS

Mr. LOTT. I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12:30 on Thursday, January 9.

The PRESIDING OFFICER. Is there objection? Hearing no objection, so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, on Thursday, January 9, at 12:40 p.m., the Senate will proceed as a body to the Hall of the House of Representatives for the counting of the electoral votes at 1 p.m. Senators are asked to be prompt and in the Chamber no later than 12:30 on Thursday. Following the counting of the votes, the Senate will adjourn until Tuesday, January 21, 1997.

PROVIDING FOR ADJOURNMENT OF THE SENATE

Mr. LOTT. Mr. President, I send an adjournment resolution to the desk providing for adjournment of the Senate over until Tuesday, January 21. I ask unanimous consent that it be reported by title, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. WELLSTONE. Mr. President, I have had some discussion with the majority and minority leaders on this question. I feel very strongly, and I think that an overwhelming majority of people in the country feel, that there is no more important thing we can do than to pass a reform bill and get a lot of this big money out of politics.

In this last election cycle, we saw the worst of the worst on top of a system that has not worked well for the people in the country. I feel like we should not—go into recess and we ought to get started on this. I wonder if the majority leader can make a commitment that within the first 100 days, we will at least have such a bill on the floor of the Senate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I will say to the distinguished Senator that it is my intent to urge early consideration of the issues that came to the forefront during the campaign and the election last year. I have asked the Governmental Affairs Committee to be the only committee to take a look at some of the alleged violations that occurred—perhaps some illegalities even, in terms of contributions during the campaign—to see if there is anything there that will justify proceeding further. I am not prejudging that at all.

I also have had an early conversation with the chairman of the Rules Committee and have asked him to have some early hearings—and these are not intended to be dilatory at all—hearings to get into, seriously, what happened, what needs to be done, to see if we can

find a way that we can come to an agreement on a bill that can pass the Senate, one that will not be filibustered by the Democrats or by the Republicans. Clearly, we have some disagreements on what the solutions are, but I fear that if we try to put a specific date on it, it will make the likelihood of our success less likely or more difficult.

I think that the Senate should proceed always with thought and thoroughness and try to see where we can come together. We can establish right here right now what we can't agree on. The question is what can we agree on. So we are intent on working on that.

The various committees have some things they are going to have to work on. The Rules Committee has an assignment right now that they are going to have to work on. I am going to urge Senator WARNER not to let that interfere with getting together in a bipartisan way to see if we can come up with some agreement.

We have the confirmations which we will be trying to do. We have a lot of things coming to the forefront. I am hoping, for instance, that we can take up and consider the so-called ISTEA bill, the highway bill, before the Easter recess. It is a reauthorization we have to do. It is very important all across this country. I am not saying it is as important or more important than campaign finance reform. I am just saying there is a lot of work we need to do.

On the 21st, it is my hope and desire, after notification of the Democratic leader, to inform all Senators what the bills are that we hope to deal with before the Easter recess, perhaps on the floor. It will not be all inclusive.

I will be happy to talk further with the Senator from Minnesota. We are not going to try to shove this aside. I don't think we can. There are too many questions raised by this election. There are too many questions about how contributions are made, who makes them, how much they can make. I don't think we have all the answers yet, though, and to say we are going to do it in a 100-day demarcation—I have not even had a chance to look at the calendar and see what that means. It might be during the middle of the period that we said we would be out for the Easter recess.

I have tried working with Senator DASCHLE to tell Members more this year than has usually been the case what they can expect or anticipate in terms of being out. I would like, at least, to have us sit down and look at the calendar and see what this means and how it affects other things, such as budget negotiations, the importance of bringing it up before the Easter recess. The law requires we act before April 15 on the budget resolution. Why don't we try to do it before April 15 and comply with the law? In order to do that, and the way that time falls, there is only 1 week after the Easter recess before the 15th.

I am hoping we will do—the House and Senate working with the administration—the budget resolution before the Easter recess so we can come back and get the final agreement on the conference report.

That is why I ask the Senator, if he will, to give us the opportunity to show our good faith to work seriously on this matter, but without any arbitrary deadline before we even have a chance to sit down and see what it means on the calendar.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, can I also make a comment? Let me, first, compliment the distinguished Senator from Minnesota for his adamant endorsement of the need to move ahead on campaign finance reform. I share his utter frustration and extraordinary concern for the current method with which we finance our campaigns. I share it to the degree that I intend to offer, as the very first bill that I will introduce, in consultation, of course, with our conference tomorrow, S. 11, a campaign finance reform bill built upon the remarkable work done by a previous majority leader, Senator BYRD, years ago, as well as Senators FEINGOLD, KERRY, and others who have played a key role in this debate in the past. I will do so with every expectation that we can succeed, at long last, to pass meaningful, comprehensive campaign finance reform this year. And I feel as strongly as the Senator from Minnesota that the legislation should be considered as early as possible. It is long overdue.

But, as the majority leader has indicated, some of that work is already being done, and there are other issues that must also be considered on a timely basis. For example, I am concerned—and I discussed this again with the President as recently as yesterday—about the need to accelerate consideration of the chemical weapons treaty, because if we are not able to complete our work on that particular measure prior to the first part of April, we will suffer extraordinary diplomatic and legal consequences in the international community.

So not only do we have the budget, but we have the chemical weapons treaty and a number of other issues that will have to be addressed. That does not mean we cannot begin to work and work through all of the issues relating to campaign finance reform in a timely, meaningful and, hopefully, bipartisan fashion. We must do that, but we don't need immediate floor time necessarily to do that. We do need a commitment on both sides to begin working together to finally enact fair, meaningful reform.

The majority leader has given me that commitment in the discussions we have had with regard to both the committees, as well as his individual efforts, to come to some resolution on this matter. I am hopeful we can do that.

So, in working with the Senator from Minnesota, and certainly with the majority leader and others, I believe we are off to a start that ought to ensure some optimism with regard to our prospects for success on campaign finance reform this year.

Mr. WELLSTONE. Mr. President, reserving the right to object, I appreciate the discussions that I have had with the majority leader and minority leader. I was trying to get back to them as they were going through the resolutions.

I guess when I hear the majority leader and minority leader speak about this and other business that we have to transact, while I absolutely am convinced about their commitment, it just brings into even sharper focus for me the need for this body to make a commitment: that we will by the end of 100 days have a bill on the floor of the Senate. We have been talking about this for a long, long time. I don't have the experience some Senators do. I am just starting my second term. But every single time this has come up, speeches have been made, and then we end up not passing a reform bill. I think nothing could be more important than for us to make a commitment.

What about within the first 4 months as opposed to the first 3 months? Can the majority leader make a commitment that he will do everything possible to try to have a bill on the floor of the Senate within a 4-month period? That is reasonable, and that is all I am asking for.

I think the majority leader is committed to this. I want to say to my friend, and he is a friend, that of course I am not judging what the specific content will be. I am not requesting any commitment to a particular content, but I am requesting a commitment that we go on record and—you know, if we had to have a vote on this, then I think it would be a vote as to whether or not Senators, Democrats and Republicans, are serious about taking action within a 4-month period, which is very reasonable. I do not know how many votes there would be, but I think that is what it is about. I want to be counted as someone who is willing to make a commitment to this.

Would the majority leader be willing to make a commitment that certainly with his considerable skill and ability he will, along with the minority leader with his skill and ability, that the two of them together as leadership, will make a commitment that within the first 4 months they will do everything possible to take action and have the debate that the people in the country

are ready for and pass—and pass—the piece of legislation? We do not have to say "pass," but at least bring a bill to the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, just a bit of history, as I recall it. Of course, we have passed campaign finance reform bills in the past. I voted for the one that is in law now. I believe, in more recent history, there have been occasions when maybe—I know the Senate passed a bill one year. I think it wound up languishing in the House. And then the reverse, I think, has happened. I really believe from my time in watching the Senate that some time is your ally, giving things an opportunity to be carefully considered and percolate along a little bit.

Last year a lot of people talked about how we were able to get a lot of legislation passed at the end of the session. One of the reasons is a lot of those bills had been in the mill for months, some of them 2 years, some of them 10 years. But they finally were ready, and they, in most instances, had broad support. So there is a history of our making a run at it. We make a stand, we make a statement; we get nothing. Are we interested in making a statement about our concern, or are we interested in getting something done? I think the latter is the case.

When you talk about 4 months, for instance, are you talking about April? Once again, if you are—January, February, March, April—you are not talking about much difference from the first request. When you add again, when you look at the budget issue, when you look at the potential for when we deal with the Chemical Weapons Treaty, if we do come to that agreement, that understanding, I believe there is a significance to April 15 for that.

I just again implore my colleague from Minnesota not to try to set a specific date. This is not going to be your last opportunity. This is only your first opportunity. You will have an opportunity to witness our conduct and judge whether or not it is being seriously discussed. There are a lot of people with a lot of different interests here that Senators have who have worked on it in the past, like Senator FEINGOLD or Senator MCCAIN and Senator MCCONNELL, and others who feel more concerned about it this year than they did even a year ago.

I have talked with a lot of Senators already and outside groups that are concerned in all kinds of ways about how we do this. We are not ignoring it at all. You are working on it. We are working on it. We are already making progress. You have a bill that perhaps is the same bill, perhaps with some modification, as the bill last year sponsored by Senators FEINGOLD, MCCAIN and others. But let us get started. Let us see how we do. And the Senator can witness our advent.

Mr. DASCHLE. Mr. President, if I could just also respond to a couple things.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. First of all, let me say I have not had the opportunity to talk with Senator FEINGOLD and Senator MCCAIN and Senator JOHN KERRY and others, including Senator LEVIN, who expressed a real interest in this issue as to what timeframe they would propose.

I would like to seize on the phrase that the distinguished Senator from Minnesota used just a moment ago. That is "make your best effort." He said, "Will you make your best effort?" And he suggested a timeframe. I think I can say on behalf of both leaders—certainly for myself—that we are going to make our best effort. He knows my resolve to get this effort accomplished in a successful way. I think the distinguished majority leader has also expressed a determined interest in finding ways to do it.

We will make our best effort and we will do everything possible to bring this to the floor at the earliest possible time with the greatest degree of expectation that we will succeed. It is my hope that we will succeed in 100 days or 4 months or at some timeframe within the first part of this year. I wish we had succeeded in previous Congresses. And I have a very strong sense of urgency about reforming the system as soon as possible so that we can restore some public faith in our electoral system and get on with other pressing business. Still, I think what is more important than the day we start floor consideration is the sincerity of the effort itself and a commitment to that effort on the part of both sides. I think that you have heard that demonstrated again this morning.

Mr. WELLSTONE. Mr. President, I will not drag this on. I have some mixed feelings. I think I will have to object because, again, I have tremendous respect for both leaders, but when I hear language about "best effort," "within as reasonable a time period as possible," it just represents really not any kind of specific commitment at all.

I will just say that those who have worked on the reform—and the Senator mentioned many; the Senator mentioned Republicans as well as Democrats—every one of them has said, if we let this drag on, we are going to have more and more acrimony, given all sorts of hearings and whatnot coming up, and we are going to make a huge mistake. We need to make this a priority of this 105th Congress, and we need to focus on this, and we need to get the job done. I think a 4-month period is more than reasonable just to have a commitment from the leadership to make every effort possible. I am willing to go with that language to have such a piece of legislation on the floor of the Senate, understanding that this is the core issue.

I think really this is an issue that people are talking about more than any other issue in the country right now. I do not think it is unreasonable. I thought 100 days, and I thought 4 months. I do not think it would be unreasonable at all for me to make this request. I do not know why the leadership would not be able to say we will make every effort possible to have this bill on the floor within the next 4 months. And if not, then I think I will object.

Mr. LOTT. Mr. President, before the objection is heard, I would like to make one additional point.

If the Senator objects, then we will have to put in a quorum and go with another alternative, which would be to basically have to recess over until every 3 days and the House and the Senate then will have to make arrangements to come in every third day, to call our staff to be here, and to go through the costs of doing that. I just do not think that is the way we want to begin the year, going through an exercise that is not necessary, that does cost time and money, without accomplishing anything.

I again implore the Senator to think about what we have had to say, and I ask him not to object at this point on our opening day. This is just the kickoff. Let us not fumble on the first play and look at the alternative.

The alternative, if the Senator objects—we are not going to get a recorded vote on it. We are going to go to another alternative, which will lead to inconvenience and costs without any positive results. I hope the Senator will also factor that into his feelings. The Senator has not, and I have not, allowed this to become acrimonious or partisan. I do not want it to be. But the Senator would leave us no option at this point on our first day but to consider another route.

So I remind the Senator one more time, too, that last year there were enough different times that I made some commitments to him that were not necessarily well received on my side. But we kept our word. We got the job done. I may not be able to do just that same sort of thing this time. But I hope that the majority leader's assurances on opening day, based on my relatively short time but the record that I have, would have weight with the Senator from Minnesota. We are asking the Senator, both of us, the leaders, to give us this opportunity to show our good intentions. Then if the Senator is not satisfied with it, come back again.

Mr. DASCHLE. Mr. President, if I could also add, the majority leader has referenced times when we have very

willingly accommodated the Senator from Minnesota. I can recall on a number of occasions over the last 24 months requests made by the distinguished Senator from Minnesota that we have been able to accommodate to suit schedules and to suit other legislative needs. I will certainly look forward to accommodating his needs and requests during the 105th Congress.

I hope that Senators who have objections will notify me personally prior to the time they are going to come to the floor with indications of this kind. It is cumbersome and certainly has created difficulties for Senators who are not here. So it is my hope, too, to accommodate Senators, to demonstrate again a willingness to work together, again, with the clear understanding that I am every bit as committed as he has indicated he is to campaign finance reform. I also urge the Senator to cooperate and to work with us on this particular matter.

Mr. WELLSTONE. Mr. President, finally, and so we can move forward, just one more time for the context, this is the core issue. That is why I come to the floor. I know other Senators feel the same. I do not lay any claim to more righteousness about it. This is a core issue.

People in the country have just absolutely lost their confidence in this political process. I do not think they are real optimistic about our taking any action. In all due respect to the leadership, I have heard too many of my own colleagues talk about reform and then dismiss it, saying it is not going to really happen. I already hear the discussions of how people can raise money for the next cycle.

The only request I made of leadership today—and the wording really is, I think, very modest. It was just a commitment from the leadership. I started out 100 days, at least within the next 4 months, that the leadership would make a commitment to do everything possible to get a reform bill on the floor of the Senate. That is all I asked for.

Now, Mr. President, the majority leader said, well, the only alternative is to go into recess. That is not the only alternative. That is not my alternative. We have a vote. We can have a vote on adjournment. I know what the vote will be. I am sure there will be an overwhelming vote for adjournment. But if there are only two people, one, or three that say, "No, we are ready to take on this reform and get to work," I am proud to be counted as the one or two or three. This is not the only alternative.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DASCHLE. Mr. President, I withhold for a moment.

Mr. MCCAIN. Mr. President, I was watching on television the discussion going on here. I just urge my colleague from Minnesota to let us go ahead with the ordinary historical business of the Senate. He and I share the same zeal, dedication, and effort toward getting this issue done. I appreciate the comments of the majority leader and of the distinguished Democrat leader.

I think at this point it would not be appropriate for us to begin the very first day of the U.S. Senate, the first day of the new term, for us to begin on this note. I think we will have plenty of time to adopt that strategy and tactic. I do not like for us to discomfort our colleagues on this day of celebration for both new and reelected Members. I think that the issue has to be addressed as quickly as possible. I believe that American public opinion will demand that we move forward. I do not think there is any doubt about it.

I urge my friend from Minnesota to let the Senate move forward on this day, this very important day, before we have to start calling people back here and going into quorum calls and that kind of thing. This is, if I may say in all due respect to my friend from Minnesota, not appropriate on this day. I urge my friend from Minnesota allow the Senate to move forward, again, reemphasizing my commitment to him that we will move forward in a bipartisan fashion on this compelling issue.

Mr. DASCHLE. I suggest the absence of a quorum.

Mr. WELLSTONE. Could I ask my colleague from Arizona—I do not think it puts him on the spot—I have no question about his commitment or the commitment of any number of other Senators. I find it puzzling that the only thing I asked for today—because I do have a real fear this is just going to get put off and we are not going to take action—the only thing I asked for, and maybe my colleague did not hear this, was a commitment from the leadership to do everything possible, I used that word, and I started with 100 days, within 4 months, and get a bill on the floor. That is all I ask for.

I think it would be very important to get that kind of a leadership commitment.

Mr. DASCHLE. Mr. President, I had suggested the absence of quorum. I think we need to have the opportunity——

The PRESIDING OFFICER. Does the majority leader yield?

Mr. LOTT. Mr. President, I join the distinguished Democratic leader in suggesting the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have listened to my three colleagues, and having been sworn in today I understand their point about the occasion. So what I want to do, in the spirit of the special day today, I withdraw my objection, but I want to go on record, I am going on record today that I am going to have the same amendment dealing with our recess in February if we do not get to work on this. We should not be taking a recess in February if we are not going to take up this piece of legislation of reform as soon as possible, that we are dragging it out, and I can see what is going to happen.

So today I will not object, but I will come out with a similar initiative, I say to my colleague from Arizona, and maybe we should be working today and saying we should not be in recess in February.

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Minnesota for his cooperation this afternoon. He feels very, very strongly about this issue and has confirmed that again in a colloquy over the last half hour. I appreciate very much his resolve and intend to work with him very carefully and closely to see that we expeditiously consider this very important legislation.

Mr. LOTT. Mr. President, did the Chair rule that the unanimous-consent request was approved?

The PRESIDING OFFICER. The unanimous-consent request has been approved.

The concurrent resolution (S. Con. Res. 3) was agreed to, as follows:

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, January 9, 1997, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, January 21, 1997, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the House adjourns on Thursday, January 9, 1997, it stand adjourned until 10:00 a.m. on Monday, January 20, 1997; that when the House adjourns on Monday, January 20, 1997, it stand adjourned until 12:00 noon on Tuesday, January 21, 1997; and that when the House adjourns on Tuesday, January 21, 1997, it stand adjourned until 12:30 p.m. on Tuesday, February 4, 1997, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

COMMENDING SENATOR ROBERT C. BYRD FOR HIS YEARS OF PUBLIC SERVICE

Mr. DASCHLE. Mr. President, I send a resolution to the desk commending Senator ROBERT C. BYRD for his years of public service, that the clerk read the resolution, that upon its reading, it be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

S. RES. 7

Whereas, the Honorable Robert C. Byrd has dutifully and faithfully served the people of West Virginia since January 8, 1947;

Whereas, for 50 years, he had dedicated himself to improving the lives and welfare of the people of West Virginia and the United States,

Whereas, his 50-year commitment to public service has been one of total dedication to serving the people of his beloved state and to the highest ideals of public service,

Whereas, he has held more legislative offices than anyone else in the history of his state, and is the longest serving Senator in the history of his state: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for his 50 years of public service to the people of West Virginia and to the United States of America.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) was agreed to.

Mr. LOTT. Mr. President, I want to heartily endorse this resolution. I thank the people of West Virginia for electing Senator ROBERT C. BYRD to these many offices, both in West Virginia and here in the U.S. Senate. He is truly a monumental Senator in terms of importance and perspective in the history of the Senate. I sat here in my chair a month ago and listened to Senator BYRD speak to the new Senators about this institution, about its history and the importance of it and the significance that it has played in the role of this country. It was extremely interesting and, also, in some respects, intimidating because he made us aware of what an awesome responsibility we have here in the U.S. Senate. I enjoyed it thoroughly.

I appreciate his friendship. I have found that he is one that you can go to for counsel and for advice. Even sometimes when he does not agree with what you are trying to do, he will give you a straight answer as to what you could do under the rules. He has a lighter side you don't always see here, but we know he has been seen playing a little fiddle and talking about Billy Byrd, his dog. He is quite a Senator. We appreciate so much his contribution to this institution. I am delighted that we are doing this resolution recognizing his 50 years of outstanding service to West Virginia and the United States.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, tomorrow marks the momentous day in the life and career of one of this Chamber's most esteemed and respected Members. Fifty years ago, on January 8, 1947, ROBERT C. BYRD took his seat in the West Virginia State Legislature, thus beginning a remarkable half century of public service. I have quite an extensive statement that I wish to make following the completion of our resolution and consideration. I must again congratulate our distinguished Senator for a remarkable career. We saw another demonstration of his intellect and his institutional memory and the remarkable contribution he makes to that just this afternoon as he talked about the early days of this Senate and how the President pro tempore was selected and the length of time it took and the degree to which we followed procedure in ensuring that we notify both the President and the House of Representatives in proper order. It was a small yet very significant contribution to our dialog this morning and, again, a reminder of what an invaluable and remarkable Senator ROBERT C. BYRD is.

I will have much more to say after we complete our work. I commend him.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) was agreed to.

(Mr. KYL assumed the chair.)

Mr. ROCKEFELLER. Mr. President, I am very, very proud to be a part of this resolution and to thank Senator ROBERT C. BYRD on behalf of the people of West Virginia certainly, but also, frankly, the people of the United States and the whole process of order, which is the way we govern ourselves. I think extraordinary in history, he is the third Senator to be elected to seven 6-year terms—a remarkable accomplishment.

The Almanac of American Politics says that ROBERT C. BYRD is the kind of Senator that the Founding Fathers had in mind when they, in fact, wrote the Constitution about the way the Senate ought to be. That should not come as a surprise to any of us who know him well.

We have heard so many times the fact of his being a truly self-made person, something which his junior colleague could not claim in quite the same fashion. But we know that he is the son of a coal miner, and we know about the law degree while he was in the House of Representatives. What we have to keep emphasizing, though, is what he means not just to the State, not just to the country, but to this institution, because more than any other person that I have read about in history, or know about, he is the conscience of the Senate. When we have a lack of civility, when we lose our sense of bipartisanship, when there is anger on the floor of the Senate, when the process breaks down, he grieves. He grieves not on behalf of himself, but on behalf of this thing called "governance," which is pretty fundamental for the future of our country. I think he worries about that. I know that he places the U.S. Senate as a particularly responsible body for what is going to happen to our future and how it will happen. Will it be done in a way that is bipartisan and civil—the business of civility in this greatest deliberative body in the world?

I will more or less conclude on this. I really think of him in moral terms. From time to time, when I give speeches, I like to refer to when you are really doing your best work, you are following an inner moral compass. I think that I started talking about that after watching Senator BYRD, not only when I was Governor of West Virginia and before, but also here in the U.S. Senate. He really operates out of a moral compass. He does what he thinks is right. He has a very strict sense of the discipline of what ought to happen in this body. Sometimes he lectures us on that, and sometimes people are briefly impatient with that, but they always stand back because they know he is right. They know he is right. They know he speaks for the U.S. Senate, which he reveres so much.

Let me close by saying that on this coming Saturday there is going to be a statue inside the West Virginia Capitol, which is not really much smaller than the one we stand in at the present moment. It is a statue of Senator BYRD. There is no other statue of any other political person in the West Virginia State Capitol. There will be a lot of people there, and for good reason—because the relationship and the chemistry between Senator BYRD and the people of West Virginia is something that is profoundly moving and important and refreshing, frankly.

We honor him for serving for 50 years, which means he has been out amongst the people all this time. He has never changed. The people of West Virginia have really never changed. He is a man of values speaking to a people of values. It is interesting. As he begins to talk, you see people fall silent. They realize they don't want to miss what Senator BYRD might be saying because they know it is not going to be trivial or political, and it is going to be important. It is going to have to do with fundamental values and the fundamental nature of the way this country ought to be and the way the State of West Virginia ought to be.

So I look forward to being with him this coming Saturday. I join with the distinguished majority leader, the

Democratic leader, and the distinguished Senator from Nevada in praising and being grateful to my senior colleague.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the two leaders allowing me to speak. I can say that it has been somewhat of an inconvenience for me to wait until the business of the body has been completed before we got to this matter. But the inconvenience to this Senator is so minor compared to the service that has been rendered in this body to the people of West Virginia, and to this country, by the Senator from West Virginia, that it is hardly worth talking about.

I am happy to be here to talk about somebody for whom I have great feelings. I have served in public office since 1964. My first public office was 33 years ago. During that period of time I have had the good fortune to serve with great men and women, but I can honestly say I have never served with the likes of Senator ROBERT C. BYRD.

As far as this Senator is concerned, he is a unique individual. I hope some day that Senator BYRD will complete what I understand he is working on, and that is the story about his life. I know a little bit about the life of Senator BYRD. I am an avid history fan, and every bit and piece I can find, and have found, about Senator BYRD I have tried to comprehend and understand.

With someone of this magnitude, we sometimes wonder how he arrived at the point where he has such accolades pushed in his direction every day.

I know that his first election was an interesting election, one where, seated often, as I understand, in the West Virginia State legislature were many, many people who were running for that office. Senator BYRD, being the person that he is, decided he needed to be a little bit different, to kind of stand out in the crowd, to be elected. So he decided that he would be different from the rest. The people would give long speeches telling why they should be elected to the State legislature. Senator BYRD would get their attention by playing a tune on his fiddle and singing a song. Senator BYRD was elected.

Early in his career he decided to run for the West Virginia State Senate. But, as happens in a lot of States, there are kingmakers saying, "You run for this, you don't run for this, this isn't the appropriate time to run." Someone who was a national figure thought that there would be other people who would be better qualified to serve in the West Virginia State Legislature. The great John L. Lewis, president of the Mine Workers, got word to Senator BYRD that he should not run. Of course, we all know now Senator BYRD, and that was the wrong thing to say to this man from the hills of West Virginia. He took on the leader of the Mine Workers, someone that literally brought the country to a standstill. But this man could not bring ROBERT BYRD to a standstill. He ran and was elected.

Everyone knew that this man was close to the miners—may not have been close to labor, but he was close to the miners. And he was elected.

Well, his career is outstanding. I can truly say that one of the most pleasant moments of my life was when I came to the Senate some 10 years ago and was notified that I could be on the Appropriations Committee. That, to me, was so memorable that I will never forget it. I have done my best to serve on the Appropriations Committee in a manner that I think is good for the State of Nevada, and hopefully good for the country. One person I look to as an example in that committee has been the person who was chairman, and is now ranking member of that committee, Senator ROBERT C. BYRD.

I learned early on that the man carried in his pocket, as I now do, a copy of the United States Constitution. He carries that Constitution with him, not because he probably couldn't recite to the Presiding Officer, and to this Senator, every word in the Constitution from memory, if he chose to do so. But I think the reason he carries it there, next to his heart, is because he believes the Constitution is as important as any document in this country.

We all know the rules that guide this body, and the person that knows them better than anyone else in this body—and probably knows them better than anyone else in the history of this body—is the Senator from West Virginia, who we are honoring today with this resolution.

Mr. President, I had the good fortune to be a member of a delegation that met in West Virginia with British Parliamentarians. We had the ministers from Great Britain. We had other leaders. We met in West Virginia. After having been there, I understand some of the songs that come out of West Virginia, such as, "The West Virginia hills where I was born, and all is beautiful there."

What I am about to tell the Senate, and even though I was there, I find hard to believe. We had some entertainment, some music—blue-grass music. It was exciting. They asked Senator BYRD, "Tell us a song you would like to hear." And he said, "There are more pretty girls than one." They played that song. It was a great song. I have heard it many times since.

Then he handed out notebooks to the Members of the Senate and to the Parliamentarians. From memory, without a note, he proceeded to recite the reign of the British monarchs, the date they served office, their names, and what they did. That took about 40 minutes or so for him to do, or maybe an hour. The British Parliamentarians were flabbergasted. They had never heard anything like this in their lives. But, as happens in this body, there are many times that we hear things that we have not heard any time in our lives, except from the Senator from West Virginia.

I could tell you about the remarks he made on the Senate floor about the Roman Empire, about which a course at the University of Nevada at Las Vegas is now being taught, using the text of his lectures here on the Senate floor.

Mr. President, the people of West Virginia should know that whether he was leading the debate on the Panama Canal treaty, or other international or domestic matters, that his No. 1 priority has always been the people of West Virginia. It has been a great example for all of us: to be involved in international and national affairs, but to never lose sight of the fact that you are elected by the people from your State and that the people in your State should have first priority. That is the most important lesson I have learned from the Senator from West Virginia.

I express to the Senator, through the Presiding Officer, my affection, my admiration, and my respect, and I hope that, in some manner, my public service to the people of the State of Nevada will be as well-served as the Senator from West Virginia has served the people of West Virginia.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, Plato thanked the gods for having been born a man, and he thanked them for the good fortune of having been born a Greek. He thanked them for having permitted him to live in the age of Sophocles.

Mr. President, I am very thankful for many things. I am thankful for the respect of my colleagues. My colleagues upon more than one occasion—undoubtedly many of them—have been angered by things that I have said. I am sure they have been frustrated with me from time to time over the many years. But they have always been forgiving, understanding, and most considerate. And I thank them. I thank, of course, the Supreme Governor of the World for having let me live to serve for 50 years the people of West Virginia.

The psalmist tells us, "the days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away." I thank God for his mercy and his kindness and his love, for having let me live to serve the people of West Virginia 50 years.

I thank the people of West Virginia for having demonstrated the faith and confidence in me to reelect me these

many times over a period of a half century.

Queen Mary I of England lost the port of Calais to the French. Mary served from 1553 to 1558. She said, "When I am dead and opened, you will find 'Calais' written on my heart." I say to the people of West Virginia, "West Virginia" will always be indelibly engraved with blood upon my heart until it returns to the dust.

I must thank a very understanding and forgiving and considerate woman—my wife Erma—who has served with me these 50 years. I think that our spouses sacrifice beyond what people generally know when we serve in this body. Come next May 29, we will have been married 60 years. I had to have a forgiving and understanding and cooperative wife who was as dedicated to the people of West Virginia as I, to have done it.

Finally, Mr. President, let me thank my staff. I have always been blessed with a good staff. I was once told by the chief chaplain of General Patch's army in World War II that a true mark of genius is to be able to surround oneself with able, committed people. I have had that kind of staff over these many years, a staff that likewise has overlooked my foibles, idiosyncrasies, and has been cooperative and kind and has helped me when I had to walk through the valley of despair—at my grandson's death. They, too, have served the people of West Virginia and the people of the Nation.

I apologize to the leaders for imposing on their valuable time. I know how it works. They have other things to do, other demands are made upon them and other business is there to take care of, other errands to run, and other services to perform, but always there is some straggling Senator who comes to the floor who wants to take some time and talk. But I thank them, and I hope that over the years, whatever disappointments I bring upon them, I can have the opportunity to make amends and to support them in the good work that they do.

And so I thank all today for the privilege and the honor that have been bestowed upon me by the Senators on both sides of the aisle. I have also been very fortunate in having had two good colleagues in these 38 years. I had Senator Randolph to begin with and now I have Senator ROCKEFELLER, who is a very fine colleague. I could not ask for a better colleague than either of them. Senator ROCKEFELLER has been especially supportive and deferential and kind to me. And so I have many things, Mr. President, for which to be grateful.

HARRY REID has impressed me in the years he has been in the Senate. As a member of the Appropriations Committee, many times I have asked him to chair subcommittee hearings when I could not be there to do so, and he has always done an excellent job.

He, too, is a Senate man. He is dedicated to the institution. I have had many conversations with him. I feel highly privileged to have him as my friend.

Tennyson said, "I am a part of all that I have met." How rich I am in that I am a part of HARRY REID and JAY ROCKEFELLER and TOM DASCHLE and TRENT LOTT.

I thank both leaders again for their consideration in giving me this time. I yield the floor.

GRANTING FLOOR PRIVILEGES

Mr. LOTT. Mr. President, did the Senator from South Dakota have a resolution he wanted to send to the desk concerning Senator CLELAND?

Mr. DASCHLE. Mr. President, I do have a resolution, and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 8) granting floor privileges.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

S. RES. 8

Resolved, That an employee in the office of Senator Max Cleland, to be designated from time to time by Senator Cleland, shall have the privilege of the Senate floor during any period when Senator Cleland is in the Senate chamber during the 105th Congress.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I believe we have completed now the customary list of resolutions and unanimous-consent requests. I do have a statement that I would like to make on this opening day, and then I believe the Senator from South Dakota might have some additional remarks he would want to include in the RECORD with regard to Senator BYRD. Also, after I complete this statement, I will ask unanimous consent there be a period of morning business until 5 o'clock. But at this point I would like to make some opening remarks with regard to how we would like to proceed this year and some discussion about the legislative schedule.

Mr. DASCHLE. Mr. President, if I could apologize to the distinguished majority leader, I have a couple of Senators who have been waiting for me for about a half-hour and I need to get into the room. Out of respect for the Senator, I should stay and listen to his eloquence and his visionary comments about his plans for the 105th, and I apologize. I would like to come back and make a statement with regard to the opening day as well as Senator BYRD, and I will do so at a later time. But I apologize up front to the distinguished majority leader for my absence as he makes his remarks.

Mr. LOTT. I am sure he will read them in the RECORD, Mr. President, and will have some comment later.

LEGISLATIVE SCHEDULE

Mr. LOTT. Mr. President, it is customary on this opening day of Congress to lay out the highlights of the legislative schedule ahead of us and discuss whatever procedural problems or changes might be in the offing.

First of all, I am not going to give today a finite list, or a list that we will have on the agenda that we will try to complete before the Easter recess, but I will do that on the 21st. I do want to mention some of the bills that I think have a high priority that we will be taking up early on in this session.

It is no great secret that I would like to make the schedule of the Senate more predictable. I think that will help us all do a better job. One of the things that I could not understand when I first came to the Senate was the inability to make any kind of plans as to when we would begin; when would we end; could I get home for supper with my family; would I be able to go back to my State and be with my constituents. The uncertainty is killing in many respects, and so I am going to work very hard as majority leader this year to try to give some greater degree of predictability. I will not always be able to do it, but I will work with the minority leader as he leads the Democrats to try to make that information available as to when we will come in. We will try not to go late every night.

We will try not to go late every night. In fact, my hope is we will finish up at a very reasonable hour, hopefully 6 o'clock every week, Monday, Tuesday, Wednesday. We may have to go late to some extent on Thursday. We will need to be in on some Fridays and some Mondays, but I will try my best, again cooperating with the Members of the other side of the aisle and their leadership, to make that information known to the Members as early as possible so they can make some plans as to when they can be with their families or be with their constituents.

As a first step in that effort, last month I provided the Democratic leader and to all the Members on the Republican side of the aisle and to the Democratic Members, a calendar outlining the recess periods for the first session of the 105th Congress. I strongly intend to follow that calendar. But, obviously, any Senator who tries to delay our session or cause us problems can mess up those good intentions. But, barring emergencies, there is no reason why the Senate should not be able to function with a high degree of predictability about the timetable. That will require cooperation from our colleagues all throughout the year, as we get ready to have the President's Day recess period, or as we go to the

Easter period, or even later on in the year.

With that in mind, I want to mention, in a general way, several matters I hope the Senate will be able to consider prior to the scheduled Easter recess. It is not inclusive, and it may not be that we will be able to get to these issues. It will depend on conversations on both sides of the aisle, communication with the leadership on both sides, meetings with the chairmen, and it will also depend on the ability of committees to act. I will be more specific later on this month, as I indicated.

By early February, the President should have submitted to us a detailed budget for fiscal year 1998. How that will take shape—and what degree of cooperation might be involved there—remains to be seen. But, one way or the other, the Senate will have to consider a budget for the year ahead. I hope that we will come to an agreement on balanced budget over a period of years. It will take a lot of effort, but a lot of progress, I believe, was made last year and the gap between the Congress and the President was closed perceptibly over those past months there, the last months of 1995 and early 1996. We ought to pick up where that ended and see if we cannot come to an agreement that would lead us to a balanced budget over a period of years. Needless to say, that budget is going to be one that will be negotiated between the parties in the House and the Senate, and with the President.

Toward the same goal the Senate should, I believe, in due course, consider, again, a balanced budget amendment to the Constitution. I know there are those who do not agree with that here in the Senate and they will certainly have ample opportunity to be heard and make their case. But I have noticed that good intentions do not accomplish the job. Even a plan to get us to a balanced budget does not always get us there, and we have not had a balanced budget now in some, I guess, 28 years or so; 1969 was the last balanced budget. So it looks like it will have been 30 years that we will have gone as a Federal Government without a balanced budget. I think the plan is not enough. I think that the constitutional amendment will add a great deal of weight to that desire and, in fact, require us to have a balanced budget.

The Senate will, also in due course, consider the numerous nominations in the executive branch as the President restructures his administration for a second term. It is my intention to deal with those nominations expeditiously and fairly. I think the President is entitled to make his selections for Cabinet Secretaries and other administration positions and expect them to be considered early and in a fair manner by the Senate. We will do that. As I indicated earlier, we will begin hearings, either this week or certainly next week, and we hope to begin to have votes on those the week of January the 20th and 21st, right after the inauguration. Some of them may have some difficulty, may take more time, but, we are going to move forward as rapidly as we can.

On both sides of the aisle there is considerable interest in taking up some of the reauthorizations that come due this year. These should not be diminished. They are very important. Certainly one of those is the ISTEA or Inter-service Transportation Efficiency Act; that is the highway bill. This legislation is as complicated as it is important. It will not be partisan. It will not be regional. It will not even be philosophical. It will vary from State to State. Sometimes you have States right next to each other that have different views on how those funds should be distributed between highways or mass transit, and what the formula would be for distribution between the States. I think a lot of work needs to be done, but it is very important. Transportation and infrastructure in America is essential to our economic growth and development, and the free movement of Americans all over this country. I hope we can get this done, out of committee and on the floor of the Senate and completed by the Easter recess. It will take an extraordinary degree of cooperation and consensus, but the only way you get that done is to get started.

Also, in the same area of transportation, there are a number of other proposals we need to consider such as the problems that we are finding with airbags in passenger vehicles. Parents throughout America now are concerned about the safety of their children in their cars. How do we go as long as we have without realizing the danger that they impose? Now it seems like every week we hear of another incident where some child was injured as a result of the airbag. There are, I presume, some solutions. But we need to think about that and work on it.

We should also address the crisis in American education. I am a product of what I think was a good public education system in America. My mother was a schoolteacher for 11 years. I worked for the University of Mississippi for 3 years, in their placement and financial aid office and in the alumni office. I worked with the student loan programs. I worked with the work-study program. I know the importance of financial aid. I know the importance of good, quality education.

But over the years, since the 1960's, as we spent more and more money, it seems that the quality of education has continued to go down. You have children in high school who cannot read. You have children who do not have discipline. You have children assaulting teachers. You have drugs in junior high school. I am sure it is even in elementary school. These are major concerns. We may not have the answers in Washington. I think probably the answers really are at the local level. But we need to think about this problem and work with State officials and local officials, administrators, teachers, parents, and children to see if we cannot find some ways to improve education, the accessibility of education in America, the safety of education in America. We cannot tolerate violence and drugs in our public schools, so we need to focus on this issue and we need to do it soon.

The Senate should affirm as a matter of principle that no child has to attend a school where he or she is in danger of assault or is exposed to narcotics. I therefore hope that we will bring legislation to the Senate soon that gives youngsters and their families the same choice in education that more affluent families enjoy in America.

The Senate should also consider ways to give families the flexibility they need to balance their responsibilities at home and on the job. Employers and employees should be able to arrange comp time, flex time, and family-wage provisions without interference from Government. The President has indicated that he supports the flextime and the comp time, at least the flextime, and I think we ought to find out exactly what we can do in terms that have flexibility for parents on the job, but work with the employers and employees together to find these solutions.

By the same token, employees should have the flexibility to work in concert with management for their mutual benefit. They should not be locked into an approach to labor relations that presumes conflict and discourages cooperation. So I hope we will be able to bring the TEAM Act to a vote in the near future.

Other legislative items that we might be able to work on during the next 2 months should include reauthorization of IDEA, the Individuals with Disabilities Education Act. This legislation is a very difficult balancing of conflicting interests. To his great credit, Senator FRIST came close to working it out last fall, but, frankly, the clock kind of just ran out and we could not complete the job. This time I am confident that we will bring in more consideration of various views and complete this very important legislation.

In the area of criminal justice, the Senate should allow the death penalty for drug kingpins. There continue to be tremendous problems in this area and this is one place where we can provide some additional penalties that will hopefully allow us to deal with the drugs that are pushed upon our children.

For small businesses, we should permit the electronic filing of forms with

SBA and other Government agencies. This is the 20th century. It is almost the next millennium. Let us get with modern technology. It saves money, it saves time, and it probably saves jobs, if we will move to this opportunity for small businesses.

For adoptive families, we should make it easier and more secure for adoption to occur. Senator DEWINE and others have been working along those lines.

Finally, to fulfill a provision of the omnibus appropriations bill of last September, the Senate will vote sometime during the month of February on a Presidential recommendation concerning the AID's population program. This vote is locked in and required by law.

This is not—again I repeat—not an exclusive list. By the time the Senate settles down to legislative business on January 21st, it is likely to be revised after I have had the benefit of the views of Members on both sides of the aisle and the committee chairmen and committee leaders on both sides.

We might add other items or delete some I mentioned as being just too time consuming as we try to deal, certainly, with the budget agreement and other issues that are going to be required by law or by their urgency, in terms of possible treaties, as well as confirmations.

Both the Democratic leader and I are hopeful this can begin a pattern of advance notification of recesses and floor agenda. But we have to stress that its successful implementation will require all Members to act in a cooperative and courteous manner with respect to the needs of all other Members.

Let me mention one case in point. Members should be aware there is a 15-minute limitation with respect to rollcall votes. Past practice has allowed for an additional 5 minutes, so-called overtime, for Members who are running late. However, the 5-minute overtime soon turns into 7 minutes, 8 minutes, 9 minutes, or even more. The entire Senate repeatedly has been inconvenienced in that way.

We try to be reasonable: Senators don't hear the bells; sometimes they get caught on the subway; sometimes the elevators are not operating; sometimes for very good and valid reasons they are out in the city or across State lines and they are trying very hard to get back here, and we have had to use some judgment.

But, as we try to allow that latitude, it continues to grow and expand, and the time to take a vote can easily run up to 30 minutes, and that inconveniences all the other Senators who are here ready to do business and go on to the next amendment or perhaps the next vote.

So we are going to try very hard to stick with the 15-minute vote with a 5-minute overtime. Once again, the leaders will have to be willing sometimes to say, "We have to cut this vote off." I have had to do that when it has involved Senators on this side of the aisle, as well as the other side. I think maybe if we make it clear we mean business a couple of times, Senators will be more inclined to come over and vote when the time begins and within the allotted time. But, again, we will use discretion wherever it is really necessary.

I hope we can continue to provide all Senators advance information about scheduling, especially such matters as evening sessions and Mondays and Fridays. If we all are able to plan in advance, our work will be better, I believe, because we will have certainty and will not be as exhausted as we sometimes get when we go late into the night. Our constituents will be better served, and our families will be much happier as a result of it.

I look forward to the challenges we have before us in the Senate. I had some people say when I was home in Mississippi, "You must get tired thinking of getting back and getting to work."

I said, "Absolutely not." This is what it is all about. This is a great opportunity to try to make a contribution for the people you love, your family, your community, your State, and your country. If we approach it that way, if we decide we are going to work together, hard going as it may be sometimes, to do what is right for our country, there will be no limit to what we can accomplish.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LOTT. I will be glad to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate the distinguished majority leader on the speech that he has made outlining what he hopes to achieve in a general way, without going into specifics, in the months and weeks and days ahead.

May I say, as one who has been majority leader, who has been minority leader, who has been President pro tempore, who has been a chairman of a committee, who has been a Senator like all 100 Senators, that I am particularly encouraged by these two leaders that we now have in the Senate.

I think that with respect to the minority leader, no one could be more considerate of his colleagues, more thoughtful, more eager to reach out and to bring them in to hear what they have to say, to work with them. No one is more eager to work with the majority leader than our current minority leader.

And may I say with respect to our current majority leader, I think we have a leader who is interested in the Senate, who is interested in putting the Senate where it ought to be—first—and who is interested in improving the decorum in the Senate so that the people who view this Senate, through that all-seeing electronic eye, will see a truly premier upper House.

We have students, we have professors, we have young people in high school, we have lawyers, State legislators, and people in all walks of life watching the Senate daily when it is in session, and they expect to see the best.

I have been a member of the State legislature in West Virginia, in both houses, but even in the State legislatures—and they are closest to the people—even there they will look to the U.S. Senate and to the other body across the way for inspiration.

It saddens me to see a Presiding Officer in this Senate reading magazines or a newspaper or books when he is supposed to be presiding. Millions of people are watching, as well as visitors in the galleries, and I wonder if they go away thinking the Presiding Officer doesn't have much interest in the body if he is not listening to what is being said. He should be aware and alert to what is going on and ready to protect the rights of every Senator while debate is under way.

I think we have a majority leader now and a minority leader who are going to bring these things to the attention of the Members. We, all 100 of us, owe these leaders our very best support when they are trying to do the right thing: Trying to make the Senate what the framers intended it to be.

I really am encouraged, because I think that Senator LOTT is a man in that mold. He is bright, he has an endearing personality, he has an art of persuasiveness that will win many battles. He is considerate, he is patient, and a leader has to have all of these attributes. I thank him for all of these things.

Mr. LOTT. Mr. President, I renew my great appreciation for the Senator from West Virginia, and I appreciate very much his remarks. I hope we can live up to his comments and expectations; we are going to work very hard to do that. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I, too, would like, again, to express my gratitude to the distinguished Senator from West Virginia for his kind remarks throughout the day, again most recently. I appreciate very much the manner with which he has expressed himself. It is an honor for me to be complimented in public by the distinguished Senator from West Virginia, and he has done so generously.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business until the

hour of 5 p.m. today, with Senators permitted to speak for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 105TH CONGRESS

Mr. DASCHLE. Mr. President, let me first congratulate, again, all of our new colleagues and their families for this very momentous occasion. It is one of the most thrilling things for me to watch new Senators come down the aisle, accompanied by a colleague, to raise their right hand and to take the oath of office. I can recall so vividly my own experience in that regard now twice. I know, having had that experience, what a remarkable and what a memorable opportunity it is for any woman or man.

Let me also again reiterate my gratitude to the majority leader for his remarks and for the kindnesses that he has shown to me and to our caucus as we have worked through the schedule, worked through the committees, worked through the many procedural matters that we had to discuss today. We begin the 105th Congress with renewed hope, with optimism, with good will.

There is much to do, and there is much need to do it together. We have had many months of competitive political effort, and now it is time to govern. Franklin Roosevelt once said, "The future lies with those wise political leaders who recognize that the great public is interested more in government than in politics." Let us recognize that and seize the future. Let us summon the best in all of those around us as we call upon the best within ourselves to join in common purpose and in common cause. I have no doubt that our efforts here during the course of the 105th Congress will, by any standard, then be judged a success.

Mr. President, I indicated when I introduced the resolution relating to Senator BYRD that I had a statement. I would like at this time to make that statement.

ROBERT C. BYRD'S 50 YEARS OF PUBLIC SERVICE

Mr. DASCHLE. Mr. President, tomorrow, January 8, 1997, will mark a momentous day in the life and career of one of this chamber's most esteemed and respected Members.

Fifty years ago, on January 8, 1947, before this Senator was born, ROBERT C. BYRD took his seat in the West Virginia State Legislature, thus beginning a remarkable half-century of public service.

On this golden anniversary of the beginning of a remarkable career, I want to take a few minutes to call attention to this achievement, to congratulate him for it, and to thank him for his service to the people of West Virginia and the United States.

Fifty years of public service. That is a long time. Perhaps I can illustrate.

It translates into two terms in the West Virginia House of Delegates, one term in the West Virginia State Senate, three terms in the U.S. House of Representatives, and seven terms in the U.S. Senate.

Since ROBERT BYRD began serving the people of West Virginia, 10 Presidents have occupied the White House—that is nearly one-fourth of all Presidents in American history. ROBERT BYRD began serving the people of West Virginia before 20 Members of this Chamber, including this Member, were born. Before there was a CIA; before there was a Marshall plan; before the Korean war.

When ROBERT BYRD began his political career, Harry Truman had not yet upset Dewey or dismissed Gen. Douglas MacArthur. Senator Joe McCarthy had not yet begun his infamous Red-baiting. Lyndon Johnson was still in the House of Representatives, and he was being joined by John Kennedy and Richard Nixon, both of whom were taking their first congressional seats.

When ROBERT BYRD began his remarkable half-century career in public service, it was 2 years before the Soviet Union had tested its first atomic bomb, 10 years before the Soviet Union launched sputnik, and 12 years before there were 50 States in our Union.

Five decades is indeed a long time, but it is not for longevity alone that we recognize and applaud the senior Senator from West Virginia. We recognize our esteemed and respected colleague for the quality as well as the quantity of his public service. His lifelong commitment to public service has been one of total dedication to serving the people of his beloved State and to the highest ideals of public service. And the people of West Virginia have honored him for it.

In ROBERT BYRD's 50 years in public service, he has won every election in which he has been a participant. In 1970, he received the largest percentage of the total vote ever accorded a person running for the Senate in a contested election in the State of West Virginia.

In 1976, he was the first person in West Virginia history to win a Senate seat without opposition in a general election. He has held more legislative offices than anyone else in the history of his State. He is one of only three U.S. Senators in history to be elected to seven 6-year terms. He is the longest-serving Senator in the history of his State. And, on January 13, Senator BYRD will have served 38 years and 10 days in the Senate, becoming the fourth-longest-serving Senator in U.S. history—behind Senators Hayden, THURMOND, and Stennis.

West Virginians are not only pleased with their man in Washington; they are proud of him. They have honored him with nearly every honor the State has to offer; this includes being selected as the West Virginian of the Year three different times—the only person ever selected more than once.

This Saturday, January 11, a 10-foot, 1,500-pound statue of Senator BYRD will be unveiled and formally dedicated in his honor in the West Virginia State Capitol. No other person in the history of the State has had such an honor bestowed upon him or her. The statue appropriately depicts Senator BYRD holding the Constitution and pointing to the section of the document that provides Congress with the power of the purse.

Of course, West Virginians are in the process of renaming the State after him. Every town you go into, it seems you can find something named after ROBERT C. BYRD. His name is prominently displayed on hospitals, university buildings, roads, and bridges throughout the State. There is the Robert C. Byrd High School in Harrison County, and the U.S. Senator Robert C. Byrd Center for Legislative Studies at Sheperd College, in beautiful Sheperdstown. There is the Robert C. Byrd Community Center in Pine Grove, the Robert C. Byrd Visitor Center in historic Harpers Ferry, and the much-needed Robert C. Byrd Cancer Research Center.

Last year, the Governor of West Virginia, Gaston Caperton, called Senator BYRD "West Virginia's most beloved son * * * truly a legend in his own time." Truly he is, Mr. President, and ROBERT C. BYRD has become a legend in the U.S. Senate, as well.

More than two-thirds of his 50 years of public service has been in this Chamber. The standards he has set here, the principles for which he has stood, the service he has rendered to this Chamber and every member in it, have all been in the best traditions of American government. For this reason, the "Almanac of American Politics" could write that ROBERT BYRD "may come closer to the kind of Senator the Founding Fathers had in mind than any other."

He is the Senate's foremost historian—"the custodian of the Senate's ideals and values," as Senator Nunn has called him.

He has held more leadership positions in the U.S. Senate than any other Senator in history, and he has cast more votes than any other Senator in history.

He was the first man in the history of the Senate to hold the job of Senate majority leader, lose it, and then gain it back again. "That fact," wrote Michael Barone, "tells us something about the determination, the combination of hard work and ambition which have propelled this coal miner's son to the top ranks of the American Congress."

I love that description, so I want to repeat it: "the combination of hard work and ambition which have propelled this coal miner's son to the top ranks of the American Congress." This is a remarkable statement about a remarkable man. An orphan boy who was raised by a coal miner in the hills of West Virginia, who once pumped gas at a filling station and worked as a produce salesman to make a living, who worked as a meat cutter and a welder in the shipyards of Baltimore and Tampa in order to feed his family, has risen to and succeeded at the very top of our government.

His life, in the words of President Clinton, is a "testament to the idea that public discourse and public life can be a thing of very high honor."

One of Senator BYRD's favorite quotes is Horace Greeley's observance that:

Fame is a vapor;
Popularity an accident;
Riches take wing;
Those who cheer today may curse tomorrow;
Only one thing endures: character.

Mr. President, as Senate Democratic Leader, I salute the enduring character of ROBERT C. BYRD while I congratulate him for 50 years of outstanding public service. And I thank the people of West Virginia for their wisdom in keeping him here with us.

Mr. President, I now yield the floor.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

PROTESTS IN BELGRADE

Mrs. HUTCHISON. Mr. President, I think it is important today as we see a transference of power in Congress after duly-held elections that we pause to support the people who are standing, as we speak, in a frozen public square in Serbia, who are trying to have the same rights that we enjoy today in America. I think we must stand with the people of Serbia who have for 8 weeks been standing in the freezing cold to demand the results of their recent elections be implemented.

Mr. President, the world watches in awe at the display of popular sovereignty in the former Yugoslavian Republic of Serbia. In 8 weeks it has built from a few thousand to over 400,000 people who have risen up in peaceful opposition to the regime of Slobodan Milosevic on whom the Clinton administration has pinned part of its hopes in the Balkans.

We cannot help but admire the courage, the bravery, the commitment of the young people and the young at heart who are standing up for democracy. They are trying to bring about change through moral suasion and the strength of their convictions. As they do that, they remind the world that all governments everywhere borrow power from the people they serve, and the people can take that power back when they determine that they must.

We have had many debates on this floor regarding the future in that most unfortunate part of the world. Today, we have tens of thousands of Americans on the ground in and around Bosnia to try to keep a tenuous peace, to keep the military factions apart that only recently were at war.

We are in Bosnia at great cost. Our Balkans policy is confused. We have spent $5 billion and the meter is still running. Our troops will be on the ground for at least another year. At the same time, in neighboring Serbia, we are seeing the best example of peaceful self-determination. The people of Serbia are united on the principle of fair and democratic elections. The Milosevic regime is hanging on to an Old World order that will not remain. It will not remain because of the strength of the people.

The United States should not stand idly by. The administration needed President Milosevic to reach the peace agreement in Dayton. So there has been a tendency to turn a blind eye to his faults, his protection of war criminals, his antidemocratic actions. But it is clear the people of Serbia are rising up and they are saying, "No more." Because the administration helped create this situation in the Balkans, I think we have a special responsibility to exercise our influence on President Milosevic to honor the will of the Serbian people.

Last month, representatives from the Organization for Security and Cooperation in Europe were invited to Serbia to investigate the election crisis. They attempted in vain to persuade President Milosevic to accept the municipal election results in 14 of 19 of Serbia's largest cities.

The people are protesting to send a clear message that their votes matter and that no regime has the right to nullify the will of the people, from whom all governments borrow power.

Mr. President, we pray that President Milosevic will accept the will of his people. We pray that this crisis will be resolved peacefully, and we pray that democracy will triumph in Serbia.

Mr. President, I am urging President Clinton today to speak out with a clear, strong voice that the United States stands behind the Serbian people and that the results of the free elections that were held should be implemented. It is time for the peaceful demonstrators in Belgrade, in their fight for a self-determined nation and freedom, to prevail. I urge the President to use his influence with President Milosevic to stand down and let the results of those elections go forward.

Mr. President, we are beginning a new session of Congress. We had elections, and now we are implementing the will of the people. It has been thus for over 200 years in this country. Maybe some of us take that right for granted—the right to vote and the right to know that our vote will be counted fairly.

Mr. President, it is the time for Americans to ask everyone in the world to salute the people who are standing today, this very minute, freezing in Republic Square in Belgrade, standing for the right to do what we have done in the last few hours in Congress, and that is have a peaceful transition of power after duly held elections.

Mr. President, the people of Serbia have spoken. It is time that all the people in the world stand behind them so that their spoken word will prevail.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. I have discussed with Majority Leader LOTT the procedures he proposed today with regard to the seating of Senator LANDRIEU and the review of Mr. Jenkins' petition contesting the election of Senator LANDRIEU.

I agree with and fully support the actions taken by the majority leader. I would like to take a moment to explain the actions the Rules Committee has taken thus far concerning this contest and those procedures which we anticipate following in the future.

The Senate is the Constitutional judge of the qualifications of each Senator. Article I, section 5 of the U.S. Constitution, states that the Senate is the "Judge of the Elections, Returns, and Qualifications of its own Members. . . ."

The Secretary of State of Louisiana has certified that MARY LANDRIEU defeated Louis "Woody" Jenkins by 5,788 votes in the 1996 U.S. Senate race, and this morning Senator LANDRIEU was sworn in "without prejudice." This action is in accordance with the precedents of the Senate, which recognize that the Senate generally defers to the certification of the State until the Senate has had the opportunity to review such petitions and evidence as may be submitted by the contestants or gathered by the committee.

On December 5, 1996, Mr. Jenkins exercised his right to file a petition of election contest with the Vice President of the United States. That petition was referred to the Senate Committee on Rules and Administration, chaired by myself with the distinguished Senator from Kentucky Mr. FORD, serving as the ranking Democrat.

On December 18, 1996, Mr. Jenkins submitted an amended petition along with considerable documents related to the allegations in his petition. These allegations go to the heart of the integrity of the election process on November 5 in Louisiana, and Mr. Jenkins' steps, thus far, merit thorough consideration by the Rules Committee.

In consultation with Committee members, and consistent with precedent, Senator FORD and I engaged two attorneys to serve as outside counsel for the Committee, and their letters of engagement are attached for the record. Bill Canfield was selected by the Republicans, and Bob Bauer was chosen by the Democrats. Their assignment is to review the petition and all documents submitted to the Committee relating to the petition and to advise the Committee as to whether the petition should be dismissed or, if not, what further courses of action the Committee should consider.

As a means to providing equity to both candidates, the committee advised then Senator-elect LANDRIEU of her right to file material for consideration, and a copy of the letter from the committee to her counsel is attached for the record. Senator LANDRIEU's attorney has indicated that she will respond by January 17, 1997.

Mr. Jenkins will then be given time to examine any material submitted by Senator LANDRIEU and provide the committee with a surrebuttal. After reviewing all of the filings, our outside counsel will promptly provide the committee with their respective opinions. I anticipate the two counsel will have some areas of their opinions reflecting a concurrence of views and recommendations.

It is my intention to then hold a committee business meeting on counsels' reports immediately thereafter and determine the next step in this process. I am hopeful that we will be able to hold this meeting early in February.

These procedures will allow and ensure a fair and equitable review of the allegations. Senator LANDRIEU, Mr. Jenkins, and the citizens of Louisiana, as well as the entire country, expect and deserve no less.

The above outline of committee procedures, so far, parallels the actions of the Rules Committee in the Huffington-Feinstein contested election in 1995.

SENATOR BYRD'S ADDRESS TO NEW SENATORS—AND RETURNING SENATORS, TOO

Mr. KENNEDY. Mr. President, on December 3 as part of the orientation program for new Senators, our distinguished colleague from West Virginia, Senator ROBERT C. BYRD, delivered an eloquent address in this chamber emphasizing the indispensable role of the Senate in American democracy.

Senator BYRD is well known as a scholar and historian of the Senate. I believe his address will be of interest and importance to all Senators as we begin the new session, and I ask unanimous consent that it be printed in the RECORD.

REMARKS BY U.S. SENATOR ROBERT C. BYRD AT THE ORIENTATION OF NEW SENATORS, DECEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be "hallowed ground."

You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years.

Make no mistake about it, the office of United States Senator is the highest political calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

"These [reasons for establishing the Senate] were first to protect the people against their rulers: secondly to protect the people against the transient impression into which they themselves might be led. [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other . . . . It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. *A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils, ...*"

Ladies and gentlemen, you are shortly to become part of that all important, "necessary fence," which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. "This house," said he, "is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." Gladstone referred to the Senate as "that remarkable body—the most remarkable of all the inventions of modern politics."

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able to resist, if need be, the passions of the often intemperate House. Few, if any, upper chambers in the history of the western world have possessed the Senate's absolute right to unlimited debate and to amend or block legislation passed by a lower House.

Looking back over a period of 208 years, it becomes obvious that the Senate was intended to be significantly different from the House in other ways as well. The Constitutional Framers gave the Senate the unique executive powers of providing advice and consent to presidential nominations and to treaties, and the sole power to try and to remove impeached officers of the government. In the case of treaties, the Senate, with its longer terms, and its ability to develop expertise through the device of being a continuing body, has often performed invaluable service.

I have said that as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you that there is nothing that makes one fully appreciate the Senate's special role as the protector of minority interests like being in the minority. Since the Republican Party was created in 1854, the Senate has changed hands 14 times, so each party has had the opportunity to appreciate first-hand the Senate's role as guardian of minority rights. But, almost from its earliest years the Senate has insisted upon its members' right to virtually unlimited debate.

When the Senate reluctantly adopted a cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a super majority and by permitting extended post-cloture debate. This deference to minority views sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body—a forum in which to slow the passions of the House, hold them up to the light, examine them, and, thru informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views. Woodrow Wilson

observed that the Senate's informing function was as important as its legislating function, and now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our nation.

Many a mind has been changed by an impassioned plea from the minority side. Important flaws in otherwise good legislation have been detected by discerning minority members engaged in thorough debate, and important compromise which has worked to the great benefit of our nation has been forged by an intransigent member determined to filibuster until his views were accommodated or at least seriously considered.

The Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom and judgment on the actions of the lower house and on the executive. As such, the Senate is the central pillar of our Constitutional system. I hope that you, as new members will study the Senate in its institutional context because that is the best way to understand your personal role as a United States Senator. Your responsibilities are heavy. Understand them, live up to them, and strive to take the long view as you exercise your duties. This will not always be easy.

The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve the constituents in your state, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.

May I suggest that you start by carefully reading the Constitution and the Federalist papers. In a few weeks, you will stand on the platform behind me and take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; and take this obligation freely, without any mental reservation or purpose of evasion; and to well and faithfully discharge the duties of the office on which you are about to enter: So help you God."

Note especially the first 22 words, "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic . . ."

In order to live up to that solemn oath, one must clearly understand the deliberately established inherent tensions between the 3 branches, commonly called the checks and balances, and separation of powers which the framers so carefully crafted. I carry a copy of the Constitution in my shirt pocket. I have studied it carefully, read and reread its articles, marveled at its genius, its beauty, its symmetry, and its meticulous balance, and learned something new each time that I partook of its timeless wisdom. Nothing will help you to fully grasp the Senate's critical role in the balance of powers like a thorough reading of the Constitution and the Federalist papers.

Now I would like to turn for a moment to the human side of the Senate, the relationship among Senators, and the way that even that faced of service here is, to a degree, governed by the constitution and the Senate's rules.

The requirement for super majority votes in approving treaties, involving cloture, removing impeached federal officers, and overriding vetoes, plus the need for unanimous consent before the Senate can even proceed in many instances, makes bipartisanship and comity necessary if members wish to accomplish much of anything. Realize this. The campaign is over. You are here to be a Senator. Not much happens in this body without cooperation between the two parties.

In this now 208-year-old institution, the positions of majority and minority leaders have existed for less than 80 years. Although the positions have evolved significantly within the past half century, still, the only really substantive prerogative the leaders possess is the right of first recognition before any other member of their respective parties who might wish to speak on the Senate Floor.

Those of you who have served in the House will now have to forget about such things as the Committee of the Whole, closed rules, and germaneness, except when cloture has been invoked, and become well acquainted with the workings of unanimous consent agreements. Those of you who took the trouble to learn *Deschler's Procedure* will now need to set that aside and turn in earnest to *Riddick's Senate Procedure*.

Senators can lose the Floor for transgressing the rules. Personal attacks on other members or other blatantly injudicious comments are unacceptable in the Senate. Again to encourage a cooling of passions, and to promote a calm examination of substance, Senators address each other through the Presiding Officer and in the third person. Civility is essential here for pragmatic reasons as well as for public consumption. It is difficult to project the image of a statesmanlike, intelligent, public servant, attempting to inform the public and examine issues, if one is behaving and speaking in a manner more appropriate to a pool room brawl than to United States Senate debate. You will also find that overly zealous attacks on other members or on their states are always extremely counterproductive, and that you will usually be repaid in kind.

Let us strive for dignity. When you rise to speak on this Senate Floor, you will be following in the tradition of such men as Calhoun, Clay, and Webster. You will be standing in the place of such Senators as Edmund Ross (KS) and Peter Van Winkle (WEST VIRGINIA), 1868, who voted against their party to save the institution of the presidency during the Andrew Johnson impeachment trial.

Debate on the Senate Floor demands thought, careful preparation and some familiarity with Senate Rules if we are to engage in thoughtful and informed debate. Additionally, informed debate helps the American people have a better understanding of the complicated problems which besiege them in their own lives. Simply put, the Senate cannot inform American citizens without extensive debate on those very issues.

We were not elected to raise money for our own reelections. We were not elected to see how many press releases or TV appearances we could stack up. We were not elected to set up staff empires by serving on every committee in sight. We need to concentrate, focus, debate, inform, and, I hope, engage the public, and thereby forge consensus and direction. Once we engage each other and the public intellectually, the tough choices will be easier.

I thank each of you for your time and attention and I congratulate each of you on your selection to fill a seat in this August body. Service in this body is a supreme honor. It is also a burden and a serious responsibility. Members' lives become open for inspection sand are used as examples for other citizens to emulate. A Senator must really be much more than hardworking, much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication, self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty. The Senate is more important than any one or all of us—more important than I am; more important than the majority and minority leaders; more important than all 100 of us; more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.

Let me leave you with the words of the last paragraph of Volume II, of *The Senate: 1789–1989:* "Originally consisting of only twenty-two members, the Senate had grown to a membership of ninety-eight by the time I was sworn in as a new senator in January 1959. After two hundred years, it is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and in peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!"

TRIBUTE TO LARRY PRESSLER

Mr. LOTT. Mr. President, earlier today, we witnessed the oath of office being given to the new junior Senator from South Dakota, the Honorable TIM JOHNSON. I join with all my colleagues in welcoming him to the U.S. Senate. I wish him well. However, I do want to take a moment to pay tribute to the gentleman he succeeded—a man of integrity, of kindness, and of singular achievement—Senator Larry Pressler.

I have known Larry Pressler throughout his entire 22 year career of public service in the Congress, beginning with his first election to the House of Representatives in 1974. Though a young man when he first took the oath of Office, he already had distinguished himself in other fields—as student body president at the University of South Dakota, a Rhodes Scholar, a U.S. Army Lieutenant in Vietnam, and a Harvard Law and Kennedy School graduate.

I knew then that the people of South Dakota had sent an exceptional human being. I didn't realize how right I was at the time. In 1978, he was elected to the Senate—the first of several Vietnam veterans we are honored to call our Senate colleagues. For 18 years—

three terms in office—he served the Senate, his State and his country ably and responsibly.

All who know or have known Larry Pressler are keenly aware how much he holds public service in high regard. He considers it his life's calling, and he certainly responded well to the call. He knows that effective public service begins with public trust at home—the faith that he chose to represent their views and interests in Washington will do so with honor and integrity. Little did Larry know that not long after he came to the Senate, that basic principle of public trust would be put to the test. It would come in the form of FBI agents posing as Arab sheiks who attempted to bribe Larry as part of their so-called ABSCAM investigation. Larry strongly refused. His response drew national acclaim. The Federal District Judge who presided over the trial singled out Larry's action, stating that he "acted as citizens have a right to expect their elected representatives to act."

That single act, perhaps more than any other, capsulized and defined the values of Larry Pressler—the values he was brought up to practice first on his father's farm in Humboldt, SD, and the same values he practiced every day for 22 years in Congress. Just as important, his action during ABSCAM reminded all of us of that vital link between effective public service and sustained public trust.

Public trust was not just a core value Larry Pressler practiced in his own life, but a basic principle he sought to instill in government practice. He worked overtime to be sure South Dakotans were treated fairly by the Federal Government, whether it was as routine as a timely Social Security check, or as complex as environmental protection enforcement.

Larry was the first to oppose President Clinton's nomination of Zoe Baird because he sensed early on that her past actions damaged the level of public trust needed in our Nation's chief law enforcement officer. He was right.

Larry has been a superb watchdog of Federal agencies that oversee air safety because of his concern both for the safety and security of air travelers, and the faith travelers place in these agencies and carriers to ensure their safety. He was right on the mark again.

Larry also has been an outspoken champion of our efforts to reform the cancerous corruption and waste that has infected the United Nations to the point of near ineffectiveness. As a supporter of the United Nations, Larry is concerned that continued United Nations mismanagement would erode the public's support and trust in the world body. Some people in the United Nations are listening. Indeed, largely because of the persistence and diligence of our friend and former colleague from South Dakota, the United Nations today now has an inspector general to investigate waste, fraud and abuse, and is beginning to take seriously this body's demands for real, concrete reform.

Persistence and diligence—that best describes the style of Larry Pressler's approach to public service, and it has paid off for the State of South Dakota and the Nation. His last campaign slogan was "Fighting and Winning for South Dakota." That's a good example of truth in advertising. Whether it was rail service or air service, wheat prices or cattle prices, Ellsworth Air Force Base in Rapid City or the EROS Data Center in Sioux Falls, Larry Pressler fought and won for South Dakota.

Internationally, Larry Pressler is known and respected for his efforts on nuclear nonproliferation, and human rights causes in China, Cyprus, Armenia, Turkey, and Kosova. I'm sure there are many around the world who will miss Larry Pressler's commitment to these and other important causes.

But perhaps Larry Pressler's greatest achievements as a Senator came in his last 2 years in office, when he served as chairman of the Commerce, Science, and Transportation Committee. Chairman Pressler presided over one of the most productive and bipartisan periods of legislating by a single Senate committee perhaps in the history of this body. At the end of the 104th Congress, I had the opportunity to detail this extraordinary record of accomplishment. Chairman Pressler reported 97 bills and resolutions out of the Commerce Committee—more than any other Senate Committee during the 140th Congress. Of those, 87 became law.

Of that 87, perhaps the most heralded was the Telecommunications Act of 1996, the most important economic growth legislation to become law in a decade. This piece of legislation was Larry Pressler's life for well over a year.

It's fair to say that the Telecommunications Act would not be law today if not for Larry Pressler. It passed with extraordinary support because Larry Pressler took the time to work with virtually every Member of Congress—House and Senate—to see that their concerns were addressed. He demonstrated bipartisanship, fairness as well as toughness, but perhaps most important are the two qualities I mentioned earlier—persistence and diligence.

Those qualities also were shared by Larry Pressler's staff. Indeed, both his personal and committee staff deserve a tribute and our thanks as well. They were a great team. Many are from South Dakota. Many have served with Larry Pressler for more than a decade. Several for as long as he was a Senator and a select few even worked for him in the House. Larry, one of our more regular participants at our weekly Senate Bible study, often joked that Abraham died leaning on his staff. Well, it's safe to say Larry Pressler succeeded leaning on his staff. I know Larry Pressler is very proud of all his dedicated staff. I also know that all the staff are proud of Larry Pressler—proud to have worked with him and for the people of South Dakota.

They are not alone. All of us are proud to have worked with our distinguished colleague from South Dakota. I say this not just as a colleague, but as a dear friend. My wife, Tricia, and I have enjoyed the countless times we have spent with Larry, his lovely wife, Harriet and their wonderful daughter, Laura. I am hopeful there will be many more good times ahead.

F. Scott Fitzgerald once wrote: "Vitality shows in not only the ability to persist but the ability to start over." I have seen the vitality of Larry Pressler as a persistent and dedicated public servant for his state and nation. I am confident Larry will demonstrate that same vitality as he starts a new, a private life that will bring professional success and personal satisfaction.

So today, Larry Pressler finds himself in a position all of us will be placed in—a point where past service is subject not to the approval of voters but to the scrutiny of history. Mr. President, it is safe to say history will treat Larry Pressler quite well, and will see him as we do—as a model public servant. To paraphrase the words of Saint Paul known and referred to often by my friend from South Dakota, Larry Pressler stayed the course, fought the good fight and kept the faith.

APPOINTMENTS DURING ADJOURNMENT

Mr. LOTT. Mr. President, the following appointments were made pursuant to law during the sine die adjournment of the Senate:

To the National Gambling Impact Study Commission, pursuant to Public Law 104–169, Dr. Paul Moore, of Mississippi and Dr. James Dobson, of Colorado (Oct. 4, 1996)

To the National Committee on Vital, and Health Statistics, pursuant to Public Law 104–191, Richard K. Harding, of South Carolina (Nov. 4, 1996)

To the Senate Delegation to the North Atlantic Assembly during the Second Session of the 104th Congress, to be held in Paris, France, Nov. 17–21, 1996, pursuant to 22 U.S.C. 1928a–1928d, Senators HATCH, WARNER, GRASSLEY, SPECTER, MURKOWSKI, COATS, and BENNETT (Nov. 8, 1996)

To the National Gambling Impact Study Commission, pursuant to Public Law 104–169, Leo McCarthy, of California (Nov. 25, 1996).

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

SEATING OF SENATOR LANDRIEU

Mr. LOTT. Mr. President, earlier today, the Senate seated Senator MARY L. LANDRIEU without prejudice to the Senate's constitutional power to be the judge of the election of its Members. In so seating Senator LANDRIEU, the rights of any person or entity involved in the election contest petition are also preserved.

As a practical matter, what this means is that Senator LANDRIEU has the same rights and privileges as any other Senator with no limitation. However, her election has been contested and, as in other cases in recent history, depending on the resolution of this dispute in the Rules Committee, the Senate may ultimately be required to consider a report from the Rules Committee or not once they find out the details of what transpired.

Senator WARNER, the chairman of the Rules Committee, and Senator WENDELL FORD, ranking member, have met and discussed this matter. Senator DASCHLE and I have discussed it. They have retained counsel who are reviewing the material that is available, and at some point, once they have had an opportunity to review that and hear from the interested parties, namely Senator LANDRIEU and the candidate, Woody Jenkins, then they will make a determination depending on the facts as to whether or not an investigation and subsequent action would be required by the Rules Committee.

The Senate may take any of several courses of action. It may dismiss the petition at that time; it may declare the election to be set aside and call for a special election to fill the seat; or the Senate may declare the petitioner the winner of the election and replace the Senator already seated. Each one of those have been done at various times in the past.

But again, I think it is very important that we not prejudge anything. I do not think any Senator knows many of the details of what is involved. The committee of jurisdiction is working on it, and we should allow them to proceed in a careful but thorough and bipartisan way.

Obviously, we are removed from making any determination today, and we should be. We are just seeing that the allegations are being investigated and, as soon as possible, the Senate Rules Committee, then, will make a formal decision on whether to go forward. It is my intention, and I know it is the intention of the Democratic leader and Senator WARNER and Senator FORD, that the investigation will be thorough and fair, and that it will be handled expeditiously, and that it will be in accordance with all the rules that are established in the past with regard to what the Senate protocol is in these matters.

Not only should the investigation be fair, it should be conducted in a manner that allows us to do the people's business. That is the primary reason for seating Senator LANDRIEU without prejudice. We want to allow the Senate to proceed to its business with all 100 Senators present, accounted for, and involved in the process, while we gather whatever facts that are there and are available and need to be known. At such time as the Rules Committee makes a recommendation of disposition, the report is highly privileged and will then be subject to the Senate for consideration.

I think it is important that we apply the same fair principles to the consideration of the Rules Committee report, should one be issued. Under ordinary procedures, as with most business of the Senate, such a report would be fully debatable and subject to the usual rules and filibusters and cloture votes. However, I believe that the American people, and particularly this institution, would be better served if we agree in advance that ample opportunity will be given to all Senators for debate and consideration of any such Rules Committee report, but that ultimately debate will draw to a close, the matter will be decided, and we can move on to other business of our country that we have been sent here to accomplish.

I know, in the case a few years ago, maybe it was in the 1970's, there was a matter that was contested based, as I recall it, purely on the closeness of the election. The Senate spent 6 months and over 40 votes until it was finally resolved by setting aside the election, calling for another election, and that occurred and Senator Durkin was elected. I hope we do not have anything like that occur this year. My presumption at the beginning is nothing of that kind. There may be no further action on this, other than what happened in the Feinstein matter and in the Coverdell matter, but I would feel a need to clarify what the rules would be, or to identify what the rules will be as we proceed. I will, therefore, offer a unanimous-consent agreement which incorporates my desire to be fair to all parties but also to ensure that the matter does not become mired in a lengthy or purely partisan situation.

So, I ask unanimous consent that any resolution reported by the Committee on Rules recommending a disposition of the matter of the Louisiana Senate election of 1996 be laid before the Senate for immediate consideration following the request of the majority leader, after notification of the minority leader.

I further ask unanimous consent that time for debate on such resolution be limited to not more than 30 hours, equally divided in the usual form, and that at the conclusion of that time the Senate proceed immediately to a vote on the Rules Committee resolution, with no amendments being in order.

The PRESIDING OFFICER. Is there objection? The minority leader.

Mr. DASCHLE. Mr. President, let me commend the distinguished majority leader for the manner with which he has brought this matter to the floor. We have had a number of opportunities to consult with regard to his intention to make this unanimous-consent request. He has ably outlined the options available to the Rules Committee just now. He has also indicated his desire to ensure that we expedite the consideration of the report of the Rules Committee at the appropriate time.

I share his confidence in the leadership of the Rules Committee. Senator WARNER is a man of impeccable credibility, and Senator FORD has also led that committee in a similar manner. I know that he and Senator WARNER have talked about this matter already and I know that both of them are determined to bring this matter to, not only a successful conclusion, but an objective consideration at the earliest possible date.

There is no desire, let me emphasize, there is no desire to hinder the progress of the Rules Committee or the Senate itself, as we expeditiously consider the resolution and the ultimate seating of Senator LANDRIEU. As the distinguished majority leader has said, Senator LANDRIEU was seated today without prejudice, as were Senator COVERDELL and Senator FEINSTEIN in previous Congresses. So, it is with every expectation that Senator LANDRIEU will continue to present herself to the Senate with all the credibility of any other Senator that I am sure this matter will be resolved in a fair and expeditious manner at the appropriate time.

I am concerned, however, that this particular consent request would require that the minority give up the motion to proceed to the debate and the right to debate the resolution fully if we see some need to go beyond the 30 hours. And it does not allow amendments. So, with every assurance to the majority leader that we intend to work with him in expediting this matter in an objective and fair way, I will object this afternoon to the unanimous-consent request and pledge my support in working with him to resolve this matter without the need for such an agreement today.

The PRESIDING OFFICER. Objection is heard. The unanimous-consent request is not agreed to.

Mr. LOTT. Mr. President, I do want to say I appreciate the distinguished Democratic leader's comments. I know he is sincere in those and he knows that I will keep him informed of what

is happening in the Rules Committee. It could be that the Rules Committee would come to the same conclusion that they did in the so-called Feinstein and the Coverdell matters. My only goal in asking this unanimous consent is that, if it does go beyond that, that there be some way it be brought to a reasonable conclusion with ample time for Senators to be able to have debate and discussion of the issues that are involved but without it being endlessly debated, or filibustered, if you will. But my hope is we can work through that. It may not even come to that, but I understand the Senator's position and I heard what he said and I am satisfied that, if we do need to work out some arrangement as to how something would be considered in the future, we will find a way to come to an amicable agreement. I thank the Senator for his comments.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383, a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

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

NOTICE OF PROPOSED RULEMAKING

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

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

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipts of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION:

I. Background

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

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

II. Summary of Proposed Amendments to the Procedural Rules

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

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

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

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

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

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

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

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

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

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

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

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

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

§1903.14(f)) are not included in these rules. Enforcement policies, if any, should be issued by the General Counsel, to whom investigatory and enforcement authorities are assigned under section 215.

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

III. Text of proposed amendments to procedural rules

§1.01 Scope and Policy

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

§1.02(i)

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

§1.03(a)(3)

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

§1.04(d)

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

§1.05(a)

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

§1.07(a)

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

SUBPART D COMPLIANCE, INVESTIGATION, ENFORCEMENT AND VARIANCE PROCEDURES UNDER SECTION 215 OF THE CAA (OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970)

Inspections, Citations, and Complaints

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INSPECTIONS, CITATIONS AND COMPLAINTS

§4.01 Purpose and scope.

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

§4.02 Authority for inspection.

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

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

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

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

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

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

§4.04 Objection to inspection.

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

§4.05 Entry not a waiver.

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

§4.06 Advance notice of inspections.

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

§4.07 Conduct of inspections.

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

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

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

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

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

§4.08 Representatives of employing offices and employees.

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

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

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

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

§4.09 Consultation with employees.

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

§4.10 Inspection not warranted; informal review.

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

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

§4.11 Citations.

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

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

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

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

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

§4.12 Imminent danger.

(a) Whenever and as soon as a designee of the General Counsel concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by section 215(c), he or she shall inform the affected employees and employing offices of the danger and that he or she is recommending the filing of a petition to restrain such conditions

or practices and for other appropriate relief in accordance with section 13(a) of the OSHAct, as applied by section 215(b) of the CAA. Appropriate citations may be issued with respect to an imminent danger even though, after being informed of such danger by the General Counsel's designee, the employing office immediately eliminates the imminence of the danger and initiates steps to abate such danger.

§4.13 Posting of citations.

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

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

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

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

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

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

§4.15 Informal conferences.

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

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

§4.20 Purpose and scope.

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

§4.21 Definitions.

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

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

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

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

§4.22 Effect of variances.

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

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

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

§4.24 Form of documents.

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

§4.25 Applications for temporary variances and other relief.

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

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

(1) The name and address of the applicant;

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

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

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

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

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

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

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

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

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

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for

an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

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

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

§4.26 Applications for permanent variances and other relief.

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

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

(1) The name and address of the applicant;

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

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

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

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

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

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

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

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

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

§4.27 Modification or revocation of orders.

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

(i) The name and address of the applicant;

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

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

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

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

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

(C) Other appropriate means.

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

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

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

§4.28 Action on applications.

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

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

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

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

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

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

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

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

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

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

§4.29 Consolidation of proceedings.

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

§4.30 Consent findings and rules or orders.

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

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

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

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

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

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

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

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

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

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

§4.31 Order of proceedings and burden of proof.

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

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

§5.01(a)(2)

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

§5.01(b)(2)

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

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

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

§5.01(c)(2)

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

(i) the name, address and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each

employing office and/or labor organization alleged to have violated section 220, against which complaint is brought;

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

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

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

§5.01(d)

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

§5.04 Confidentiality.

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

§7.07(f)

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

§7.12

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

§8.03(a)

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

§8.04 Judicial review.

Pursuant to section 407 of the Act, (a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

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

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

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

(4) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

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

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

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

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

NOTICE OF ADOPTION OF REGULATION AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of adoption of regulation and submission for approval was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to the extension of rights and protections under the Americans With Disabilities Act of 1990 (Regulations under section 210 of the Congressional Accountability Act of 1995).

The Congressional Accountability Act requires this notice be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS

NOTICE OF ADOPTION OF REGULATION AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors, Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published September 19, 1996, in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 210 of the Congressional Accountability Act of 1995 ("CAA").

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

SUPPLEMENTARY INFORMATION

Background and Summary

The Congressional Accountability Act of 1995 ("CAA"), P.L. 104-1, was enacted into law on January 23, 1995. 2 U.S.C. §§ 1301 *et seq.* In general, the CAA applies the rights and protections of eleven federal labor and employment statutes to covered employees and entities within the legislative branch. Section 210(b) provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12131-12150, 12182, 12183, and 12189 ("ADA") shall apply to specified Legislative Branch entities. 2 U.S.C. §1331(b). Title II of the ADA generally prohibits discrimination on the basis of disability in the provision of services, programs, or activities by any "public entity." Section 210(b)(2) of the CAA defines the term "public entity" for Title II purposes as any entity listed above that provides public services, programs, or activities. 2 U.S.C. §1331(b)(2). Title III of the ADA generally prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards.

Section 210(e) of the CAA requires the Board of Directors of the Office of Compliance established under the CAA to issue regulations implementing the section. 2 U.S.C. §1331(e). Section 210(e) further states that such regulations "shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." *Id.* Section 210(e) further provides that the regulations shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (b), the entity responsible for correction of a particular violation. 2 U.S.C. §1331(e).

On September 19, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking ("NPR") (142 Cong. Rec. S11019 (daily ed., Sept. 19, 1996)). In response to the NPR, the Board received three written comments.[1] After full consideration of the

[1] One of these commenters made no comments regarding any specific portion of the proposed rules,

comments received in response to the proposed regulations, the Board has adopted and is submitting these regulations for approval by the Congress.

I. Summary of Comments and Board's Final Rules

A. Request for additional rulemaking proceedings

One commenter requested that the Board withdraw its proposed regulations and engage in what it termed "investigative rulemaking," which apparently is to include discussions with involved parties regarding the nature and scope of the regulations. This request was also made by the commenter regarding the proposed rules under section 215, which the Board has discussed in the preamble to the final rules submitted concurrently with these rules. The Board determines that further rulemaking proceedings are not required for the reasons set forth in the preamble to the final rules under section 215.

B. Specific issues regarding adoption of the Attorney General's title II regulations

1. Self-evaluation, notice, and designation of responsible employee and adoption of grievance provisions (sections 35.105, 35.106, and 35.107).—The Board proposed adoption of the Attorney General's regulations at sections 35.106 through 35.107, which require covered entities to conduct a self-evaluation of their facilities for compliance with disability access requirements and to provide notice to individuals informing them of their rights and protections under the ADA and, for entities that employ 50 or more employees, to maintain the self-evaluation on file and available for inspection for three years, designate a responsible employee, and adopt a grievance procedure.

One commenter argued that, although these sections are within the scope of regulations to be adopted under section 210(e), there is "good cause" not to adopt the self-evaluation requirements of section 35.105. In the commenter's view, the General Counsel's inspections under section 210(f) of the CAA serve the same purpose as the self-evaluation under section 35.105 of the Attorney General's regulations. The Board does not agree.

In order to modify an adopted regulation, the Board must have good cause to believe that the modification would be "more effective" for the implementation of the rights and responsibilities under section 210. 2 U.S.C. §1331. That a regulatory requirement may arguably serve the same purpose as other statutory requirements of the CAA does not establish that its elimination would result in a "more effective" implementation of section 210 rights and protections.

On the contrary, requiring entities to conduct a self-evaluation after January 1, 1997 (the effective date of section 210), and requiring larger entities to retain a record of that self-evaluation, would likely assist the General Counsel in conducting the section 210(f) inspections for the 105th Congress in an expeditious manner. Moreover, it is conceivable that a self-evaluation might reveal information or raise accessibility issues that may not arise from the General Counsel's inspections. Thus, in the Board's view, requiring entities to proactively investigate their facilities and activities for compliance, rather than placing sole reliance on the General Counsel's inspections, would enhance overall compliance with section 210. Because there is no "good cause" to modify section 35.105, the Board adopts it, as proposed in the NPR.

2. Employment discrimination provisions (section 35.140).—The Board proposed adoption of the employment discrimination provisions of section 35.140 as part of its regulations under section 210(e) of the CAA. But the Board also proposed to add a statement that, pursuant to section 210(c) of the CAA, section 201 provided the exclusive remedy for any such act of employment discrimination.

Two commenters recommended that the Board not adopt section 35.140. One commenter argued that section 35.140 implements title I of the ADA (which is not incorporated into section 210 of the CAA). The two commenters also argued that the Board's adoption of section 35.140 might be misinterpreted as an adoption of the ADA regulations of the Equal Employment Opportunity Commission ("EEOC") and, therefore, constitute improper executive branch enforcement of the CAA.

The Board has carefully considered these comments and, after doing so, has determined that adoption of section 35.140, as proposed, is appropriate. Contrary to the commenter's statement, section 35.140 was promulgated by the Attorney General to implement title II of the ADA, which the Attorney General has interpreted to apply to all activities of a public entity, including employment. *See* 56 Fed. Reg. at 35707 (preamble to final rule regarding part 35). Accordingly, since section 35.140 implements a provision of title II of the ADA that is made applicable to covered entities under section 210(b) of the CAA, it is within the scope of Board rulemaking authority and mandate under section 210(e) of the CAA.

The EEOC's ADA regulations referenced in section 35.140 are effective only insofar as such regulations are relevant to a covered employee's claim under title II of the ADA, as applied by section 210. By adopting section 35.140, the Board does not intend to establish rights or provide substantive legal rules applicable to any claim under title I of the ADA, as applied by section 201 of the ADA; however, the Board recognizes that this distinction between titles I and II of the ADA may, as a practical matter, be blurred since both types of claims might conceivably be brought in a single employment discrimination case under section 201 of the CAA. Moreover, adoption of section 35.106 would not constitute executive branch enforcement since any claim (and the resulting interpretation of the law thereof) would be in a proceeding under section 201 of the CAA before the hearing officer of the Office and/or before the Board.

Accordingly, section 35.106 will be included within the Board's final regulations.

3. Substitution of the terms "disability" for "handicaps" and "TTY's" for "TDD's" (sections 35.150, and sections 35.104 and 35.161).—The Board will substitute the term "disability" for "handicap" in section 35.150(b)(2)(ii) of the regulations, as recommended by a commenter.

In sections 35.104 and 35.161 and elsewhere in the proposed regulations, the Board substituted the term "text telephones" ("TTY's") for "telecommunication devices for the deaf" ("TDD's"), which was used in the text of the regulations. The Board will use the terms used by the Attorney General in the regulations, as recommended by one commenter.

4. Subpart F (compliance procedures).—In the NPR, the Board determined that Subpart F, which sets forth administrative enforcement procedures under title II of the ADA, implements provisions of the ADA which are applied by section 210(b) of the CAA and, therefore, is within the Board's rulemaking authority under section 210(e)(2). The Board expressed its intention to adopt Subpart F as regulations under section 210(e), but also to incorporate those provisions into the Office's procedural rules, with appropriate modification to conform to section 210 and preexisting provisions of the Office's procedural rules.

Two commenters have requested that the provisions of Subpart F, with the Board's intended modifications to conform to the statute, be included within the Board's regulations herein so that the text of those regulations may be considered and approved by the Congress. As the Board determined in the NPR, Subpart F is within the scope of rulemaking under section 210(e). Moreover, the provisions of Subpart F apply only to claims under section 210 of the CAA and are in no way duplicative of other procedures already adopted under section 303 of the CAA. Accordingly, the final regulations include Subpart F, with appropriate modification to conform to the statutory procedures of section 210(e). The Board will renumber Subpart F as new Part 2 of the final regulations to make clear that such procedures govern proceedings under section 210, including those brought under title II or title III. There is "good cause" to have one set of procedures governing claims under section 210.

C. Specific issues regarding the Attorney General's title III regulations

1. Section 36.104 (definitions).—One commenter recommended that the definition of "place of public accommodation" in proposed section 36.104, which lists the kinds of facilities or activities that may meet the definition, delete references to terms such as "inn," "hotel," "motel," "motion picture house," etc., since such facilities do not exist within the Legislative Branch. But the definition of "place of public accommodation" contained in section 36.104 tracks the statutory language of section 301(7) of the ADA. The terms used in section 36.104 are merely representative examples of the types of facilities that fall within the 12 categories of "places of public accommodation" in the statute. *See* 56 Fed. Reg. at 7458 (preamble to Attorney General's title III regulations). The Board finds no basis for concluding that deletion of these references would be "more effective" for the implementation of title II to covered entities. Accordingly, the Board will not alter this definition.

2. Section 36.207 (places of public accommodation in private residences).—The Board proposed adoption of section 36.207 of the Attorney General's title III regulations, which deal with the situation where all or part of a residence may be used as a place of public accommodation. One commenter requested that the Board exempt House Members' residences from this regulation because, in the commenter's view, it would be unnecessary and burdensome for a Member, potentially in office for only two years, to be required to incur large financial expenses in making modifications to his/her home to comply with section 210.

The commenter's concern is apparently based on the erroneous assumption that compliance with section 210 would, in all

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except to encourage the Board to ensure that the anti-retaliation provisions of section 207 of the CAA are applied to the statutory and regulatory proceedings under section 210. As the Board noted in NPR, although section 207 provides a comprehensive retaliation protection for employees (including applicants and former employees who may invoke their rights under section 210), section 207 does not apply to nonemployees who may enjoy rights and protections against discrimination under section 210.

cases, require a Member using his/her residence as a District Office to make expensive and extensive physical alterations in the residence to meet the law's requirements. On the contrary, as the General Counsel made clear in his Report to the Congress on compliance with section 210, "[a]lthough it is sometimes the case that accessibility requires barrier removal as the only effective option, most covered entities can meet ADA requirements by modifying the way their programs are operated to ensure that individuals with disabilities may have access to them." General Counsel's Report at p. 5. Moreover, to the Board's knowledge, no Member is required to use his/her residence as a location for the Member's public activity. Thus, one option for that Member would be to locate his/her public activity (the District Office, constituent meetings, public gatherings, etc.) in a separate office or other appropriate facility. Still other compliance options in this context (including technical assistance to meet accessibility standards) may be acceptable to the General Counsel, who has enforcement authority regarding compliance under section 210.

In any event, the Board may not entertain a request to exempt any entity by regulation from the coverage of the CAA, in whole or in part, without statutory authorization. Nothing in section 210, the provisions of the ADA applied thereunder, or the Attorney General's regulations adopted by the Board, authorizes the Board to provide regulatory exemptions from the public accommodations accessibility requirements. *See White* v. *INS*, 75 F.3d 213, 215 (5th Cir. 1996) (agency cannot promulgate even substantive rules that are contrary to statute).

The Board also declines the commenter's suggestion that the Board modify section 35.207 to impose section 210 requirements only if the Member uses the home as a public accommodation "regularly or on a day-to-day basis." If an entity's facility or activity constitutes a "place of public accommodations" under the provisions of title III of the ADA, as applied by section 210 of the CAA, the duty to meet accessibility requirements applies, regardless of whether the operator of the public accommodation maintains the accommodation on a permanent, temporary, seasonal, or intermittent basis. Under the statute, once the conditions of coverage are met, the obligation to ensure accessibility attaches so long as the portion of the facility at issue continues to constitute a "place of public accommodation." This statutory requirement cannot be altered by the Board.

3. Section 36.305(c) (access to multiplex cinemas).—The Board will delete proposed section 36.305(c) (relating to accessibility standards for multiplex cinemas) from its final regulations, as recommended by two commenters, because it does not appear to have any conceivable applicability to facilities in the Legislative Branch.

4. Capitol buildings and grounds as historical properties.—One commenter has requested that the Board issue regulations declaring the Capitol Buildings and grounds as historical properties for section 210 purposes, based on statutes the commenter contends establish the recognition of the historic nature of such properties by Congress. *See, e.g.*, 40 U.S.C. §§ 71a, 162-63. However, neither section 210 of the CAA, the provisions of the ADA applied thereunder, nor the Attorney General's regulations adopted by the Board authorizes the Board to declare in its regulations any particular properties as historic. The historic nature of such properties, if relevant in a proceeding under section 210, may be raised and established by the appropriate responding entity before the General Counsel in an investigatory proceeding and/or before the hearing officer or the Board in an appropriate adjudicatory proceeding.

D. Future changes in text of disability access standards

The commenters generally agreed with the Board's proposed approach regarding future changes in the regulations of the Attorney General and/or the Secretary of Transportation. However, one commenter suggested that the Board expressly state the manner and frequency by which it and the Office plan to inform covered entities and employees of such changes in such rules and materials. As stated in the NPR, the Board will make any changes in the regulations under the procedures of section 304 of the CAA. Those changes will be made as frequently as needed and it is impossible in the abstract for the Board to establish a pre-set schedule under which as yet unanticipated and unknown changes to regulations will be made.

One commenter expressed concern that the Board not make changes to any external documents or standards without following the rulemaking procedures of section 304 of the CAA. The Board agrees that any changes to the regulations themselves should be subject to ordinary rulemaking procedures under section 304. However, adoption of changes to the text of external documents, such as the ADA Accessibility Guidelines for Buildings and Facilities included as an appendix to the Attorney General's part 36 regulations, should not be subject to notice and comment under section 304 unless the Attorney General makes changes to such external documents pursuant to a notice and comment procedures of the APA. Where changes in those standards are adopted by the Attorney General without notice and comment under the Administrative Procedure Act, such changes are not within the Board's definition of "substantive regulations to implement" the ADA and thus the notice and comment procedures would not be required to make such changes under the CAA. *See* 142 Cong. Rec. at S11020. Of course, if changes in the appendices and other external documents are made by the Attorney General pursuant to the notice and comment procedures of the APA, the Board would likewise be required to follow the procedures of section 304 of the CAA to adopt those changes.

E. Technical and nomenclature changes

One commenter has suggested a number of technical and nomenclature changes to the text of the proposed regulations. The Board has considered each of the suggested changes and, where appropriate, incorporated them into the final regulations. However, unless otherwise expressly stated, by making such changes, the Board does not intend a substantive change in the meaning of the regulations.[2]

[2] An example of one technical or nomenclature change that the Board does not adopt is the suggestion that the term "public" be deleted from proposed section 35.102(a) (modifying "services, programs, or activities"), since it does not appear in the text of the Attorney General's regulations. However, in contrast to title II of the ADA, which applies to *all* activities of a covered public entity (whether public or nonpublic), section 210(b)(2) makes clear that a Legislative Branch entity is a defined covered entity if it "provides public services, programs, or activities." Thus, the addition of the term "public" in proposed section 35.102(a) is a "technical" change in the Attorney General's regulations required by the language of section 210(b) of the CAA.

II. Method of Approval

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

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

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

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

ADOPTED REGULATIONS

APPLICATION OF RIGHTS AND PROTECTIONS OF THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS (SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995)

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Sec.
1.101 Purpose and scope
1.102 Definitions
1.103 Notice of protection
1.104 Authority of the Board
1.105 Method for identifying the entity responsible for correction of violations of section 210

§1.101 Purpose and scope.

(a) *Section 210 of the CAA.* Enacted into law on January 23, 1995, the Congressional Accountability Act ("CAA") directly applies the rights and protections of eleven federal labor and employment law and public access statutes to covered employees and employing offices within the legislative branch. Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Title II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12131-12150, 12182, 12183, and 12189 ("ADA") shall apply to the following entities:

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

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

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

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

(8) the Office of the Attending Physician and

(9) the Office of Compliance.

2 U.S.C. §1331(b). Title II of the ADA generally prohibits discrimination on the basis of disability in the provision of public services, programs, activities by any "public entity." Section 210(b)(2) of the CAA provides that for the purpose of applying Title II of

the ADA the term "public entity" means any entity listed above that provides public services, programs, or activities. Title III of the ADA generally prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards. Section 225(f) of the CAA provides that, "[e]xcept where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions of the [ADA] shall apply under this Act." 2 U.S.C. §1361(f)(1).

Section 210(f) of the CAA requires that the General Counsel of the Office of Compliance on a regular basis, and at least once each Congress, conduct periodic inspections of all covered facilities and to report to Congress on compliance with disability access standards under section 210. 2 U.S.C. §1331(f).

(b) *Purpose and scope of regulations.* The regulations set forth herein (Parts 1, 35, 36, 37, and 38) are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 210(e) of the CAA. Part 1 contains the general provisions applicable to all regulations under section 210, including the method of identifying entities responsible for correcting a violation of section 210. Part 35 contains the provisions regarding nondiscrimination on the basis of disability in the provision of public services, programs, or activities of covered entities. Part 36 contains the provisions regarding nondiscrimination on the basis of disability by public accommodations. Part 37 contains the provisions regarding transportation services for individuals with disabilities. Part 38 contains the provisions regarding accessibility specifications for transportation vehicles.

§1.102 Definitions.

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

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

(b) *ADA* means the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. §§ 12131–12150, 12182, 12183, and 12189) applied to covered entities by Section 210 of the CAA.

(c) The term *covered entity* includes any of the following entities that either provides public services, programs, or activities, and/or that operates a place of public accommodation within the meaning of section 210 of the CAA: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; and (9) the Office of Compliance.

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

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

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

§1.103 Notice of protection.

Pursuant to section 301(h) of the CAA, the Office shall prepare, in a manner suitable for posting, a notice explaining the provisions of section 210 of the CAA. Copies of such notice may be obtained from the Office of Compliance.

§1.104 Authority of the Board.

Pursuant to sections 210 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections against discrimination on the basis of disability in the provision of public services and accommodations under the incorporated provisions of the ADA. Section 210(e) of the CAA directs the Board to promulgate regulations implementing section 210 that are "the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." 2 U.S.C. §1331(e). The regulations issued by the Board herein are on all matters for which section 210 of the CAA requires a regulation to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other "substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of section 210 of the CAA]" that need be adopted.

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

§1.105 Method for identifying the entity responsible for correction of violations of section 210.

(a) *Purpose and Scope.* Section 210(e)(3) of the CAA provides that regulations under section 210(e) include a method of identifying, for purposes of this section and for categories of violations of section 210(b), the entity responsible for correcting a particular violation. This section 1.105 sets forth the method for identifying responsible entities for the purpose of allocating responsibility for correcting violations of section 210(b).

(b) *Categories of violations.* Violations of the rights and protections established in section 210(b) of the CAA that may form the basis for a charge filed with the General Counsel under section 210(d)(1) of the CAA or for a complaint filed by the General Counsel under section 210(d)(3) of the CAA fall into one (or both) of two categories:

(i) *Title II violations.* A covered entity may violate section 210(b) if it discriminates against a qualified individual with a disability within the meaning of those provisions of Title II of the ADA (sections 210 through 230), applied to Legislative Branch entities under section 210(b) of the CAA.

(ii) *Title III violations.* A covered entity may also violate section 210(b) if it discriminates against a qualified individual with a disability within the meaning of those provisions of Title III of the ADA (sections 302, 303, and 309) applied to Legislative Branch entities under section 210(b) of the CAA.

(c) *Entity Responsible for Correcting a Violation of Title II Rights and Protections.* Correction of a violation of the rights and protections against discrimination under Title II of the ADA, as applied by section 210(b) of the CAA, is the responsibility of any entity listed in subsection (a) of section 210 of the CAA that is a "public entity," as defined by section 210(b)(2) of the CAA, and that provides the specific public service, program, or activity that forms the basis for the particular violation of Title II rights and protections set forth in the charge of discrimination filed with the General Counsel under section 210(d)(1) of the CAA or the complaint filed by the General Counsel with the Office under section 210(d)(3) of the CAA. As used in this section, an entity provides a public service, program, or activity if it does so itself, or by a person or other entity (whether public or private and regardless of whether that entity is covered under the CAA) under a contractual or other arrangement or relationship with the entity.

(d) *Entity Responsible for Correction of Title III Rights and Protections.* Correction of a violation of the rights and protections against discrimination under Title III of the ADA, as applied by section 210(b) of the CAA, is the responsibility of any entity listed in subsection (a) of section 210 of the CAA that "operates a place of public accommodation" (as defined in this section) that forms the basis, in whole or in part, for the particular violation of Title III rights and protections set forth in the charge filed with the General Counsel under section 210(d)(1) of the CAA and/or the complaint filed by the General Counsel with the Office under section 210(d)(3) of the CAA.

(i) Definitions.

As used in this section:

Public accommodation has the meaning set forth in Part 36 of these regulations.

Operates, with respect to the operations of a place of public accommodation, includes the superintendence, control, management, or direction of the function of the aspects of the public accommodation that constitute an architectural barrier or communication barrier that is structural in nature, or that otherwise forms the basis for a violation of the rights and protections of Title III of the ADA as applied under section 210(b) of the CAA.

(ii) As used in this section, an entity operates a place of public accommodation if it does so itself, or by a person or other entity (whether public or private and regardless of whether that entity is covered under the CAA) under a contractual or other arrangement or relationship with the entity.

(e) *Allocation of Responsibility for Correction of Title II and/or Title III Violations.* Where more than one entity is deemed an entity responsible for correction of a violation of Title II and/or Title III rights and protections under the method set forth in this section, as between those parties, allocation of responsibility for complying with the obligations of Title II and/or Title III of the ADA as applied by section 210(b), and for correction of violations thereunder, may be determined by contract or other enforceable arrangement or relationship.

PART 2—INVESTIGATION AND ENFORCEMENT PROCEDURES

Sec.
2.101 Charge filed with the General Counsel
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§2.101 Charge filed with the General Counsel.

(a) Who may file.

(1) Any qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), as applied by section 210 of the CAA and section 35.104 of the Board's regulations thereunder, who believes that he or she has been subjected to discrimination on the basis of a disability in violation of section 210 of the CAA by a covered entity, may file a charge against any entity responsible for correcting the violation with the General Counsel. A charge may not be filed under section 210 of the CAA by a covered employee alleging employment discrimination on the basis of disability; the exclusive remedy for such discrimination are the procedures under section 201 of the CAA and subpart B of the Office's procedural rules.

(b) *When to file.* A charge under this section must be filed with the General Counsel not later than 180 days from the date of the alleged discrimination.

(c) *Form and Contents.* A charge shall be written or typed on a charge form available from the Office. All charges shall be signed and verified by the qualified individual with a disability (hereinafter referred to as the "charging party"), or his or her representative, and shall contain the following information:

(i) the full name, mailing address, and telephone number(s) of the charging party;

(ii) the name, address, and telephone number of the covered entit(ies) against which the charge is brought, if known (hereinafter referred to as the "respondent");

(iii) the name(s) and title(s) of the individual(s), if known, involved in the conduct that the charging party claims is a violation of section 210 and/or the location and description of the places or conditions within covered facilities that the charging party claims is a violation of section 210;

(iv) a description of the conduct, locations, or conditions that form the basis of the charge, and a brief description of why the charging party believes the conduct, locations, or conditions is a violation of section 210; and

(v) the name, address, and telephone number of the representative, if any, who will act on behalf of the charging party.

§2.102 Service of charge or notice of charge

Within ten (10) days after the filing of a charge with the General Counsel's Office (excluding weekends or holidays), the General Counsel shall serve the respondent with a copy of the charge, by certified mail, return receipt requested, or in person, except when it is determined that providing a copy of the charge would impede the law enforcement functions of the General Counsel. Where a copy of the charge is not provided, the respondent will be served with a notice of the charge within ten (10) days after the filing of the charge. The notice shall include the date, place and circumstances of the alleged violation of section 210. Where appropriate, the notice may include the identity of the person filing the charge.

§2.103 Investigations by the General Counsel

The General Counsel or the General Counsel's designated representative shall promptly investigate each complaint alleging violations of section 210 of the CAA. As part of the investigation, the General Counsel will accept any statement of position or evidence with respect to the charge which the charging party or the respondent wishes to submit. The General Counsel will use other methods to investigate the charge, as appropriate.

§2.104 Mediation

If, upon investigation, the General Counsel believes that a violation of section 210 may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 403 of the CAA and the Office's procedural rules thereunder, between the charging party and any entity responsible for correcting the alleged violation.

§2.105 Dismissal of charge

Where the General Counsel determines that a complaint will not be filed, the General Counsel shall dismiss the charge.

§2.106 Complaint by the General Counsel

(a) After completing the investigation, and where mediation under section 2.104, if any, has not succeeded in resolving the dispute, and where the General Counsel has not settled or dismissed the charge, and if the General Counsel believes that a violation of section 210 may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation.

(b) The complaint filed by the General Counsel under subsection (a) shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405 of the CAA. Any person who has filed a charge under section 2.101 of these rules may intervene as of right with the full rights of a party. The procedures of sections 405 through 407 of the CAA and the Office's procedural rules thereunder shall apply to hearings and related proceedings under this subpart.

§2.107 Settlement of Complaints

Any settlement entered into by the parties to any process described in this subpart shall be in writing and not become effective unless it is approved by the Executive Director under section 414 of the CAA and the Office's procedural rules thereunder.

§2.108 Compliance Date

In any proceedings under this section, if it is demonstrated by the entity responsible for correcting the violation that new appropriated funds are necessary to comply with an order requiring correction of a violation of section 210, compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

PART 35—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC SERVICES, PROGRAMS, OR ACTIVITIES

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Subpart A—General

§35.101 Purpose.

The purpose of this part is to effectuate section 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1331 *et seq.*) which, *inter alia*, applies the rights and protections of subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150), which prohibits discrimination on the basis of disability by public entities.

§35.102 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all public services, programs, and activities provided or made available by public entities as defined by section 210 of the Congressional Accountability Act of 1995.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA, as applied by section 210 of the Congressional Accountability Act, they are not subject to the requirements of this part.

§35.103 Relationship to other laws.

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws otherwise applicable to covered entities that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

§35.104 Definitions.

For purposes of this part, the term—

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

ADA means the Americans with Disabilities Act (42 U.S.C. 12101–12213 and 47 U.S.C. 225 and 611), as applied to covered entities by section 210 of the CAA.

Auxiliary aids and services includes—

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

Board means the Board of Directors of the Office of Compliance.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i) The phrase *physical or mental impairment* means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

General Counsel means the General Counsel of the Office of Compliance.

Historic preservation programs means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term *illegal use of drugs* does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

Public entity means any of the following entities that provides public services, programs, or activities:

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

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

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

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

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended.

§ 35.105 Self-evaluation.

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

§ 35.106 Notice.

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the public services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the CAA and this part.

§ 35.107 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) *Complaint procedure.* A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

§§ 35.108–35.129 [Reserved]

Subpart B—General Requirements

§ 35.130 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the public services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b)(1) A public entity, in providing any public aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the public aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the public aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with a public aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate public aids, benefits, or services to individuals with disabilities or to any class of individuals

with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with public aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any public aid, benefit, or service to beneficiaries of the public entity's program;

(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the public aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in public services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's public program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the public benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the public service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the public programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The public programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the public service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any public service, program, or activity, unless such criteria can be shown to be necessary for the provision of the public service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing public benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer public services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the CAA or this part which such individual chooses not to accept.

(2) Nothing in the CAA or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the CAA or this part.

(g) A public entity shall not exclude or otherwise deny equal public services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 35.131 Illegal use of drugs.

(a) *General.* (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) *Health and drug rehabilitation services.* (1) A public entity shall not deny public health services, or public services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) *Drug testing.* (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

§ 35.132 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

§ 35.133 Maintenance of accessible features.

(a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the CAA or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§ 35.134 [Reserved]

§ 35.135 Personal devices and services.

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

§§ 35.136–35.139 [Reserved]

Subpart C—Employment

§ 35.140 Employment discrimination prohibited.

(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

(b)(1) For purposes of this part, the requirements of title I of the Americans With Disabilities Act ("ADA"), as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I of the ADA, as applied by section 201 of the CAA.

(2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I of the ADA, as applied by section 201 of the CAA.

(c) Notwithstanding anything contained in this subpart, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of the CAA.

§§ 35.141–35.148 [Reserved]

Subpart D—Program Accessibility

§ 35.149 Discrimination prohibited.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the public services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

§ 35.150 Existing facilities.

(a) *General.* A public entity shall operate each public service, program, or activity so that the public service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not—

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a public service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the public service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with §35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the public benefits or services provided by the public entity.

(b) *Methods*—(1) *General.* A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its public services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of §35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer public services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(2) *Historic preservation programs.* In meeting the requirements of §35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include—

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with disabilities into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance.* Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made by within three years of January 1, 1997, but in any event as expeditiously as possible.

(d) *Transition plan.* (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 1, 1997, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the CAA, including covered offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its public programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

§35.151 New construction and alterations.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 1, 1997.

(b) *Alteration.* Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 1, 1997.

(c) *Accessibility standards.* Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix B to Part 36 of these regulations) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to Part 36 of these regulations) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at 4.1.3(5) and 4.1.6(1)(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties.* (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to a historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of §35.150.

(e) *Curb ramps.* (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

(2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

§§35.152–35.159 [Reserved]

Subpart E—Communications

§35.160 General.

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a public service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

§35.161 Telecommunication devices for the deaf (TDD's).

Where a public entity communicates by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems shall be used to communicate with individuals with impaired hearing or speech.

§35.162 Telephone emergency services.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

§35.163 Information and signage.

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible public services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its public facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible public facilities. The international symbol for accessibility shall be used at each accessible entrance of a public facility.

§35.164 Duties.

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a public service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the public service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the public service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action

that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the public benefits or services provided by the public entity.

§§35.165–35.169 [Reserved]
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PART 36—NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS

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Subpart A—General

§36.101 Purpose.

The purpose of this part is to implement section 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1331 *et seq.*) which, *inter alia*, applies the rights and protections of sections of title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181), which prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation to be designed, constructed, and altered in compliance with the accessibility standards established by this part.

§36.102 Application.

(a) *General.* This part applies to any—

(1) Public accommodation; or

(2) covered entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

(b) *Public accommodations.* (1) The requirements of this part applicable to public accommodations are set forth in subparts B, C, and D of this part.

(2) The requirements of subparts B and C of this part obligate a public accommodation only with respect to the operations of a place of public accommodation.

(3) The requirements of subpart D of this part obligate a public accommodation only with respect to a facility used as, or designed or constructed for use as, a place of public accommodation.

(c) *Examinations and courses. The requirements of this part applicable to covered entities that offer examinations or courses as specified in paragraph (a) of this section are set forth in §36.309.*

§36.103 Relationship to other laws.

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws otherwise applicable to covered entities that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

§36.104 Definitions.

For purposes of this part, the term—

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

ADA means the Americans with Disabilities Act of 1990 (Pub. L. 101–336, 104 Stat. 327, 42 U.S.C. 12101–12213 and 47 U.S.C. 225 and 611), as applied to covered entities by section 210 of the CAA.

Covered entity means any entity listed in section 210(a) of the CAA insofar as it operates a place of public accommodation.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) The phrase *physical or mental impairment* means—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism;

(iv) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a covered entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a covered entity as having such an impairment.

(5) The term *disability* does not include—

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term "illegal use of drugs" does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

Place of public accommodation means a facility, operated by a covered entity, whose operations fall within at least one of the following categories—

(1) An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor;

(2) A restaurant, bar, or other establishment serving food or drink;

(3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) An auditorium, convention center, lecture hall, or other place of public gathering;

(5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) A terminal, depot, or other station used for specified public transportation;

(8) A museum, library, gallery, or other place of public display or collection;

(9) A park, zoo, amusement park, or other place of recreation;

(10) A nursery, elementary, secondary, undergraduate, or postgraduate covered school, or other place of education;

(11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

Public accommodation means a covered entity that operates a place of public accommodation.

Public entity means any of the following entities that provides public services, programs, or activities:

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

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

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

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

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable factors to be considered include—

(1) The nature and cost of the action needed under this part;

(2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent entity;

(4) If applicable, the overall financial resources of any parent entity; the overall size of the parent entity with respect to the number of its employees; the number, type, and location of its facilities; and

(5) If applicable, the type of operation or operations of any parent entity, including the composition, structure, and functions of the workforce of the parent entity.

Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Specified public transportation means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include—

(1) The nature and cost of the action needed under this part;

(2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent entity;

(4) If applicable, the overall financial resources of any parent entity; the overall size of the parent entity with respect to the number of its employees; the number, type, and location of its facilities; and

(5) If applicable, the type of operation or operations of any parent entity, including the composition, structure, and functions of the workforce of the parent entity.

Subpart B—General Requirements

§ 36.201 General.

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any covered entity who operates a place of public accommodation.

§ 36.202 Activities.

(a) *Denial of participation.* A public accommodation shall not subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(b) *Participation in unequal benefit.* A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(c) *Separate benefit.* A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(d) *Individual or class of individuals.* For purposes of paragraphs (a) through (c) of this section, the term "individual or class of individuals" refers to the clients or customers of the public accommodation that enter into the contractual, licensing, or other arrangement.

§ 36.203 Integrated settings.

(a) *General.* A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(b) *Opportunity to participate.* Notwithstanding the existence of separate or different programs or activities provided in accordance with this subpart, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different.

(c) *Accommodations and services.* (1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available under this part that such individual chooses not to accept.

(2) Nothing in the CAA or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

§ 36.204 Administrative methods.

A public accommodation shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration that have the effect of discriminating on the basis of disability, or that perpetuate the discrimination of others who are subject to common administrative control.

§ 36.205 Association.

A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 36.206 [Reserved]

§ 36.207 Places of public accommodation located in private residences.

(a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this part, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by this part.

(b) The portion of the residence covered under paragraph (a) of this section extends to those elements used to enter the place of public accommodation, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

§ 36.208 Direct threat.

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

(b) *Direct threat* means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

(c) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

§36.209 Illegal use of drugs.

(a) *General.* (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public accommodation shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) *Health and drug rehabilitation services.* (1) A public accommodation shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) *Drug testing.* (1) This part does not prohibit a public accommodation from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in this paragraph (c) shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

§36.210 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in places of public accommodation.

§36.211 Maintenance of accessible features.

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the CAA or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§36.212 Insurance.

(a) This part shall not be construed to prohibit or restrict—

(1) A covered entity that administers benefit plans from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with applicable law; or

(2) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with applicable law; or

(3) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that is not subject to applicable laws that regulate insurance.

(b) Paragraphs (a)(1), (2), and (3) of this section shall not be used as a subterfuge to evade the purposes of the CAA or this part.

(c) A public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

§36.213 Relationship of subpart B to subparts C and D of this part.

Subpart B of this part sets forth the general principles of nondiscrimination applicable to all entities subject to this part. Subparts C and D of this part provide guidance on the application of the statute to specific situations. The specific provisions, including the limitations on those provisions, control over the general provisions in circumstances where both specific and general provisions apply.

§§36.214–36.299 [Reserved]

Subpart C—Specific Requirements

§36.301 Eligibility criteria.

(a) *General.* A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.

(b) *Safety.* A public accommodation may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

(c) *Charges.* A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the CAA or this part.

§36.302 Modifications in policies, practices, or procedures.

(a) *General.* A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

(b) *Specialties*—(1) *General.* A public accommodation may refer an individual with a disability to another public accommodation, if that individual is seeking, or requires, treatment or services outside of the referring public accommodation's area of specialization, and if, in the normal course of its operations, the referring public accommodation would make a similar referral for an individual without a disability who seeks or requires the same treatment or services.

(2) *Illustration—medical specialties.* A health care provider may refer an individual with a disability to another provider, if that individual is seeking, or requires, treatment or services outside of the referring provider's area of specialization, and if the referring provider would make a similar referral for an individual without a disability who seeks or requires the same treatment or services. A physician who specializes in treating only a particular condition cannot refuse to treat an individual with a disability for that condition, but is not required to treat the individual for a different condition.

(c) *Service animals*—(1) *General.* Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

(2) *Care or supervision of service animals.* Nothing in this part requires a public accommodation to supervise or care for a service animal.

(d) *Check-out aisles.* A store with check-out aisles shall ensure that an adequate number of accessible check-out aisles is kept open during store hours, or shall otherwise modify its policies and practices, in order to ensure that an equivalent level of convenient service is provided to individuals with disabilities as is provided to others. If only one check-out aisle is accessible, and it is generally used for express service, one way of providing equivalent service is to allow persons with mobility impairments to make all their purchases at that aisle.

§36.303 Auxiliary aids and services.

(a) *General.* A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

(b) *Examples.* The term "auxiliary aids and service" includes

(1) Qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

(c) *Effective communication.* A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

(d) Telecommunication devices for the deaf (TDD's). (1) A public accommodation that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls on more than an incidental convenience basis shall make available, upon request, a TDD for the use of an individual who

has impaired hearing or a communication disorder.

(2) This part does not require a public accommodation to use a TDD for receiving or making telephone calls incident to its operations.

(f) *Alternatives.* If provision of a particular auxiliary aid or service by a public accommodation would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or in an undue burden, i.e., significant difficulty or expense, the public accommodation shall provide an alternative auxiliary aid or service, if one exists, that would not result in such an alteration or such burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations offered by the public accommodation.

§36.304 Removal of barriers.

(a) *General.* A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense.

(b) *Examples.* Examples of steps to remove barriers include, but are not limited to, the following actions—

(1) Installing ramps;

(2) Making curb cuts in sidewalks and entrances;

(3) Repositioning shelves;

(4) Rearranging tables, chairs, vending machines, display racks, and other furniture;

(5) Repositioning telephones;

(6) Adding raised markings on elevator control buttons;

(7) Installing flashing alarm lights;

(8) Widening doors;

(9) Installing offset hinges to widen doorways;

(10) Eliminating a turnstile or providing an alternative accessible path;

(11) Installing accessible door hardware;

(12) Installing grab bars in toilet stalls;

(13) Rearranging toilet partitions to increase maneuvering space;

(14) Insulating lavatory pipes under sinks to prevent burns;

(15) Installing a raised toilet seat;

(16) Installing a full-length bathroom mirror;

(17) Repositioning the paper towel dispenser in a bathroom;

(18) Creating designated accessible parking spaces;

(19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;

(20) Removing high pile, low density carpeting; or

(21) Installing vehicle hand controls.

(c) *Priorities.* A public accommodation is urged to take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

(1) First, a public accommodation should take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(2) Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps.

(3) Third, a public accommodation should take measures to provide access to restroom facilities. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, and installation of grab bars.

(4) Fourth, a public accommodation should take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(d) *Relationship to alterations requirements of subpart D of this part.* (1) Except as provided in paragraph (d)(2) of this section, measures taken to comply with the barrier removal requirements of this section shall comply with the applicable requirements for alterations in §36.402 and §§36.404-36.406 of this part for the element being altered. The path of travel requirements of §36.403 shall not apply to measures taken solely to comply with the barrier removal requirements of this section.

(2) If, as a result of compliance with the alterations requirements specified in paragraph (d)(1) of this section, the measures required to remove a barrier would not be readily achievable, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements. Such measures include, for example, providing a ramp with a steeper slope or widening a doorway to a narrower width than that mandated by the alterations requirements. No measure shall be taken, however, that poses a significant risk to the health or safety of individuals with disabilities or others.

(e) *Portable ramps.* Portable ramps should be used to comply with this section only when installation of a permanent ramp is not readily achievable. In order to avoid any significant risk to the health or safety of individuals with disabilities or others in using portable ramps, due consideration shall be given to safety features such as nonslip surfaces, railings, anchoring, and strength of materials.

(f) *Selling or serving space.* The rearrangement of temporary or movable structures, such as furniture, equipment, and display racks is not readily achievable to the extent that it results in a significant loss of selling or serving space.

(g) *Limitation on barrier removal obligations.* (1) The requirements for barrier removal under §36.304 shall not be interpreted to exceed the standards for alterations in subpart D of this part.

(2) To the extent that relevant standards for alterations are not provided in subpart D of this part, then the requirements of §36.304 shall not be interpreted to exceed the standards for new construction in subpart D of this part.

(3) This section does not apply to rolling stock and other conveyances to the extent that §36.310 applies to rolling stock and other conveyances.

§36.305 Alternatives to barrier removal.

(a) *General.* Where a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall not fail to make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable.

(b) *Examples.* Examples of alternatives to barrier removal include, but are not limited to, the following actions—

(1) Providing curb service or home delivery;

(2) Retrieving merchandise from inaccessible shelves or racks;

(3) Relocating activities to accessible locations.

§36.306 Personal devices and services.

This part does not require a public accommodation to provide its customers, clients, or participants with personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; or services of a personal nature including assistance in eating, toileting, or dressing.

§36.307 Accessible or special goods.

(a) This part does not require a public accommodation to alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.

(b) A public accommodation shall order accessible or special goods at the request of an individual with disabilities, if, in the normal course of its operation, it makes special orders on request for unstocked goods, and if the accessible or special goods can be obtained from a supplier with whom the public accommodation customarily does business.

(c) Examples of accessible or special goods include items such as Brailled versions of books, books on audio cassettes, closed-captioned video tapes, special sizes or lines of clothing, and special foods to meet particular dietary needs.

§36.308 Seating in assembly areas.

(a) *Existing facilities.* (1) To the extent that it is readily achievable, a public accommodation in assembly areas shall—

(i) Provide a reasonable number of wheelchair seating spaces and seats with removable aisle-side arm rests; and

(ii) Locate the wheelchair seating spaces so that they—

(A) Are dispersed throughout the seating area;

(B) Provide lines of sight and choice of admission prices comparable to those for members of the general public;

(C) Adjoin an accessible route that also serves as a means of egress in case of emergency; and

(D) Permit individuals who use wheelchairs to sit with family members or other companions.

(2) If removal of seats is not readily achievable, a public accommodation shall provide, to the extent that it is readily achievable to do so, a portable chair or other means to permit a family member or other companion to sit with an individual who uses a wheelchair.

(3) The requirements of paragraph (a) of this section shall not be interpreted to exceed the standards for alterations in subpart D of this part.

(b) *New construction and alterations.* The provision and location of wheelchair seating spaces in newly constructed or altered assembly areas shall be governed by the standards for new construction and alterations in subpart D of this part.

§36.309 Examinations and courses.

(a) *General.* Any covered entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with

disabilities or offer alternative accessible arrangements for such individuals.

(b) *Examinations.* (1) Any covered entity offering an examination covered by this section must assure that—

(i) The examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure);

(ii) An examination that is designed for individuals with impaired sensory, manual, or speaking skills is offered at equally convenient locations, as often, and in as timely a manner as are other examinations; and

(iii) The examination is administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements are made.

(2) Required modifications to an examination may include changes in the length of time permitted for completion of the examination and adaptation of the manner in which the examination is given.

(3) A covered entity offering an examination covered by this section shall provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless that covered entity can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this section may include taped examinations, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities, transcribers for individuals with manual impairments, and other similar services and actions.

(4) Alternative accessible arrangements may include, for example, provision of an examination at an individual's home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

(c) *Courses.* (1) Any covered entity that offers a course covered by this section must make such modifications to that course as are necessary to ensure that the place and manner in which the course is given are accessible to individuals with disabilities.

(2) Required modifications may include changes in the length of time permitted for the completion of the course, substitution of specific requirements, or adaptation of the manner in which the course is conducted or course materials are distributed.

(3) A covered entity that offers a course covered by this section shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless the covered entity can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden. Auxiliary aids and services required by this section may include taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print texts or qualified readers for individuals with visual impairments and learning disabilities, classroom equipment adapted for use by individuals with manual impairments, and other similar services and actions.

(4) Courses must be administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements must be made.

(5) Alternative accessible arrangements may include, for example, provision of the course through videotape, cassettes, or prepared notes. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

§36.310 Transportation provided by public accommodations.

(a) *General.* (1) A public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, is subject to the general and specific provisions in subparts B, C, and D of this part for its transportation operations, except as provided in this section.

(2) *Examples.* Transportation services subject to this section include, but are not limited to, shuttle services operated between transportation terminals and places of public accommodation and customer shuttle bus services operated by covered entities

(b) *Barrier removal.* A public accommodation subject to this section shall remove transportation barriers in existing vehicles and rail passenger cars used for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift) where such removal is readily achievable.

(c) *Requirements for vehicles and systems.* A public accommodation subject to this section shall comply with the requirements pertaining to vehicles and transportation systems in the regulations issued by the Board of Directors of the Office of Compliance.

§§36.311—36.400 [Reserved]

Subpart D—New Construction and Alterations

§36.401 New construction.

(a) *General.* (1) Except as provided in paragraphs (b) and (c) of this section, discrimination for purposes of this part includes a failure to design and construct facilities for first occupancy after July 23, 1997, that are readily accessible to and usable by individuals with disabilities.

(2) For purposes of this section, a facility is designed and constructed for first occupancy after July 23, 1997, only—

(i) If the last application for a building permit or permit extension for the facility is certified to be complete, by an appropriate governmental authority after January 1, 1997 (or, in those jurisdictions where the government does not certify completion of applications, if the last application for a building permit or permit extension for the facility is received by the appropriate governmental authority after January 1, 1997); and

(ii) If the first certificate of occupancy for the facility is issued after July 23, 1997.

(b) *Place of public accommodation located in private residences.*

(1) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subpart, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by the new construction and alterations requirements of this subpart.

(2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the place of public accommodation, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the place of public accommodation, including restrooms.

(c) *Exception for structural impracticability.* (1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

(d) *Elevator exemption.* (1) For purposes of this paragraph (d)—

Professional office of a health care provider means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(2) This section does not require the installation of an elevator in a facility that is less than three stories or has less than 3000 square feet per story, except with respect to any facility that houses one or more of the following:

(i) A professional office of a health care provider.

(ii) A terminal, depot, or other station used for specified public transportation. In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.

(3) The elevator exemption set forth in this paragraph (d) does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in paragraph (a) of this section. For example, in a facility that houses a professional office of a health care provider, the floors that are above or below an accessible ground floor and that do not house a professional office of a health care provider, must meet the requirements of this section but for the elevator.

§36.402 Alterations.

(a) *General.* (1) Any alteration to a place of public accommodation, after January 1, 1997, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to

and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) An alteration is deemed to be undertaken after January 1, 1997, if the physical alteration of the property begins after that date.

(b) *Alteration.* For the purposes of this part, an alteration is a change to a place of public accommodation that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

(2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A to this part.

(c) *To the maximum extent feasible.* The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

§36.403 Alterations: Path of travel.

(a) *General.* An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(b) *Primary function.* A "primary function" is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other covered entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.

(c) *Alterations to an area containing a primary function.* (1) Alterations that affect the usability of or access to an area containing a primary function include, but are not limited to—

(i) Remodeling merchandise display areas or employee work areas in a department store;

(ii) Replacing an inaccessible floor surface in the customer service or employee work areas of a bank;

(iii) Redesigning the assembly line area of a factory; or

(iv) Installing a computer center in an accounting firm.

(2) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

(d) *Path of travel.* (1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

(e) *Disproportionality.* (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(f) *Duty to provide accessible features in the event of disproportionality.* (1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(2) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:

(i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom;

(iv) Accessible telephones;

(v) Accessible drinking fountains; and

(vi) When possible, additional accessible elements such as parking, storage, and alarms.

(g) *Series of smaller alterations.* (1) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(2) (i) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

(ii) Only alterations undertaken after January 1, 1997, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

§36.404 Alterations: Elevator exemption.

(a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation.

For the purposes of this section, "professional office of a health care provider" means a location where a person or entity employed by a covered entity and/or regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a "professional office of a health care provider" only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

§36.405 Alterations: Historic preservation.

(a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), or are designated as historic under State or local law, shall comply to the maximum extent feasible with section 4.1.7 of appendix A to this part.

(b) If it is determined under the procedures set out in section 4.1.7 of appendix A that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of subpart C of this part.

§36.406 Standards for new construction and alterations.

(a) New construction and alterations subject to this part shall comply with the standards for accessible design published as appendix A to this part (ADAAG).

(b) The chart in the appendix to this section provides guidance to the user in reading appendix A to this part (ADAAG) together with subparts A through D of this part, when determining requirements for a particular facility.

Appendix to §36.406

This chart has no effect for purposes of compliance or enforcement. It does not necessarily provide complete or mandatory information.

	Subparts A–D	ADAAG
Application, General.	36.102(b)(3): public accommodations.	1,2,3,4.1.1.

	Subparts A–D	ADAAG
	36.102(c): commercial facilities 36.102(e): public entities 36.103 (other laws) 36.401 ("for first occupancy") 36.402(a)(alterations)	
Definitions	36.104: facility, place of public accommodation, public accommodation, public entity.	3.5 Definitions, including: addition, alteration, building, element, facility, space, story.
	36.401(d)(1)(i), 36.404(a)(1): professional office of a health care provider 36.402: alteration; usability 36.402(c): to the maximum extent feasible	4.1.6(i), technical infeasibility.
	36.401(a) General	4.1.2.
New Construction: General.	36.207 Places of public accommodation in private residences.	4.1.3.
Work Areas		4.1.1(3).
Structural Impracticability.	36.401(c)	4.1.1(5)(a).
Elevator Exemption.	36.401(d) 36.404	4.1.3(5).
Other Exceptions		4.1.1(5), 4.1.3(5) and throughout.
Alterations: General.	36.402	4.1.6(1).
Alterations Affecting an Area Containing A Primary Function; Path of Travel; Disproportionality.	36.403	4.1.6(2).
Alterations: Special Technical Provisions.		4.1.6(3).
Additions	36.401–36.405	4.1.5.
Historic Preservation.	36.405	4.1.7.
Technical Provisions.		4.2 through 4.35.
Facilities		6.
Business and Mercantile.		7.
Libraries		8.
Transient Lodging (Hotels, Homeless Shelters Etc.).		9.
Transportation Facilities.		10.

§ 36.407 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in sections 4.7.7, 4.29.5, and 4.29.6 of appendix A to this part are suspended temporarily until July 26, 1998.

§§ 36.408—36.499 [Reserved]
§§ 36.501—36.608 [Reserved]

APPENDIX A TO PART 36—STANDARDS FOR ACCESSIBLE DESIGN

[Copies of this appendix may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999.]

APPENDIX B TO PART 36—UNIFORM FEDERAL ACCESSIBILITY STANDARDS

[Copies of this appendix may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999.]

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (CAA)

Subpart A—General

Sec.
37.1 Purpose.
37.3 Definitions
37.5 Nondiscrimination.
37.7 Standards for accessible vehicles.
37.9 Standards for accessible transportation facilities.
37.11 [Reserved]
37.13 Effective date for certain vehicle lift specifications.
37.15–37.19 [Reserved]

Subpart B—Applicability

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37.25 [Reserved]
37.27 Transportation for elementary and secondary education systems.
37.29 [Reserved]
37.31 Vanpools.
37.33–37.35 [Reserved]
37.37 Other applications.
37.39 [Reserved]

Subpart C—Transportation Facilities

37.41 Construction of transportation facilities by public entities.
37.43 Alteration of transportation facilities by public entities.
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37.49–37.59 [Reserved]
37.61 Public transportation programs and activities in existing facilities.
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Subpart D—Acquisition of Accessible Vehicles by Public Entities

37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.
37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.
37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.
37.77 Purchase or lease of new non-rail vehicles by public entities operating demand responsive systems for the general public.
37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.
37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.
37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.
37.85–37.91 [Reserved]
37.93 One car per train rule.
37.95 [Reserved]
37.97–37.99 [Reserved]

Subpart E—Acquisition of Accessible Vehicles by Covered Entities

37.101 Purchase or lease of vehicles by covered entities not primarily engaged in the business of transporting people.
37.103 [Reserved]
37.105 Equivalent service standard.
37.107–37.109 [Reserved]
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Subpart F—Paratransit as a complement to fixed route service

37.121 Requirement for comparable complementary paratransit service
37.123 ADA paratransit eligibility: Standards
37.125 ADA paratransit eligibility: Process.
37.127 Complementary paratransit for visitors.
37.129 Types of service.
37.131 Service criteria for complementary paratransit.
37.133 Subscription service.
37.135 Submission of paratransit plan.
37.137 Paratransit plan development.
37.139 Plan contents.
37.141 Requirements for a joint paratransit plan.
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37.147 Considerations during General Counsel review.
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37.153 General Counsel waiver determination.
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Subpart G—Provision of Service

37.161 Maintenance of accessible features: General.
37.163 Keeping vehicle lifts in operative condition public entities.
37.165 Lift and securement use.
37.167 Other service requirements.
37.169 Interim requirements for over-the-road bus service operated by covered entities.
37.171 Equivalency requirement for demand responsive service by covered entities not primarily engaged in the business of transporting people.
37.173 Training requirements.
Appendix A to Part 37—Standards for Accessible Transportation Facilities
Appendix B to Part 37—Certifications

Subpart A—General

§ 37.1 Purpose.

The purpose of this part is to implement the transportation and related provisions of titles II and III of the Americans with Disabilities Act of 1990, as applied by section 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1331 et seq.).

§ 37.3 Definitions.

As used in this part:

Accessible means, with respect to vehicles and facilities, complying with the accessibility requirements of parts 37 and 38 of these regulations.

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

ADA means the Americans with Disabilities Act of 1990 (42 U.S.C. §§12131–12150, 12182, 12183, and 12189) as applied to covered entities by section 210 of the CAA.

Alteration means a change to an existing facility, including, but not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility.

Automated guideway transit system or *AGT* means a fixed-guideway transit system which operates with automated (driverless) individual vehicles or multi-car trains. Service may be on a fixed schedule or in response to a passenger-activated call button.

Auxiliary aids and services includes:

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone headset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, closed and open captioning, text telephones (also known as TTYs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; or

(4) Other similar services or actions.

Board means the Board of Directors of the Office of Compliance.

Bus means any of several types of self-propelled vehicles, generally rubber-tired, intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty-foot buses, articulated buses, double-deck buses, and electrically powered trolley buses, used by public entities to provide designated public transportation service and by covered entities to provide transportation service including, but not limited to, specified public transportation services. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses.

Commuter bus service means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Covered entity means any entity listed in section 210(a) of the CAA that operates a place of public accommodation within the meaning of section 210 of the CAA.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by covered entities, including but not limited to specified public transportation service, which is not a fixed route system.

Designated public transportation means transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) The phrase *physical or mental impairment* means—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The term *physical or mental impairment* includes, but is not limited to, such contagious or noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;

(iv) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; or

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities; or

(4) The phrase *is regarded as having such an impairment* means

(i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or covered entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or covered entity as having such an impairment.

(5) The term *disability* does not include

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance abuse disorders resulting from the current illegal use of drugs.

Facility means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by covered entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

General Counsel means the General Counsel of the Office of Compliance.

Individual with a disability means a person who has a disability, but does not include an individual who is currently engaging in the illegal use of drugs, when a public or covered entity acts on the basis of such use.

Light rail means a streetcar-type vehicle operated on city streets, semi-exclusive rights of way, or exclusive rights of way. Service may be provided by step-entry vehicles or by level boarding.

New vehicle means a vehicle which is offered for sale or lease after manufacture without any prior use.

Office means the Office of Compliance.

Operates includes, with respect to a fixed route or demand responsive system, the provision of transportation service by a public or covered entity itself or by a person under a contractual or other arrangement or relationship with the entity.

Over-the-road bus means a bus characterized by an elevated passenger deck located over a baggage compartment.

Paratransit means comparable transportation service required by the CAA for individuals with disabilities who are unable to use fixed route transportation systems.

Private entity means any entity other than a public or covered entity.

Public entity means any of the following entities that provides public services, programs, or activities:

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

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

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

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

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

Purchase or lease, with respect to vehicles, means the time at which a public or covered entity is legally obligated to obtain the vehicles, such as the time of contract execution.

Public school transportation means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

Rapid rail means a subway-type transit vehicle railway operated on exclusive private rights of way with high level platform stations. Rapid rail also may operate on elevated or at grade level track separated from other traffic.

Remanufactured vehicle means a vehicle which has been structurally restored and has had new or rebuilt major components installed to extend its service life.

Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Solicitation means the closing date for the submission of bids or offers in a procurement.

Station means where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but this term does not include flag stops (i.e., stations which are not regularly scheduled stops but at which trains will stop board or detrain passengers only on signal or advance notice).

Transit facility means, for purposes of determining the number of text telephones needed consistent with §10.3.1(12) of Appendix A to this part, a physical structure the primary function of which is to facilitate access to and from a transportation system which has scheduled stops at the structure. The term does not include an open structure or a physical structure the primary purpose of which is other than providing transportation services.

Used vehicle means a vehicle with prior use.

Vanpool means a voluntary commuter ridesharing arrangement, using vans with a seating capacity greater than 7 persons (including the driver) or buses, which provides transportation to a group of individuals traveling directly from their homes to their regular places of work within the same geographical area, and in which the commuter/driver does not receive compensation beyond reimbursement for his or her costs of providing the service.

Vehicle, as the term is applied to covered entities, does not include a rail passenger car, railroad locomotive, railroad freight car, or railroad caboose, or other rail rolling stock described in section 242 or title III of the Americans With Disabilities Act, which

is not applied to covered entities by section 210 of the CAA.

Wheelchair means a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A "*common wheelchair*" is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

§37.5 Nondiscrimination.

(a) No covered entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

(b) Notwithstanding the provision of any special transportation service to individuals with disabilities, an entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service.

(c) An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

(d) An entity shall not impose special charges, not authorized by this part, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this part or otherwise necessary to accommodate them.

(e) An entity shall not require that an individual with disabilities be accompanied by an attendant.

(f) An entity shall not refuse to serve an individual with a disability or require anything contrary to this part because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to this part.

(g) It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

§37.7 Standards for accessible vehicles.

(a) For purposes of this part, a vehicle shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the standards set forth in part 38 of these regulations.

(b)(1) For purposes of implementing the equivalent facilitation provision in §38.2 of these regulations, the following parties may submit to the General Counsel of the applicable operating administration a request for a determination of equivalent facilitation:

(i) A public or covered entity that provides transportation services and is subject to the provisions of subpart D or subpart E of this part; or

(ii) The manufacturer of a vehicle or a vehicle component or subsystem to be used by such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision of part 38 of these regulations concerning which the entity is seeking a determination of equivalent facilitation;

(iii) [Reserved]

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in part 38; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation services subject to the provisions of subpart D of this part, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request to members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to the General Counsel. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a covered entity that provides transportation services subject to the provisions of subpart E of this part, the covered entity shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the General Counsel of the concerned operating administration on a case-by-case basis.

(6) Determinations of equivalent facilitation are made only with respect to vehicles or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitation in situations other than those to which the determination is made. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Office.

(c) Over-the-road buses acquired by public entities (or by a contractor to a public entity as provided in §37.23 of this part) shall comply with §38.23 and subpart G of part 38 of these regulations.

§37.9 Standards for accessible transportation facilities.

(a) For purposes of this part, a transportation facility shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of this part and the standards set forth in Appendix A to this part.

(b) Facility alterations begun before January 1, 1997, in a good faith effort to make a facility accessible to individuals with disabilities may be used to meet the key station requirements set forth in §37.47 of this part, even if these alterations are not consistent with the standards set forth in Appendix A to this part, if the modifications complied with the Uniform Federal Accessibility Standard (UFAS) or ANSI A117.1 (1980) (American National Standards Specification for Making Buildings and Facilities Accessible to and Usable by, the Physically Handicapped). This paragraph applies only to alterations of individual elements and spaces and only to the extent that provisions covering those elements or spaces are contained in UFAS or ANSI A117.1, as applicable.

(c) Public entities shall ensure the construction of new bus stop pads are in compliance with section 10.2.1(1) of appendix A to this part, to the extent construction specifications are within their control.

(d)(1) For purposes of implementing the equivalent facilitation provision in section 2.2 of appendix A to this part, the following parties may submit to the General Counsel a request for a determination of equivalent facilitation:

(i) A public or covered entity that provides transportation services subject to the provisions of subpart C of this part, or any other appropriate party with the concurrence of the General Counsel.

(ii) The manufacturer of a product or accessibility feature to be used in the facility of such entity to comply with this part.

(2) The requesting party shall provide the following information with its request:

(i) Entity name, address, contact person and telephone;

(ii) Specific provision of appendix A to part 37 of these regulations concerning which the entity is seeking a determination of equivalent facilitation;

(iii) [Reserved];

(iv) Alternative method of compliance, with demonstration of how the alternative meets or exceeds the level of accessibility or usability of the vehicle provided in appendix A to this part; and

(v) Documentation of the public participation used in developing an alternative method of compliance.

(3) In the case of a request by a public entity that provides transportation facilities, the required public participation shall include the following:

(i) The entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request to members of the public.

(ii) The entity shall make its proposed request available for public comment before the request is made final or transmitted to the General Counsel. In making the request available for public review, the entity shall ensure that it is available, upon request, in accessible formats.

(iii) The entity shall sponsor at least one public hearing on the request and shall provide adequate notice of the hearing, including advertisement in appropriate medial, such as newspapers of general and special interest circulation and radio announcements.

(4) In the case of a request by a covered entity, the covered entity shall consult, in person, in writing, or by other appropriate means, with representatives of national and local organizations representing people with those disabilities who would be affected by the request.

(5) A determination of compliance will be made by the General Counsel on a case-by-case basis.

(6) Determinations of equivalent facilitation are made only with respect to vehicles

or vehicle components used in the provision of transportation services covered by subpart D or subpart E of this part, and pertain only to the specific situation concerning which the determination is made. Entities shall not cite these determinations as indicating that a product or method constitute equivalent facilitations in situations other than those to which the determination is made. Entities shall not claim that a determination of equivalent facilitation indicates approval or endorsement of any product or method by the Office .

§ 37.11 [Reserved]

§ 37.13 Effective date for certain vehicle lift specifications.

The vehicle lift specifications identified in §§38.23(b)(6) and 38.83(b)(6) apply to solicitations for vehicles under this part after December 31, 1996.

§ 37.15 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in sections 4.7.7, 4.29.5, and 3.29.6 of appendix A to this part are suspended temporarily until July 26, 1998.

§§ 37.17–37.19 [Reserved]

Subpart B—Applicability

§ 37.21 Applicability: General.

(a) This part applies to the following entities:

(1) Any public entity that provides designated public transportation; and

(2) Any covered entity that is not primarily engaged in the business of transporting people but operates a demand responsive or fixed route system.

(b) Entities to which this part applies also may be subject to CAA regulations of the Office of Compliance (parts 35 or 36, as applicable). The provisions of this part shall be interpreted in a manner that will make them consistent with applicable Office of Compliance regulations. In any case of apparent inconsistency, the provisions of this part shall prevail.

§ 37.23 Service under contract.

(a) When a public entity enters into a contractual or other arrangement or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this part that would apply to the public entity if the public entity itself provided the service.

(b) A public entity which enters into a contractual or other arrangement or relationship with a private entity to provide fixed route service shall ensure that the percentage of accessible vehicles operated by the public entity in its overall fixed route or demand responsive fleet is not diminished as a result.

§ 37.25 [Reserved]

§ 37.27 Transportation for elementary and secondary education systems.

(a) The requirements of this part do not apply to public school transportation.

(b) The requirements of this part do not apply to the transportation of school children to and from a covered elementary or secondary school, and its school-related activities, if the school is providing transportation service to students with disabilities equivalent to that provided to students without disabilities. The test of equivalence is the same as that provided in §37.105. If the school does not meet the criteria of this paragraph for exemption from the requirements of this part, it is subject to the requirements of this part for covered entities not primarily engaged in transporting people.

§ 37.29 [Reserved]

§ 37.31 Vanpools.

Vanpool systems which are operated by public entities, or in which public entities own or purchase or lease the vehicles, are subject to the requirements of this part for demand responsive service for the general public operated by public entities. A vanpool system in this category is deemed to be providing equivalent service to individuals with disabilities if a vehicle that an individual with disabilities can use is made available to and used by a vanpool in which such an individual chooses to participate.

§§ 37.33–37.35 [Reserved]

§ 37.37 Other applications.

(a) Shuttle systems and other transportation services operated by public accommodations are subject to the requirements of this part for covered entities not primarily engaged in the business of transporting people. Either the requirements for demand responsive or fixed route service may apply, depending upon the characteristics of each individual system of transportation.

(b) Conveyances used by members of the public primarily for recreational purposes rather than for transportation (e.g., amusement park rides, ski lifts, or historic rail cars or trolleys operated in museum settings) are not subject to the requirements of this part. Such conveyances are subject to the Board's regulations implementing the non-transportation provisions of title II or title III of the ADA, as applied by section 210 of the CAA, as applicable.

(c) Transportation services provided by an employer solely for its own employees are not subject to the requirements of this part. Such services are subject to the requirements of section 201 of the CAA.

§ 37.39 [Reserved]

Subpart C—Transportation Facilities

§ 37.41 Construction of transportation facilities by public entities.

A public entity shall construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. For purposes of this section, a facility or station is "new" if its construction begins (i.e., issuance of notice to proceed) after December 31, 1996.

§ 37.43 Alteration of transportation facilities by public entity.

(a)(1) When a public entity alters an existing facility or a part of an existing facility used in providing designated public transportation services in a way that affects or could affect the usability of the facility or part of the facility, the entity shall make the alterations (or ensure that the alterations are made) in such a manner, to the maximum extent feasible, that the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations.

(2) When a public entity undertakes an alteration that affects or could affect the usability of or access to an area of a facility containing a primary function, the entity shall make the alteration in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of the alterations. *Provided*, that alterations to the path of travel, drinking fountains, telephones and bathrooms are not required to be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the cost and scope of doing so would be disproportionate.

(3) The requirements of this paragraph also apply to the alteration of existing intercity or commuter rail stations by the responsible person for, owner of, or person in control of the station.

(4) The requirements of this section apply to any alteration which begins (i.e., issuance of notice to proceed or work order, as applicable) after December 31, 1996.

(b) As used in this section, the phrase *to the maximum extent feasible* applies to the occasional case where the nature of an existing facility makes it impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the entity shall provide the maximum physical accessibility feasible. Any altered features of the facility or portion of the facility that can be made accessible shall be made accessible. If providing accessibility to certain individuals with disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to individuals with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

(c) As used in this section, a *primary function* is a major activity for which the facility is intended. Areas of transportation facilities that involve primary functions include, but are not necessarily limited to, ticket purchase and collection areas, passenger waiting areas, train or bus platforms, baggage checking and return areas and employment areas (except those involving non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight [non-passenger] elevators which are frequented only by repair personnel).

(d) As used in this section, a *path of travel* includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, parking areas, and streets), an entrance to the facility, and other parts of the facility. The term also includes the restrooms, telephones, and drinking fountains serving the altered area. An accessible path of travel may include walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps, clear floor paths through corridors, waiting areas, concourses, and other improved areas, parking access aisles, elevators and lifts, bridges, tunnels, or other passageways between platforms, or a combination of these and other elements.

(e)(1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area (without regard to the costs of accessibility modifications).

(2) Costs that may be counted as expenditures required to provide an accessible path of travel include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area (e.g., widening doorways and installing ramps);

(ii) Costs associated with making restrooms accessible (e.g., grab bars, enlarged toilet stalls, accessible faucet controls);

(iii) Costs associated with providing accessible telephones (e.g., relocation of phones to an accessible height, installation of amplification devices or TTYs);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(f)(1) When the cost of alterations necessary to make a path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, then such areas shall be made accessible to the maximum extent without resulting in disproportionate costs;

(2) In this situation, the public entity should give priority to accessible elements that will provide the greatest access, in the following order:

(i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom (where there are one or more restrooms);

(iv) Accessible telephones;

(v) Accessible drinking fountains;

(vi) When possible, other accessible elements (e.g., parking, storage, alarms).

(g) If a public entity performs a series of small alterations to the area served by a single path of travel rather than making the alterations as part of a single undertaking, it shall nonetheless be responsible for providing an accessible path of travel.

(h)(1) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alteration to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel is disproportionate;

(2) For the first three years after January 1, 1997, only alterations undertaken between that date and the date of the alteration at issue shall be considered in determining if the cost of providing accessible features is disproportionate to the overall cost of the alteration.

(3) Only alterations undertaken after January 1, 1997, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alteration.

§ 37.45 Construction and alteration of transportation facilities by covered entities.

In constructing and altering transit facilities, covered entities shall comply with the regulations of the Board implementing title III of the ADA, as applied by section 210 of the CAA (part 36).

§ 37.47 Key stations in light and rapid rail systems.

(a) Each public entity that provides designated public transportation by means of a light or rapid rail system shall make key stations on its system readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. This requirement is separate from and in addition to requirements set forth in § 37.43 of this part.

(b) Each public entity shall determine which stations on its system are key stations. The entity shall identify key stations, using the planning and public participation process set forth in paragraph (d) of this section, and taking into consideration the following criteria:

(1) Stations where passenger boardings exceed average station passenger boardings on the rail system by at least fifteen percent, unless such a station is close to another accessible station;

(2) Transfer stations on a rail line or between rail lines;

(3) Major interchange points with other transportation modes, including stations connecting with major parking facilities, bus terminals, intercity or commuter rail stations, passenger vessel terminals, or airports;

(4) End stations, unless an end station is close to another accessible station; and

(5) Stations serving major activity centers, such as employment or government centers, institutions of higher education, hospitals or other major health care facilities, or other facilities that are major trip generators for individuals with disabilities.

(c)(1) Unless an entity receives an extension under paragraph (c)(2) of this section, the public entity shall achieve accessibility of key stations as soon as practicable, but in no case later than January 1, 2000, except that an entity is not required to complete installation of detectable warnings required by section 10.3.2(2) of appendix A to this part until January 1, 2001.

(2) The General Counsel may grant an extension of this completion date for key station accessibility for a period up to January 1, 2025, provided that two-thirds of key stations are made accessible by January 1, 2015. Extensions may be granted as provided in paragraph (e) of this section.

(d) The public entity shall develop a plan for compliance for this section. The plan shall be submitted to the General Counsel's office by July 1, 1997.

(1) The public entity shall consult with individuals with disabilities affected by the plan. The public entity also shall hold at least one public hearing on the plan and solicit comments on it. The plan submitted to General Counsel shall document this public participation, including summaries of the consultation with individuals with disabilities and the comments received at the hearing and during the comment period. The plan also shall summarize the public entity's responses to the comments and consultation.

(2) The plan shall establish milestones for the achievement of required accessibility of key stations, consistent with the requirements of this section.

(e) A public entity wishing to apply for an extension of the January 1, 2000, deadline for key station accessibility shall include a request for an extension with its plan submitted to the General Counsel under paragraph (d) of this section. Extensions may be granted only with respect to key stations which need extraordinarily expensive structural changes to, or replacement of, existing facilities (e.g., installations of elevators, raising the entire passenger platform, or alterations of similar magnitude and cost). Requests for extensions shall provide for completion of key station accessibility within the time limits set forth in paragraph (c) of this section. The General Counsel may approve, approve with conditions, modify, or disapprove any request for an extension.

§§ 37.49–37.59 [Reserved]

§ 37.61 Public transportation programs and activities in existing facilities.

(a) A public entity shall operate a designated public transportation program or activity conducted in an existing facility so that, when viewed in its entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(b) This section does not require a public entity to make structural changes to existing facilities in order to make the facilities accessible by individuals who use wheelchairs, unless and to the extent required by § 37.43 (with respect to alterations) or § 37.47 of this part (with respect to key stations). Entities shall comply with other applicable accessibility requirements for such facilities.

(c) Public entities, with respect to facilities that, as provided in paragraph (b) of this section, are not required to be made accessible to individuals who use wheelchairs, are not required to provide to such individuals services made available to the general public at such facilities when the individuals could not utilize or benefit from the services.

§§ 37.63–37.69 [Reserved]

Subpart D—Acquisition of Accessible Vehicles by Public Entities

§ 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system making a solicitation after January 31, 1997, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a new bus that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if it applies for, and the General Counsel grants, a waiver as provided for in this section.

(c) Before submitting a request for such a waiver, the public entity shall hold at least one public hearing concerning the proposed request.

(d) The General Counsel may grant a request for such a waiver if the public entity demonstrates to the General Counsel's satisfaction that—

(1) The initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) Hydraulic, electromechanical, or other lifts for such new buses could not be provided by any qualified lift manufacturer to the manufacturer of such new buses in sufficient time to comply with the solicitation; and

(3) Any further delay in purchasing new buses equipped with such necessary lifts would significantly impair transportation services in the community served by the public entity.

(e) The public entity shall include with its waiver request a copy of the initial solicitation and written documentation from the bus manufacturer of its good faith efforts to obtain lifts in time to comply with the solicitation, and a full justification for the assertion that the delay in bus procurement needed to obtain a lift-equipped bus would significantly impair transportation services in the community. This documentation shall include a specific date at which the lifts could be supplied, copies of advertisements in trade publications and inquiries to trade associations seeking lifts, and documentation of the public hearing.

(f) Any waiver granted by the General Counsel under this section shall be subject to the following conditions:

(1) The waiver shall apply only to the particular bus delivery to which the waiver request pertains;

(2) The waiver shall include a termination date, which will be based on information concerning when lifts will become available

for installation on the new buses the public entity is purchasing. Buses delivered after this date, even though procured under a solicitation to which a waiver applied, shall be equipped with lifts;

(3) Any bus obtained subject to the waiver shall be capable of accepting a lift, and the public entity shall install a lift as soon as one becomes available;

(4) Such other terms and conditions as the General Counsel may impose.

(g)(1) When the General Counsel grants a waiver under this section, he/she shall promptly notify any appropriate committees of Congress.

(2) If the General Counsel has reasonable cause to believe that a public entity fraudulently applied for a waiver under this section, the General Counsel shall:

(i) Cancel the waiver if it is still in effect; and

(ii) Take other appropriate action.

§37.73 Purchase or lease of used non-rail vehicles by public entities operating a fixed route system.

(a) Except as provided elsewhere in this section, each public entity operating a fixed route system purchasing or leasing, after January 31, 1997, a used bus or other used vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a used vehicle for use on its fixed route system that is not readily accessible to and usable by individuals with disabilities if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) An initial solicitation for used vehicles specifying that all used vehicles are to be lift-equipped and otherwise accessible to and usable by individuals with disabilities, or, if an initial solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to used vehicle dealers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the General Counsel and the public.

§37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.

(a) This section applies to any public entity operating a fixed route system which takes one of the following actions:

(1) After January 31, 1997, remanufactures a bus or other vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing; or

(2) Purchases or leases a bus or other vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after January 31, 1997, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a bus or other motor vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that including accessibility features required by this part would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a fixed route system, any segment of which is included on the National Register of Historic Places, and if making a vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity has only to make (or purchase or lease a remanufactured vehicle with) those modifications to make the vehicle accessible which do not alter the historic character of such vehicle, in consultation with the National Register of Historic Places.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the General Counsel for a determination of the historic character of the vehicle. The General Counsel shall refer such requests to the National Register of Historic Places, and shall rely on its advice in making determinations of the historic character of the vehicle.

§37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

(a) Except as provided in this section, a public entity operating a demand responsive system for the general public making a solicitation after January 31, 1997, to purchase or lease a new bus or other new vehicle for use on the system, shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) If the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.

(c) For purposes of this section, a demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

(1) Response time;

(2) Fares;

(3) Geographic area of service;

(4) Hours and days of service;

(5) Restrictions or priorities based on trip purpose;

(6) Availability of information and reservations capability; and

(7) Any constraints on capacity or service availability.

(d) A public entity, which determines that its service to individuals with disabilities is equivalent to that provided other persons shall, before any procurement of an inaccessible vehicle, make a certificate that it provides equivalent service meeting the standards of paragraph (c) of this section. A public entity shall make such a certificate and retain it in its files, subject to inspection on request of the General Counsel. All certificates under this paragraph may be made in connection with a particular procurement or in advance of a procurement; however, no certificate shall be valid for more than one year.

(e) The waiver mechanism set forth in §37.71(b)-(g) (unavailability of lifts) of this subpart shall also be available to public entities operating a demand responsive system for the general public.

§37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.

Each public entity operating a rapid or light rail system making a solicitation after January 31, 1997, to purchase or lease a new rapid or light rail vehicle for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

§37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.

(a) Except as provided elsewhere in this section, each public entity operating a rapid or light rail system which, after January 31, 1997, purchases or leases a used rapid or light rail vehicle for use on the system shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) A public entity may purchase or lease a used rapid or light rail vehicle for use on its rapid or light rail system that is not readily accessible to and usable by individuals if, after making demonstrated good faith efforts to obtain an accessible vehicle, it is unable to do so.

(c) Good faith efforts shall include at least the following steps:

(1) The initial solicitation for used vehicles made by the public entity specifying that all used vehicles were to be accessible to and usable by individuals with disabilities, or, if a solicitation is not used, a documented communication so stating;

(2) A nationwide search for accessible vehicles, involving specific inquiries to manufacturers and other transit providers; and

(3) Advertising in trade publications and contacting trade associations.

(d) Each public entity purchasing or leasing used rapid or light rail vehicles that are not readily accessible to and usable by individuals with disabilities shall retain documentation of the specific good faith efforts it made for three years from the date the vehicles were purchased. These records shall be made available, on request, to the General Counsel and the public.

§37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.

(a) This section applies to any public entity operating a rapid or light rail system which takes one of the following actions:

(1) After January 31, 1997, remanufactures a light or rapid rail vehicle so as to extend its useful life for five years or more or makes a solicitation for such remanufacturing;

(2) Purchases or leases a light or rapid rail vehicle which has been remanufactured so as to extend its useful life for five years or more, where the purchase or lease occurs after January 31, 1997, and during the period in which the useful life of the vehicle is extended.

(b) Vehicles acquired through the actions listed in paragraph (a) of this section shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) For purposes of this section, it shall be considered feasible to remanufacture a rapid or light rail vehicle so as to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless an engineering analysis demonstrates that doing so would have a significant adverse effect on the structural integrity of the vehicle.

(d) If a public entity operates a rapid or light rail system any segment of which is included on the National Register of Historic Places and if making a rapid or light rail vehicle of historic character used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity need only make (or purchase or lease a remanufactured vehicle with) those modifications that do not alter the historic character of such vehicle.

(e) A public entity operating a fixed route system as described in paragraph (d) of this section may apply in writing to the General Counsel for a determination of the historic character of the vehicle. The General Counsel shall refer such requests to the National Register of Historic Places and shall rely on its advice in making a determination of the historic character of the vehicle.

§§ 37.85–37.91 [Reserved]

§ 37.93 One car per train rule.

(a) The definition of accessible for purposes of meeting the one car per train rule is spelled out in the applicable subpart for each transportation system type in part 38 of these regulations.

(b) Each public entity providing light or rapid rail service shall ensure that each train, consisting of two or more vehicles, includes at least one car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no case later than December 31, 2001.

§ 37.95 [Reserved]

§§ 37.97–37.99 [Reserved]

Subpart E—Acquisition of Accessible Vehicles by Covered Entities

§ 37.101 Purchase or lease of vehicles by covered entities not primarily engaged in the business of transporting people.

(a) *Application.* This section applies to all purchases or leases of vehicles by covered entities which are not primarily engaged in the business of transporting people, in which a solicitation for the vehicle is made after January 31, 1997.

(b) *Fixed Route System, Vehicle Capacity Over 16.* If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) *Fixed Route System, Vehicle Capacity of 16 or Fewer.* If the entity operates a fixed route system and purchases or leases a vehicle with a seating capacity of 16 or fewer passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

(d) *Demand Responsive System, Vehicle Capacity Over 16.* If the entity operates a demand responsive system, and purchases or leases a vehicle with a seating capacity of over 16 passengers (including the driver) for use on the system, it shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, meets the standard for equivalent service of § 37.105 of this part.

(e) *Demand Responsive System, Vehicle Capacity of 16 or Fewer.* Entities providing demand responsive transportation covered under this section are not specifically required to ensure that new vehicles with seating capacity of 16 or fewer are accessible to individuals with wheelchairs. These entities are required to ensure that their systems, when viewed in their entirety, meet the equivalent service requirements of §§ 37.171 and 37.105, regardless of whether or not the entities purchase a new vehicle.

§ 37.103 [Reserved]

§ 37.105 Equivalent service standard.

For purposes of §37.101 of this part, a fixed route system or demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

(a)(1) Schedules/headways (if the system is fixed route);

(2) Response time (if the system is demand responsive);

(b) Fares;

(c) Geographic area of service;

(d) Hours and days of service;

(e) Availability of information;

(f) Reservations capability (if the system is demand responsive);

(g) Any constraints on capacity or service availability;

(h) Restrictions priorities based on trip purpose (if the system is demand responsive).

§§ 37.107–37.109 [Reserved]

§§ 37.111–37.119 [Reserved]

Subpart F—Paratransit as a Complement to Fixed Route Service

§ 37.121 Requirement for comparable complementary paratransit service.

(a) Except as provided in paragraph (c) of this section, each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

(b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of §§ 37.123–37.133 of this subpart. The requirement to comply with § 37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden.

(c) Requirements for complementary paratransit do not apply to commuter bus systems.

§ 37.123 CAA paratransit eligibility standards.

(a) Public entities required by § 37.121 of this subpart to provide complementary paratransit service shall provide the service to the CAA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be CAA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be CAA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than CAA paratransit eligible individuals. However, only the cost of service to CAA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under §§ 37.151–37.155 of this part.

(e) The following individuals are CAA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in § 37.167(g) of this part.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of part 38 of these regulations), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but

(A) there is not yet one accessible car per train on the system; or

(B) key stations have not yet been made accessible.

(3) Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying a CAA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the CAA paratransit eligible individual shall be provided service.

(i) If the CAA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual.

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the CAA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the CAA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to CAA paratransit eligible individuals.

(3) In order to be considered as "accompanying" the eligible individual for purposes of this paragraph, the other individual(s) shall have the same origin and destination as the eligible individual.

§ 37.125 CAA paratransit eligibility: process.

Each public entity required to provide complementary paratransit service by § 37.121 of this part shall establish a process for determining CAA paratransit eligibility.

(a) The process shall strictly limit CAA paratransit eligibility to individuals specified in § 37.123 of this part.

(b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.

(c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provide service until and unless the entity denies the application.

(d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding.

(e) The public entity shall provide documentation to each eligible individual stating that he or she is "CAA Paratransit Eligible." The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant.

(f) The entity may require recertification of the eligibility of CAA paratransit eligible individuals at reasonable intervals.

(g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.

(1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.

(2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it;

(3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

(h) The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to CAA eligible individuals who establish a pattern or practice of missing scheduled trips.

(1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.

(2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction;

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.

(i) In applications for CAA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

§ 37.127 Complementary paratransit service for visitors.

(a) Each public entity required to provide complementary paratransit service under § 37.121 of this part shall make the service available to visitors as provided in this section.

(b) For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.

(c) Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are CAA paratransit eligible, under the criteria of § 37.125 of this part, in the jurisdiction in which they reside.

(d) With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

(e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.

§ 37.129 Types of service.

(a) Except as provided in this section, complementary paratransit service for CAA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for CAA paratransit eligible persons described in § 37.123(e)(2) of this part may also be provided by on-call bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

(c) Complementary paratransit service for CAA eligible persons described in § 37.123 (e)(3) of this part also may be provided by paratransit feeder service to and/or from an accessible fixed route.

§ 37.131 Service criteria for complementary paratransit.

The following service criteria apply to complementary paratransit required by § 37.121 of this part.

(a) *Service Area*—(1) Bus. (i) The entity shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. The corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.

(ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.

(iii) Outside the core service area, the entity may designate corridors with widths from three fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.

(iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served.

(2) *Rail.* (i) For rail systems, the service area shall consist of a circle with a radius of¾ of a mile around each station.

(ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to 1½ miles as part of its service area, based on local circumstances.

(3) *Jurisdictional Boundaries.* Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any part of its service area.

(b) *Response Time.* The entity shall schedule and provide paratransit service to any CAA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require a CAA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity may permit advance reservations to be made up to 14 days in advance of a CAA paratransit eligible individual's desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of §37.131(b) and (c).

(c) *Fares*. The fare for a trip charged to a CAA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.

(2) The fares for individuals accompanying CAA paratransit eligible individuals, who are provided service under §37.123(f) of this part, shall be the same as for the CAA paratransit eligible individuals they are accompanying.

(3) A personal care attendant shall not be charged for complementary paratransit service.

(4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

(d) *Trip Purpose Restrictions*. The entity shall not impose restrictions or priorities based on trip purpose.

(e) *Hours and Days of Service*. The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(f) *Capacity Constraints*. The entity shall not limit the availability of complementary paratransit service to CAA paratransit eligible individuals by any of the following:

(1) Restrictions on the number of trips an individual will be provided;

(2) Waiting lists for access to the service; or

(3) Any operational pattern or practice that significantly limits the availability of service to CAA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

(g) *Additional Service*. Public entities may provide complementary paratransit service to CAA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under §§37.151–37.155 of this part.

§37.133 Subscription Service.

(a) This part does not prohibit the use of subscription service by public entities as part of a complementary paratransit system, subject to the limitations in this section.

(b) Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is excess non-subscription capacity.

(c) Notwithstanding any other provision of this part, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

§37.135 Submission of paratransit plan.

(a) *General*. Each public entity operating fixed route transportation service, which is required by §37.121 to provide complementary paratransit service, shall develop a paratransit plan.

(b) *Initial Submission*. Except as provided in §37.141 of this part, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by June 1, 1998, to the appropriate location identified in paragraph (f) of this section.

(c) *Annual Updates*. Except as provided in this paragraph, each entity shall submit its annual update to the plan on June 1 of each succeeding year.

(1) If an entity has met and is continuing to meet all requirements for complementary paratransit in §§37.121–37.133 of this part, the entity may submit to the General Counsel an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under §37.141 may submit a joint certification under this paragraph. The requirements of §§37.137(a) and (b), 37.138 and 37.139 do not apply when a certification is submitted under this paragraph.

(2) In the event of any change in circumstances that results in an entity which has submitted a certification of continued compliance falling short of compliance with §§37.121–37.133, the entity shall immediately notify the General Counsel in writing of the problem. In this case, the entity shall also file a plan update meeting the requirements of §§37.137–37.139 of this part on the next following June 1 and in each succeeding year until the entity returns to full compliance.

(3) An entity that has demonstrated undue financial burden to the General Counsel shall file a plan update meeting the requirements of §§37.137–37.139 of this part on each June 1 until full compliance with §§37.121–37.133 is attained.

(4) If the General Counsel reasonably believes that an entity may not be fully complying with all service criteria, the General Counsel may require the entity to provide an annual update to its plan.

(d) *Phase-in of Implementation*. Each plan shall provide for full compliance by no later than June 1, 2003, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after June 1, 1999, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) *Plan Implementation*. Each entity shall begin implementation of its plan on June 1, 1998.

(f) *Submission Locations*. An entity shall submit its plan to the General Counsel's office

§37.137 Paratransit plan development.

(a) *Survey of existing services*. Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or covered) which provides a paratransit or other special transportation service for CAA paratransit eligible individuals in the service area to which the plan applies.

(b) *Public participation*.

Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) *Outreach*. Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan.

(2) *Consultation with individuals with disabilities*. Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the pubic, except where disclosure would be an unwarranted invasion of personal privacy.

(3) *Opportunity for public comment*. The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats.

(4) *Public hearing*. The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) *Special requirements*. If the entity intends to phase-in its paratransit service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(c) *Ongoing requirement*. The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission.

§37.139 Plan contents.

Each plan shall contain the following information:

(a) Identification of the entity or entities submitting the plan, specifying for each—

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 1, 1997 (or subsequent year for annual updates), including—

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs;

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

(1) An inventory of service provided by the public entity submitting the plan;

(2) An inventory of service provided by other agencies or organizations, which may

in whole or in part be used to meet the requirement for complementary paratransit service; and

(3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in §37.131 of this part of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of CAA paratransit eligibility.

(d) A description of the plan to provide comparable paratransit, including:

(1) An estimate of demand for comparable paratransit service by CAA eligible individuals and a brief description of the demand estimation methodology used;

(2) An analysis of differences between the paratransit service currently provided and what is required under this part by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;

(3) A brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the CAA paratransit service criteria;

(4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in §37.131 of this part—service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph;

(5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than June 1, 2003. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly;

(6) A budget for comparable paratransit service, including capital and operating expenditures over five years.

(e) A description of the process used to certify individuals with disabilities as CAA paratransit eligible. At a minimum, this must include—

(1) A description of the application and certification process, including—

(i) The availability of information about the process and application materials in accessible formats;

(ii) The process for determining eligibility according to the provisions of §§37.123–37.125 of this part and notifying individuals of the determination made;

(iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and

(iv) The documentation given to eligible individuals.

(2) A description of the administrative appeals process for individuals denied eligibility.

(3) A policy for visitors, consistent with §37.127 of this part.

(f) Description of the public participation process including—

(1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.

(2) A summary of significant issues raised during the public comment period, along with a response to significant comments and discussion of how the issues were resolved.

(g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this part which have overlapping or contiguous service areas or jurisdictions.

(h) The following endorsements or certifications:

(1) a resolution adopted by the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;

(2) a certification that the survey of existing paratransit service was conducted as required in §37.137(a) of this part;

(3) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:

(i) CAA paratransit eligible individuals have access to the service;

(ii) The service is provided in the manner represented; and

(iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) a request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for the General Counsel to consider the factors in §37.155 of this part. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) Annual plan updates. (1) The annual plan updates submitted June 1, 1999, and annually thereafter, shall include information necessary to update the information requirements of this section. Information submitted annually must include all significant changes and revisions to the timetable for implementation;

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in §37.137 of this part.

§37.141 Requirements for a joint paratransit plan.

(a) Two or more public entities with overlapping or contiguous service areas or jurisdictions may develop and submit a joint plan providing for coordinated paratransit service. Joint plans shall identify the participating entities and indicate their commitment to participate in the plan.

(b) To the maximum extent feasible, all elements of the coordinated plan shall be submitted on June 1, 1998. If a coordinated plan is not completed by June 1, 1998, those entities intending to coordinate paratransit service must submit a general statement declaring their intention to provide coordinated service and each element of the plan specified in §37.139 to the extent practicable. In addition, the plan must include the following certifications from each entity involved in the coordination effort:

(1) a certification that the entity is committed to providing CAA paratransit service as part of a coordinated plan.

(2) a certification from each public entity participating in the plan that it will maintain current levels of paratransit service until the coordinated plan goes into effect.

(c) Entities submitting the above certifications and plan elements in lieu of a completed plan on June 1, 1998, must submit a complete plan by December 1, 1998.

(d) Filing of an individual plan does not preclude an entity from cooperating with other entities in the development or implementation of a joint plan. An entity wishing to join with other entities after its initial submission may do so by meeting the filing requirements of this section.

§37.143 Paratransit plan implementation.

(a) Each entity shall begin implementation of its complementary paratransit plan, pending notice from the General Counsel. The implementation of the plan shall be consistent with the terms of the plan, including any specified phase-in period.

(b) If the plan contains a request for a waiver based on undue financial burden, the entity shall begin implementation of its plan, pending a determination on its waiver request.

§37.145 [Reserved]

§37.147 Considerations during General Counsel review.

In reviewing each plan, at a minimum the General Counsel will consider the following:

(a) Whether the plan was filed on time;

(b) Comments submitted by the state, if applicable;

(c) Whether the plan contains responsive elements for each component required under §37.139 of this part;

(d) Whether the plan, when viewed in its entirety, provides for paratransit service comparable to the entity's fixed route service;

(e) Whether the entity complied with the public participation efforts required by this part; and

(f) The extent to which efforts were made to coordinate with other public entities with overlapping or contiguous service areas or jurisdictions.

§37.149 Disapproved plans.

(a) If a plan is disapproved in whole or in part, the General Counsel will specify which provisions are disapproved. Each entity shall amend its plan consistent with this information and resubmit the plan to the General Counsel's office within 90 days of receipt of the disapproval letter.

(b) Each entity revising its plan shall continue to comply with the public participation requirements applicable to the initial development of the plan (set out in §37.137 of this part).

§37.151 Waiver for undue financial burden.

If compliance with the service criteria of §37.131 of this part creates an undue financial burden, an entity may request a waiver from all or some of the provisions if the entity has complied with the public participation requirements in §37.137 of this part and if the following conditions apply:

(a) At the time of submission of the initial plan on June 1, 1998—

(1) The entity determines that it cannot meet all of the service criteria by June 1, 2003; or

(2) The entity determines that it cannot make measured progress toward compliance in any year before full compliance is required. For purposes of this part, measured progress means implementing milestones as scheduled, such as incorporating an additional paratransit service criterion or improving an aspect of a specific service criterion.

(b) At the time of its annual plan update submission, if the entity believes that circumstances have changed since its last submission, and it is no longer able to comply by June 1, 2003, or make measured progress in any year before 2003, as described in paragraph (a)(2) of this section.

§37.153 General Counsel waiver determination.

(a) The General Counsel will determine whether to grant a waiver for undue financial burden on a case-by-case basis, after considering the factors identified in §37.155 of this part and the information accompanying the request. If necessary, the General Counsel will return the application with a request for additional information.

(b) Any waiver granted will be for a limited and specified period of time.

(c) If the General Counsel grants the applicant a waiver, the General Counsel will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the General Counsel determines are appropriate to maximize the complementary paratransit service that is provided to CAA paratransit eligible individuals. When making changes to its plan, the entity shall use the public participation process specified for plan development and shall consider first a reduction in number of trips provided to each CAA paratransit eligible person per month, while attempting to meet all other service criteria.

(2) Require the pubic entity to provide basic complementary paratransit services to all CAA paratransit eligible individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service shall include at least complementary paratransit service in corridors defined as provided in §37.131(a) along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the day.

(ii) For purposes of this section, core service hours encompass at least peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the General Counsel determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to CAA paratransit eligible individuals to the maximum extent feasible.

§37.155 Factors in decision to grant an undue financial burden waiver.

(a) In making an undue financial burden determination, the General Counsel will consider the following factors:

(1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Average number of trips made by the entity's general population, on a per capita basis, compared with the average number of trips to be made by registered CAA paratransit eligible persons, on a per capita basis;

(3) Reductions in other services, including other special services;

(4) Increases in fares;

(5) Resources available to implement complementary paratransit service over the period covered by the plan;

(6) Percentage of budget needed to implement the plan, both as a percentage of operating budget and a percentage of entire budget;

(7) The current level of accessible service, both fixed route and paratransit;

(8) Cooperation/coordination among area transportation providers;

(9) Evidence of increased efficiencies, that have been or could be effectuated, that would benefit the level and quality of available resources for complementary paratransit service; and

(10) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b)(1) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this part to CAA paratransit eligible individuals, by entities responsible under this part for providing such service.

(2) If the entity determines that it is impracticable to distinguish between trips mandated by the CAA and other trips on a trip-by-trip basis, the entity shall attribute to CAA complementary paratransit requirements a percentage of its overall paratransit costs. This percentage shall be determined by a statistically valid methodology that determines the percentage of trips that are required by this part. The entity shall submit information concerning its methodology and the data on which its percentage is based with its request for a waiver. Only costs attributable to CAA-mandated trips may be considered with respect to a request for an undue financial burden waiver.

(3) Funds to which the entity would be legally entitled, but which, as a matter of State or local funding arrangements, are provided to another entity and used by that entity to provide paratransit service which is part of a coordinated system of paratransit meeting the requirements of this part, may be counted in determining the burden associated with the waiver request.

Subpart G—Provision of Service

§37.161 Maintenance of accessible features: general.

(a) Public and covered entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing.

(b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

(c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§37.163 Keeping vehicle lifts in operative condition: public entities.

(a) This section applies only to public entities with respect to lifts in non-rail vehicles.

(b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

(c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.

(d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.

(e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

(f) In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work.

§37.165 Lift and securement use.

(a) This section applies to public and covered entities.

(b) All common wheelchairs and their users shall be transported in the entity's vehicles or other conveyances. The entity is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

(c) (1) For vehicles complying with part 38 of these regulations, the entity shall use the securement system to secure wheelchairs as provided in that part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

(e) The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. Provided that an entity is not required to permit such individuals to use a lift Model 141 manufactured by EEC, Inc. If the entity chooses not to allow such individuals to use such a lift, it shall clearly notify consumers of this fact by signage on the exterior of the vehicle (adjacent to and of equivalent size with the accessibility symbol).

§ 37.167 Other service requirements.

(a) This section applies to public and covered entities.

(b) On fixed route systems, the entity shall announce stops as follows:

(1) The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.

(2) The entity shall announce any stop on request of an individual with a disability.

(c) Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.

(d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

(e) The entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by part 38 of these regulations.

(f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

(g) The entity shall not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers.

(h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials.

(i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

(j)(1) When an individual with a disability enters a vehicle, and because of a disability, the individual needs to sit in a seat or occupy a wheelchair securement location, the entity shall ask the following person to move in order to allow the individual with a disability to occupy the seat or securement location:

(i) Individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary);

(ii) Individuals sitting in or a fold-down or other movable seat in a wheelchair securement location.

(2) This requirement applies to light rail and rapid rail systems only to the extent practicable.

(3) The entity is not required to enforce the request that other passengers move from priority seating areas or wheelchair securement locations.

(4) In all signage designating priority seating areas for elderly persons or persons with disabilities, or designating wheelchair securement areas, the entity shall include language informing persons sitting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability. This requirement applies to all fixed route vehicles when they are acquired by the entity or to new or replacement signage in the entity's existing fixed route vehicles.

§ 37.169 Interim requirements for over-the-road bus service operated by covered entities.

(a) Covered entities operating over-the-road buses, in addition to compliance with other applicable provisions of this part, shall provide accessible service as provided in this section.

(b) The covered entity shall provide assistance, as needed, to individuals with disabilities in boarding and disembarking, including moving to and from the bus seat for the purpose of boarding and disembarking. The covered entity shall ensure that personnel are trained to provide this assistance safely and appropriately.

(c) To the extent that they can be accommodated in the areas of the passenger compartment provided for passengers' personal effects, wheelchairs or other mobility aids and assistive devices used by individuals with disabilities, or components of such devices, shall be permitted in the passenger compartment. When the bus is at rest at a stop, the driver or other personnel shall assist individuals with disabilities with the stowage and retrieval of mobility aids, assistive devices, or other items that can be accommodated in the passenger compartment of the bus.

(d) Wheelchairs and other mobility aids or assistive devices that cannot be accommodated in the passenger compartment (including electric wheelchairs) shall be accommodated in the baggage compartment of the bus, unless the size of the baggage compartment prevents such accommodation.

(e) At any given stop, individuals with disabilities shall have the opportunity to have their wheelchairs or other mobility aids or assistive devices stowed in the baggage compartment before other baggage or cargo is loaded, but baggage or cargo already on the bus does not have to be off-loaded in order to make room for such devices.

(f) The entity may require up to 48 hours' advance notice only for providing boarding assistance. If the individual does not provide such notice, the entity shall nonetheless provide the service if it can do so by making a reasonable effort, without delaying the bus service.

§ 37.171 Equivalency requirement for demand responsive service operated by covered entities not primarily engaged in the business of transporting people.

A covered entity not primarily engaged in the business of transporting people which operates a demand responsive system shall ensure that its system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities. The standards of § 37.105 shall be used to determine if the entity is providing equivalent service.

§ 37.173 Training.

Each public or covered entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

APPENDIX A TO PART 37—STANDARDS FOR ACCESSIBLE TRANSPORTATION FACILITIES

[Copies of this appendix may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, SE., Washington, DC 20540–1999.]

APPENDIX B TO PART 37—CERTIFICATIONS

Certification of Equivalent Service

The (name of agency) certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

(1) Response time;

(2) Fares;

(3) Geographic service area;

(4) Hours and days of service;

(5) Restrictions on trip purpose;

(6) Availability of information and reservation capability; and

(7) Constraints on capacity or service availability.

This certification is valid for no longer than one year from its date of filing.

signature

name of authorized official

title

date

Existing Paratransit Service Survey

This is to certify that (name of public entity(ies)) has conducted a survey of existing paratransit services as required by section 37.137(a) of the CAA regulations.

signature

name of authorized official

title

date

Included Service Certification

This is to certify that service provided by other entities but included in the CAA paratransit plan submitted by (name of submitting entity(ies)) meets the requirements of part 37, subpart F of the CAA regulations providing that CAA eligible individuals have access to the service; the service is provided in the manner represented; and, that efforts will be made to coordinate the provision of paratransit service offered by other providers.

signature

name of authorized official

title

date

Joint Plan Certification I

This is to certify that (name of entity covered by joint plan) is committed to providing CAA paratransit service as part of this coordinated plan and in conformance with the requirements of part 37, subpart F, of the CAA regulations.

signature

name of authorized official

title

date

Joint Plan Certification II

This is to certify that (name of entity covered by joint plan) will, in accordance with section 37.141 of the CAA regulations, maintain current levels of paratransit service until the coordinated plan goes into effect.

signature

name of authorized official

title

date

PART 38—CONGRESSIONAL ACCOUNTABILITY ACT (CAA) ACCESSIBILITY GUIDELINES FOR TRANSPORTATION VEHICLES

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Subpart A—General

§38.1 Purpose.

This part provides minimum guidelines and requirements for accessibility standards in part 37 of these regulations for transportation vehicles required to be accessible by section 210 of the Congressional Accountability Act (2 U.S.C. 1331, *et seq.*) which, *inter alia*, applies the rights and protections of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 *et seq.*) to covered entities within the Legislative Branch.

§38.2 Equivalent facilitation.

Departures from particular technical and scoping requirements of these guidelines by use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the vehicle. Departures are to be considered on a case-by-case basis by the Office of Compliance under the procedure set forth in §37.7 of these regulations.

§38.3 Definitions.

See §37.3 of these regulations.

§38.4 Miscellaneous instructions.

(a) *Dimensional conventions.* Dimensions that are not noted as minimum or maximum are absolute.

(b) *Dimensional tolerances.* All dimensions are subject to conventional engineering tolerances for material properties and field conditions, including normal anticipated wear not exceeding accepted industry-wide standards and practices.

(c) *Notes.* The text of these guidelines does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the Appendix.

(d) *General terminology.* (1) *Comply with* means meet one or more specifications of these guidelines.

(2) *If*, or *if* * * * *then* denotes a specification that applies only when the conditions described are present.

(3) *May* denotes an option or alternative.

(4) *Shall* denotes a mandatory specification or requirement.

(5) *Should* denotes an advisory specification or recommendation and is used only in the appendix to this part.

Subpart B—Buses, Vans and Systems

§38.21 General.

(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations issued by the Board of Directors of the Office of Compliance in part 37 of these regulations, shall comply with the applicable provisions of this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible buses be retrofitted with lifts, ramps or other boarding devices.

§38.23 Mobility aid accessibility.

(a) *General.* All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less.

(b) *Vehicle lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the vehicle brakes, transmission, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where the lift is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., "rotary lift"), the requirements of this paragraph prohibiting the lift from being stowed while occupied shall not apply if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(3) *Emergency operation.* The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift and is intended to be stowed while occupied.

(4) *Power or equipment failure.* Platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the platform during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the vehicle until the platform is in its fully raised position. Each side of the lift platform which extends beyond the vehicle in its raised position shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically raise or close, or a supplementary system shall automatically engage, and remain raised, closed, or

engaged at all times that the platform is more than 3 inches above the roadway or sidewalk and the platform is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged, or disengaged by the lift operator, provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The platform surface shall be free of any protrusions over¼ inch high and shall be slip resistant. The platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the platform surface to 30 inches above the platform, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface of the platform. (See Fig. 1)

(7) *Platform gaps.* Any openings between the platform surface and the raised barriers shall not exceed⅝ inch in width. When the platform is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and the vehicle floor shall not exceed½ inch horizontally and⅝ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding 1½ inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8, measured on level ground, for a maximum rise of 3 inches, and the transition from roadway or sidewalk to ramp may be vertical without edge treatment up to¼ inch. Thresholds between¼ inch and½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll or pitch) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchair and mobility aid users.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails on two sides, which move in tandem with the lift, and which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(c) *Vehicle ramp*—(1) *Design load.* Ramps 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp surface shall be continuous and slip resistant; shall not have protrusions from the surface greater than¼ inch high; shall have a clear width of 30 inches; and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to¼ inch. Changes in level between¼ inch and½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps shall have the least slope practicable and shall not exceed 1:4 when deployed to ground level. If the height of the vehicle floor from which the ramp is deployed is 3 inches or less above a 6-inch curb, a maximum slope of 1:4 is permitted; if the height of the vehicle floor from which the ramp is deployed is 6 inches or less, but greater than 3 inches, above a 6-inch curb, a maximum slope of 1:6 is permitted; if the height of the vehicle floor from which the ramp is deployed is 9 inches or less, but greater than 6 inches, above a 6-inch curb, a maximum slope of 1:8 is permitted; if the height of the vehicle floor from which the ramp is deployed is greater than 9 inches above a 6-inch curb, a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment.* When in use for boarding or alighting, the ramp shall be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy power mobility aid and that no gap between vehicle and ramp exceeds⅝ inch.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps, including portable ramps stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop or maneuver.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the vehicle while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(d) *Securement devices*—(1) *Design load.* Securement systems on vehicles with GVWRs of 30,000 pounds or above, and their attachments to such vehicles, shall restrain a force in the forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds for each mobility aid. Securement systems on vehicles with GVWRs of up to 30,000 pounds, and their attachments to such vehicles, shall restrain a force in the forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and a minimum of 5,000 pounds for each mobility aid.

(2) *Location and size.* The securement system shall be placed as near to the accessible entrance as practicable and shall have a clear floor area of 30 inches by 48 inches. Such space shall adjoin, and may overlap, an access path. Not more than 6 inches of the required clear floor space may be accommodated for footrests under another seat provided there is a minimum of 9 inches from the floor to the lowest part of the seat overhanging the space. Securement areas may have fold-down seats to accommodate other passengers when a wheelchair or mobility aid is not occupying the area, provided the seats, when folded up, do not obstruct the clear floor space required. (See Fig. 2)

(3) *Mobility aids accommodated.* The securement system shall secure common wheelchairs and mobility aids and shall either be automatic or easily attached by a person familiar with the system and mobility aid and having average dexterity.

(4) *Orientation.* In vehicles in excess of 22 feet in length, at least one securement device or system required by paragraph (a) of this section shall secure the wheelchair or mobility aid facing toward the front of the vehicle. In vehicles 22 feet in length or less, the required securement device may secure the wheelchair or mobility aid either facing toward the front of the vehicle or rearward. Additional securement devices or systems shall secure the wheelchair or mobility aid facing forward or rearward. Where the wheelchair or mobility aid is secured facing the rear of the vehicle, a padded barrier shall be provided. The padded barrier shall extend from a height of 38 inches from the vehicle floor to a height of 56 inches from the vehicle floor with a width of 18 inches, laterally centered immediately in back of the seated individual. Such barriers need not be solid provided equivalent protection is afforded.

(5) *Movement.* When the wheelchair or mobility aid is secured in accordance with manufacturer's instructions, the securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operating conditions.

(6) *Stowage.* When not being used for securement, or when the securement area can be used by standees, the securement system shall not interfere with passenger movement, shall not present any hazardous condition, shall be reasonably protected from vandalism, and shall be readily accessed when needed for use.

(7) *Seat belt and shoulder harness.* For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of part 571 of title 49 CFR, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

§38.25 Doors, steps and thresholds.

(a) *Slip resistance.* All aisles, steps, floor areas where people walk and floors in securement locations shall have slip-resistant surfaces.

(b) *Contrast.* All step edges, thresholds, and the boarding edge of ramps or lift platforms shall have a band of color(s) running the full width of the step or edge which contrasts from the step tread and riser, or lift or ramp surface, either light-on-dark or dark-on-light.

(c) *Door height.* For vehicles in excess of 22 feet in length, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches. For vehicles of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.

§38.27 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.

(b) Each securement location shall have a sign designating it as such.

(c) Characters on signs required by paragraphs (a) and (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of⅝ inch, with "wide" spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and shall contrast with the background either light-on-dark or dark-on-light.

§38.29 Interior circulation, handrails and stanchions.

(a) Interior handrails and stanchions shall permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a securement location from the lift or ramp.

(b) Handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows persons with disabilities to grasp such assists from outside the vehicle while starting to board, and to continue using such assists throughout the boarding and fare collection process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used on vehicles in excess of 22 feet in length, a horizontal passenger assist shall be located across the front of the vehicle and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the front door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(c) For vehicles in excess of 22 feet in length, overhead handrail(s) shall be provided which shall be continuous except for a gap at the rear doorway.

(d) Handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(e) For vehicles in excess of 22 feet in length with front-door lifts or ramps, vertical stanchions immediately behind the driver shall either terminate at the lower edge of the aisle-facing seats, if applicable, or be "dog-legged" so that the floor attachment does not impede or interfere with wheelchair footrests. If the driver seat platform must be passed by a wheelchair or mobility aid user entering the vehicle, the platform, to the maximum extent practicable, shall not extend into the aisle or vestibule beyond the wheel housing.

(f) For vehicles in excess of 22 feet in length, the minimum interior height along the path from the lift to the securement location shall be 68 inches. For vehicles of 22 feet in length or less, the minimum interior height from lift to securement location shall be 56 inches.

§38.31 Lighting.

(a) Any stepwell or doorway immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread or lift platform.

(b) Other stepwells and doorways, including doorways in which lifts or ramps are installed, shall have, at all times, at least 2 foot-candles of illumination measured on the step tread, or lift or ramp, when deployed at the vehicle floor level.

(c) The vehicle doorways, including doorways in which lifts or ramps are installed, shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to all points on the bottom step tread outer edge. Such light(s) shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§38.33 Fare box.

Where provided, the farebox shall be located as far forward as practicable and shall not obstruct traffic in the vestibule, especially wheelchairs or mobility aids.

§38.35 Public information system.

(a) Vehicles in excess of 22 feet in length, used in multiple-stop, fixed-route service, shall be equipped with a public address system permitting the driver, or recorded or digitized human speech messages, to announce stops and provide other passenger information within the vehicle.

(b) [Reserved]

§38.37 Stop request.

(a) Where passengers may board or alight at multiple stops at their option, vehicles in excess of 22 feet in length shall provide controls adjacent to the securement location for requesting stops and which alerts the driver that a mobility aid user wishes to disembark. Such a system shall provide auditory and visual indications that the request has been made.

(b) Controls required by paragraph (a) of this section shall be mounted no higher than 48 inches and no lower than 15 inches above the floor, shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

§38.39 Destination and route signs.

(a) Where destination or route information is displayed on the exterior of a vehicle, each vehicle shall have illuminated signs on the front and boarding side of the vehicle.

(b) Characters on signs required by paragraph (a) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of 1 inch for signs on the boarding side and a minimum character height of 2 inches for front "headsigns", with "wide" spacing (generally, the space between letters shall be1/16 the height of upper case letters), and shall contrast with the background, either dark-on-light or light-on-dark.

Subpart C—Rapid Rail Vehicles and Systems

§38.51 General.

(a) New, used and remanufactured rapid rail vehicles, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(c) Existing vehicles which are retrofitted to comply with the "one-car-per-train rule" of §37.93 of these regulations shall comply with §§38.55, 38.57(b), 38.59 of this part and shall have, in new and key stations, at least one door complying with §§38.53(a)(1), (b) and (d) of this part. Removal of seats is not required. Vehicles previously designed and manufactured in accordance with the accessibility requirements of part 609 of title 49 CFR or the Secretary of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991 and which can be entered and used from stations in which they are to be operated, may be used to satisfy the requirements of §37.93 of these regulations.

§38.53 Doorways.

(a) *Clear width.* (1) Passenger doorways on vehicle sides shall have clear openings at least 32 inches wide when open.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have a minimum clear opening of 30 inches to permit wheelchair and mobility aid users to be evacuated to an adjoining vehicle in an emergency.

(b) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of accessible vehicles operating on an accessible rapid rail system unless all vehicles are accessible and are not marked by the access symbol. (See Fig. 6)

(c) *Signals.* Auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform*—(1) *Requirements.* Where new vehicles will operate in new stations, the design of vehicles shall be coordinated with the boarding platform design such that the horizontal gap between each vehicle door at rest and the platform shall be no greater than 3 inches and the height of the vehicle floor shall be within plus or minus⅝ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by vehicle air suspension or other suitable means of meeting the requirement.

(2) *Exception.* New vehicles operating in existing stations may have a floor height within plus or minus 1½ inches of the platform height. At key stations, the horizontal gap

between at least one door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception*. Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

§38.55 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them.

(b) Characters on signs required by paragraph (a) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of⅝ inch, with "wide" spacing (generally, the space between letters shall be1/16 the height of upper case letters), and shall contrast with the background, either light-on-dark or dark-on-light.

§38.57 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be provided to assist safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(b) Handrails, stanchions, and seats shall allow a route at least 32 inches wide so that at least two wheelchair or mobility aid users can enter the vehicle and position the wheelchairs or mobility aids in areas, each having a minimum clear space of 48 inches by 30 inches, which do not unduly restrict movement of other passengers. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required. Particular attention shall be given to ensuring maximum maneuverability immediately inside doors. Ample vertical stanchions from ceiling to seat-back rails shall be provided. Vertical stanchions from ceiling to floor shall not interfere with wheelchair or mobility aid user circulation and shall be kept to a minimum in the vicinity of doors.

(c) The diameter or width of the gripping surface of handrails and stanchions shall be 1¼ inches to 1½ inches or provide an equivalent gripping surface and shall provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface.

§38.59 Floor surfaces.

Floor surfaces on aisles, places for standees, and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

§38.61 Public information system.

(a)(1) *Requirements*. Each vehicle shall be equipped with a public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted. Each vehicle operating in stations having more than one line or route shall have an external public address system to permit transportation system personnel, or recorded or digitized human speech messages, to announce train, route, or line identification information.

(2) *Exception*. Where station announcement systems provide information on arriving trains, an external train speaker is not required.

(b) [Reserved]

§38.63 Between-car barriers.

(a) *Requirement*. Suitable devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars. Acceptable solutions include, but are not limited to, pantograph gates, chains, motion detectors or similar devices.

(b) *Exception*. Between-car barriers are not required where platform screens are provided which close off the platform edge and open only when trains are correctly aligned with the doors.

Subpart D—Light Rail Vehicles and Systems

§38.71 General.

(a) New, used and remanufactured light rail vehicles, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b)(1) Vehicles intended to be operated solely in light rail systems confined entirely to a dedicated right-of-way, and for which all stations or stops are designed and constructed for revenue service after the effective date of standards for design and construction §37.21 and §37.23 of these regulations, shall provide level boarding and shall comply with §38.73(d)(1) and §38.85 of this part.

(2) Vehicles designed for, and operated on, pedestrian malls, city streets, or other areas where level boarding is not practicable shall provide wayside or car-borne lifts, mini-high platforms, or other means of access in compliance with §38.83(b) or (c) of this part.

(c) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(d) Existing vehicles retrofitted to comply with the "one-car-per-train rule" at §37.93 of these regulations shall comply with §38.75, §38.77(c), §38.79(a) and §38.83(a) of this part and shall have, in new and key stations, at least one door which complies with §§38.73(a)(1), (b) and (d). Vehicles previously designed and manufactured in accordance with the accessibility requirements of 49 CFR part 609 or the Secretary of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991 and which can be entered and used from stations in which they are to be operated, may be used to satisfy the requirements of §37.93 of these regulations.

§38.73 Doorways.

(a) *Clear width*. (1) All passenger doorways on vehicle sides shall have minimum clear openings of 32 inches when open.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have a minimum clear opening of 30 inches to permit wheelchair and mobility aid users to be evacuated to an adjoining vehicle in an emergency.

(b) *Signage*. The International Symbol of Accessibility shall be displayed on the exterior of each vehicle operating on an accessible light rail system unless all vehicles are accessible and are not marked by the access symbol. (See Fig. 6)

(c) *Signals*. Auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform*—(1) *Requirements*. The design of level-entry vehicles shall be coordinated with the boarding platform or mini-high platform design so that the horizontal gap between a vehicle at rest and the platform shall be no greater than 3 inches and the height of the vehicle floor shall be within plus or minus⅝ inch of the platform height. Vertical alignment may be accomplished by vehicle air suspension, automatic ramps or lifts, or any combination.

(2) *Exception*. New vehicles operating in existing stations may have a floor height within plus or minus 1½ inches of the platform height. At key stations, the horizontal gap between at least one door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception*. Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

(4) *Exception*. Where it is not operationally or structurally practicable to meet the horizontal or vertical requirements of paragraphs (d)(1), (2) or (3) of this section, platform or vehicle devices complying with §38.83(b) or platform or vehicle mounted ramps or bridge plates complying with §38.83(c) shall be provided.

§38.75 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them.

(b) Where designated wheelchair or mobility aid seating locations are provided, signs shall indicate the location and advise other passengers of the need to permit wheelchair and mobility aid users to occupy them.

(c) Characters on signs required by paragraphs (a) or (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of⅝ inch, with "wide" spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and shall contrast with the background, either light-on-dark or dark-on-light.

§38.77 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(b) At entrances equipped with steps, handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows passengers to grasp such assists from outside the vehicle while starting to board, and to continue using such handrails or stanchions throughout the boarding process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used, a horizontal passenger assist shall be located between boarding passengers and the fare collection device and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting

the vestibule space, the assist shall provide support for a boarding passenger from the door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(c) At all doors on level-entry vehicles, and at each entrance accessible by lift, ramp, bridge plate or other suitable means, handrails, stanchions, passenger seats, vehicle driver seat platforms, and fare boxes, if applicable, shall be located so as to allow a route at least 32 inches wide so that at least two wheelchair or mobility aid users can enter the vehicle and position the wheelchairs or mobility aids in areas, each having a minimum clear space of 48 inches by 30 inches, which do not unduly restrict movement of other passengers. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required. Particular attention shall be given to ensuring maximum maneuverability immediately inside doors. Ample vertical stanchions from ceiling to seat-back rails shall be provided. Vertical stanchions from ceiling to floor shall not interfere with wheelchair or mobility aid circulation and shall be kept to a minimum in the vicinity of accessible doors.

§38.79 Floors, steps and thresholds.

(a) Floor surfaces on aisles, step treads, places for standees, and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All thresholds and step edges shall have a band of color(s) running the full width of the step or threshold which contrasts from the step tread and riser or adjacent floor, either light-on-dark or dark-on-light.

§38.81 Lighting.

(a) Any stepwell or doorway with a lift, ramp or bridge plate immediately adjacent to the driver shall have, when the door is open, at least 2 footcandles of illumination measured on the step tread or lift platform.

(b) Other stepwells, and doorways with lifts, ramps or bridge plates, shall have, at all times, at least 2 footcandles of illumination measured on the step tread or lift or ramp, when deployed at the vehicle floor level.

(c) The doorways of vehicles not operating at lighted station platforms shall have outside lights which provide at least 1 foot candle of illumination on the station platform or street surface for a distance of 3 feet perpendicular to all points on the bottom step tread. Such lights shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§38.83 Mobility aid accessibility.

(a)(1) *General.* All new light rail vehicles, other than level entry vehicles, covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift, ramp or bridge plate) complying with either paragraph (b) or (c) of this section and sufficient clearances to permit at least two wheelchair or mobility aid users to reach areas, each with a minimum clear floor space of 48 inches by 30 inches, which do not unduly restrict passenger flow. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required.

(2) *Exception.* If lifts, ramps or bridge plates meeting the requirements of this section are provided on station platforms or other stops required to be accessible, or mini-high platforms complying with §38.73(d) of this part are provided, the vehicle is not required to be equipped with a car-borne device. Where each new vehicle is compatible with a single platform-mounted access system or device, additional systems or devices are not required for each vehicle provided that the single device could be used to provide access to each new vehicle if passengers using wheelchairs or mobility aids could not be accommodated on a single vehicle.

(b) *Vehicle lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the vehicle brakes, propulsion system, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where physical or safety constraints prevent the deployment at some stops of a lift having its long dimension perpendicular to the vehicle axis, the transportation entity may specify a lift which is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., "rotary lift"). The requirements of paragraph (b)(2)(i) of this section prohibiting the lift from being stowed while occupied shall not apply to a lift design of this type if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(iii) *Exception.* The brake or propulsion system interlocks requirement does not apply to a station platform mounted lift provided that a mechanical, electrical or other system operates to ensure that vehicles do not move when the lift is in use.

(3) *Emergency operation.* The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift intended to be stowed while occupied.

(4) *Power or equipment failure.* Lift platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the lift during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the vehicle until the lift is in its fully raised position. Each side of the lift platform which extends beyond the vehicle in its raised position shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically rise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the lift is more than 3 inches above the station platform or roadway and the lift is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged or disengaged by the lift operator provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The lift platform surface shall be free of any protrusions over¼ inch high and shall be slip resistant. The lift platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the lift platform surface to 30 inches above the surface, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface. (See Fig. 1)

(7) *Platform gaps.* Any openings between the lift platform surface and the raised barriers shall not exceed⅝ inch wide. When the lift is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and vehicle floor shall not exceed½ inch horizontally and⅝ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding 1½ inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8 measured on level ground, for a maximum rise of 3 inches, and the transition from the station platform or roadway to ramp may be vertical without edge treatment up to¼ inch. Thresholds between¼ inch and½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the lift platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchairs and mobility aids.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The lift may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails, on two sides, which move in tandem with the lift which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(c) *Vehicle ramp or bridge plate* (1) *Design load.* Ramps or bridge plates 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp or bridge plate distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps or bridge plates shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp or bridge plate surface shall be continuous and slip resistant, shall not have protrusions from the surface greater than¼ inch, shall have a clear width of 30 inches, and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from roadway or station platform and the transition from vehicle floor to the ramp or bridge plate may be vertical without edge treatment up to¼ inch. Changes in level between¼ inch and½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp or bridge plate shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps or bridge plates shall have the least slope practicable. If the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 3 inches or less above the station platform a maximum slope of 1:4 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 6 inches or less, but more than 3 inches, above the station platform a maximum slope of 1:6 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 9 inches or less, but more than 6 inches, above the station platform a maximum slope of 1:8 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is greater than 9 inches above the station platform a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment.* (i) *Requirement.* When in use for boarding or alighting, the ramp or bridge plate shall be attached to the vehicle, or otherwise prevented from moving such that it is not subject to displacement when loading or unloading a heavy power mobility aid and that any gaps between vehicle and ramp or bridge plate, and station platform and ramp or bridge plate, shall not exceed⅝ inch.

(ii) *Exception.* Ramps or bridge plates which are attached to, and deployed from, station platforms are permitted in lieu of vehicle devices provided they meet the displacement requirements of paragraph (c)(6)(i) of this section.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps or bridge plates, including portable ramps or bridge plates stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the vehicle while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

§38.85 Between-car barriers.

Where vehicles operate in a high-platform, level-boarding mode, devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars. Appropriate devices include, but are not limited to, pantograph gates, chains, motion detectors or other suitable devices.

§38.87 Public information system.

(a) Each vehicle shall be equipped with an interior public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted.

(b) [Reserved].

38.91–38.127 [Reserved]

Subpart F—Over-the-Road Buses and Systems

§38.151 General.

(a) New, used and remanufactured over-the-road buses, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b) Over-the-road buses covered by §37.7(c) of these regulations shall comply with §38.23 and this subpart.

§38.153 Doors, steps and thresholds.

(a) Floor surfaces on aisles, step treads and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All step edges shall have a band of color(s) running the full width of the step which contrasts from the step tread and riser, either dark-on-light or light-on-dark.

(c) To the maximum extent practicable, doors shall have a minimum clear width when open of 30 inches, but in no case less than 27 inches.

§38.155 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows passengers to grasp such assists from outside the vehicle while starting to board, and to continue using such handrails or stanchions throughout the boarding process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used, a horizontal passenger assist shall be located between boarding passengers and the fare collection device and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(b) Where provided within passenger compartments, handrails or stanchions shall be sufficient to permit safe on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

§38.157 Lighting.

(a) Any stepwell or doorway immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread.

(b) The vehicle doorway shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to all points on the bottom step tread outer edge. Such light(s) shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§38.159 Mobility aid accessibility. [Reserved]

Subpart G—Other Vehicles and Systems

§38.171 General.

(a) New, used and remanufactured vehicles and conveyances for systems not covered by other subparts of this part, to be considered accessible by regulations in part 37 of these regulations, shall comply with this subpart.

(b) If portions of the vehicle or conveyance are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

§38.173 Automated guideway transit vehicles and systems.

(a) Automated Guideway Transit (AGT) vehicles and systems, sometimes called "people movers," operated in airports and other areas where AGT vehicles travel at slow speed (i.e., at a speed of no more than 20 miles per hour at any location on their route during normal operation), shall comply with the provisions of §38.53(a) through (c), and §§38.55 through 38.61 of this part for rapid rail vehicles and systems.

(b) Where the vehicle covered by paragraph (a) of this section will operate in an accessible station, the design of vehicles shall be coordinated with the boarding platform design such that the horizontal gap between a vehicle door at rest and the platform shall be no greater than 1 inch and the height of the vehicle floor shall be within plus or minus½ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by vehicle air

suspension or other suitable means of meeting the requirement.

(c) In stations where open platforms are not protected by platform screens, a suitable device or system shall be provided to prevent, deter or warn individuals from stepping off the platform between cars. Acceptable devices include, but are not limited to, pantograph gates, chains, motion detectors or other appropriate devices.

(d) Light rail and rapid rail AGT vehicles and systems shall comply with subparts D and C of this part, respectively. AGT systems whose vehicles travel at a speed of more than 20 miles per hour at any location on their route during normal operation are covered under this paragraph rather than under paragraph (a) of this subsection.

§ 38.175 [Reserved]

§ 38.177 [Reserved]

§ 38.179 Trams, similar vehicles and systems.

(a) New and used trams consisting of a tractor unit, with or without passenger accommodations, and one or more passenger trailer units, including but not limited to vehicles providing shuttle service to remote parking areas, between hotels and other public accommodations, and between and within amusement parks and other recreation areas, shall comply with this section. For purposes of determining applicability of §§37.101 or 37.105 of these regulations, the capacity of such a vehicle or "train" shall consist of the total combined seating capacity of all units, plus the driver, prior to any modification for accessibility.

(b) Each tractor unit which accommodates passengers and each trailer unit shall comply with § 38.25 and § 38.29 of this part. In addition, each such unit shall comply with §§38.23(b) or (c) and shall provide at least one space for wheelchair or mobility aid users complying with § 38.23(d) of this part unless the complete operating unit consisting of tractor and one or more trailers can already accommodate at least two wheelchair or mobility aid users.

Figures in Part 38—[Copies of these figures may be obtained from the Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540-1999.]

APPENDIX TO PART 38—GUIDANCE MATERIAL

This appendix contains materials of an advisory nature and provides additional information that should help the reader to understand the minimum requirements of the guidelines or to design vehicles for greater accessibility. Each entry is applicable to all subparts of this part except where noted. Nothing in this appendix shall in any way obviate any obligation to comply with the requirements of the guidelines themselves.

I. Slip Resistant Surfaces Aisles, Steps, Floor Area Where People Walk, Floor Areas in Securement Locations, Lift Platforms, Ramps

Slip resistance is based on the frictional force necessary to keep a shoe heel or crutch tip from slipping on a walking surface under conditions likely to be found on the surface. While the dynamic coefficient of friction during walking varies in a complex and nonuniform way, the static coefficient of friction, which can be measured in several ways, provides a close approximation of the slip resistance of a surface. Contrary to popular belief, some slippage is necessary to walking, especially for persons with restricted gaits; a truly "non-slip" surface could not be negotiated.

The Occupational Safety and Health Administration recommends that walking surfaces have a static coefficient of friction of 0.5. A research project sponsored by the Architectural and Transportation Barriers Compliance Board (Access Board) conducted tests with persons with disabilities and concluded that a higher coefficient of friction was needed by such persons. A static coefficient of friction of 0.6 is recommended for steps, floors, and lift platforms and 0.8 for ramps.

The coefficient of friction varies considerably due to the presence of contaminants, water, floor finishes, and other factors not under the control of transit providers and may be difficult to measure. Nevertheless, many common materials suitable for flooring are now labeled with information on the static coefficient of friction. While it may not be possible to compare one product directly with another, or to guarantee a constant measure, transit operators or vehicle designers and manufacturers are encouraged to specify materials with appropriate values. As more products include information on slip resistance, improved uniformity in measurement and specification is likely. The Access Board's advisory guidelines on Slip Resistant Surfaces provides additional information on this subject.

II. Color Contrast—Step Edges, Lift Platform Edges

The material used to provide contrast should contrast by at least 70%. Contrast in percent is determined by:

Contrast = $[(B_1 - B_2)/B_1] \times 100$

Where B_1 = light reflectance value (LRV) of the lighter area and B_2 = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

III. Handrails and Stanchions

In addition to the requirements for handrails and stanchions for rapid, light, and commuter rail vehicles, consideration should be given to the proximity of handrails or stanchions to the area in which wheelchair or mobility aid users may position themselves. When identifying the clear floor space where a wheelchair or mobility aid user can be accommodated, it is suggested that at least one such area be adjacent or in close proximity to a handrail or stanchion. Of course, such a handrail or stanchion cannot encroach upon the required 32 inch width required for the doorway or the route leading to the clear floor space which must be at least 30 by 48 inches in size.

IV. Priority Seating Signs and Other Signage

A. *Finish and Contrast.* The characters and background of signs should be eggshell, matte, or other non-glare finish. An eggshell finish (11 to 19 degree gloss on 60 degree glossimeter) is recommended. Characters and symbols should contrast with their background either light characters on a dark background or dark characters on a light background. Research indicates that signs are more legible for persons with low vision when characters contrast with their background by at least 70 percent. Contrast in percent is determined by:

Contrast = $[(B_1 - B_2)/B1] \times 100$

Where B_1 = light reflectance value (LRV) of the lighter area and B_2 = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

The greatest readability is usually achieved through the use of light-colored characters or symbols on a dark background.

B. *Destination and Route Signs.* The following specifications, which are required for buses (§ 38.39), are recommended for other types of vehicles, particularly light rail vehicles, where appropriate.

1. Where destination or route information is displayed on the exterior of a vehicle, each vehicle should have illuminated signs on the front and boarding side of the vehicle.

2. Characters on signs covered by paragraph IV.B.1 of this appendix should have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of 1 inch for signs on the boarding side and a minimum character height of 2 inches for front "headsigns," with "wide" spacing (generally, the space between letters shall be 1/16 the height of upper case letters), and should contrast with the background, either dark-on-light or light-on-dark, or as recommended above.

C. *Designation of Accessible Vehicles.* The International Symbol of Accessibility should be displayed as shown in Figure 6.

V. Public Information Systems

There is currently no requirement that vehicles be equipped with an information system which is capable of providing the same or equivalent information to persons with hearing loss. While the Department of Transportation assesses available and soon-to-be available technology during a study conducted during Fiscal Year 1992, entities are encouraged to employ whatever services, signage or alternative systems or devices that provide equivalent access and are available. Two possible types of devices are visual display systems and listening systems. However, it should be noted that while visual display systems accommodate persons who are deaf or are hearing impaired, assistive listening systems aid only those with a partial loss of hearing.

A. *Visual Display Systems.* Announcements may be provided in a visual format by the use of electronic message boards or video monitors.

Electronic message boards using a light emitting diode (LED) or "flip-dot" display are currently provided in some transit stations and terminals and may be usable in vehicles. These devices may be used to provide real time or pre-programmed messages; however, real time message displays require the availability of an employee for keyboard entry of the information to be announced.

Video monitor systems, such as visual paging systems provided in some airports (e.g., Baltimore-Washington International Airport), are another alternative. The Architectural and Transportation Barriers Compliance Board (Access Board) can provide technical assistance and information on these systems ("Airport TDD Access: Two Case Studies," (1990)).

B. *Assistive Listening Systems.* Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications.

An assistive listening system appropriate for transit vehicles, where a group of persons or where the specific individuals are not known in advance, may be different from the system appropriate for a particular individual provided as an auxiliary aid or as part of a reasonable accommodation. The appropriate device for an individual is the type

that individual can use, whereas the appropriate system for a station or vehicle will necessarily be geared toward the "average" or aggregate needs of various individuals. Earphone jacks with variable volume controls can benefit only people who have slight hearing loss and do not help people who use hearing aids. At the present time, magnetic induction loops are the most feasible type of listening system for people who use hearing aids equipped with "T-coils", but people without hearing aids or those with hearing aids not equipped with inductive pick-ups cannot use them without special receivers. Radio frequency systems can be extremely effective and inexpensive. People without hearing aids can use them, but people with hearing aids need a special receiver to use them as they are presently designed. If hearing aids had a jack to allow a by-pass of microphones, then radio frequency systems would be suitable for people with and without hearing aids. Some listening systems may be subject to interference from other equipment and feedback from hearing aids of people who are using the systems. Such interference can be controlled by careful engineering design that anticipates feedback sources in the surrounding area.

The Architectural and Transportation Barriers Compliance Board (Access Board) has published a pamphlet on Assistive Listening Systems which lists demonstration centers across the country where technical assistance can be obtained in selecting and installing appropriate systems. The state of New York has also adopted a detailed technical specification which may be useful.

NOTICE OF ADOPTION OF REGULATION AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of adoption of regulation and submission for approval was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to provisions of the Occupational Safety and Health Act of 1970 (Regulations under section 215 of the Congressional Accountability Act of 1995.)

The Congressional Accountability Act requires this notice be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

NOTICE OF ADOPTION OF REGULATION AND SUBMISSION FOR APPROVAL

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

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

SUPPLEMENTARY INFORMATION

Background and Summary

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

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

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

I. Summary of Comments and Board's Final Rules

A. Request for additional rulemaking proceedings

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

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

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

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

these prior rulemaking proceedings, the Board has developed a body of interpretations of the CAA upon which it has drawn in developing the proposed rules in this rulemaking.

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

More to the point, there is no reason to believe that procedures other than the traditional notice-and-comment procedures outlined in section 304 of the CAA would develop any further useful information in the context of rulemaking under section 215 especially given the information already gathered by the Office regarding these issues. Among other things, the General Counsel has conducted an inspection of all facilities within the Legislative Branch for compliance with health and safety standards under sections 215 and disability access standards under section 210, utilizing as guidelines standards that were in a form virtually identical to the regulations which the Board has proposed. The General Counsel also sent detailed inspection questionnaires to each Member of the House of Representatives and to each Member of the Senate regarding compliance with health and safety and disability access standards in District and Home State offices. The General Counsel's reports regarding compliance issues under sections 210 and 215 of the CAA were submitted June 28, 1996 and detailed the application of safety and health and disability regulations to conditions within the legislative branch. Copies of those reports were delivered in July 1996 to each Senator and Representative, to each committee of Congress, and to representatives of every other employing office in the Legislative Branch, including the commenter. No comments were received from anyone concerning the appropriateness of applying any such regulations to Legislative Branch offices, and the commenter has not provided any here.

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

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

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

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

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

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

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

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

B. Regulations that the Board proposed to adopt

1. Substantive health and safety standards at Parts 1910 and 1926, 29 CFR.—In the NPR, the Board proposed that otherwise applicable

health and safety standards of the Secretary's regulations published at Parts 1910 and 1926 of Title 29 of the Code of Federal Regulations ("29 CFR") be adopted with only limited modifications. All commenters agreed in general with the Board's proposal.

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

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

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

C. Regulations that the Board proposes not to adopt

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

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

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

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

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

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

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

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

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

not within the scope of the Board's rulemaking under section 215(d)(2).

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

D. Method for identifying responsible employing office

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

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

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

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

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

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

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

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

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

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

with legal authority to control the area) may be a different office than the "correcting" employing office and, therefore, may need to be a party to any proceeding so that complete relief can be granted by the hearing officer to ensure correction of the violation.

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

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

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

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

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

E. Future changes in text of health and safety standards

The commenters generally agreed with the Board's proposed approach regarding changes in the substantive health and safety standards. However, two commenters suggested that the Board expressly state the manner and frequency with and by which it plans to submit changes in substantive rules, and the manner and frequency with and by which the Office will advise employees and employing offices of changes to external documents.

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

F. Comments on specific provisions

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

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

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

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

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

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

G. Technical and nomenclature changes

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

II. Method of Approval

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

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

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

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

ADOPTED REGULATIONS

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

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

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

§1.101 Purpose and scope.

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

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

§1.102 Definitions.

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

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

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

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

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

(e) The term *employee of the Office of the Architect of the Capitol* includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

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

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

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

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

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

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

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

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

§1.103 Coverage.

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

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

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

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

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

(8) the Office of the Attending Physician; and

(9) the Office of Compliance.

§1.104 Notice of protection.

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

§1.105 Authority of the Board.

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

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

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

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

(b) *Employing Office(s) Responsible for Correcting a Violation of Section 215(a) of the CAA.* With respect to the safety and health standards and other obligations imposed upon employing offices under section 215(a) of the CAA, correction of a violation of section

215(a) is the responsibility of any employing office that is an exposing employing office, a creating employing office, a controlling employing office, and/or a correcting employing office, as defined in this subsection, to the extent that the employing office is in a position to correct or abate the hazard or to ensure its correction or abatement.

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

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

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

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

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

PART 1900—ADOPTION OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS

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

§1900.1 Purpose and scope.

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

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed in this Part. Other materials contained in the referenced parts are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporation by reference of part 1926, 29 CFR, is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the Occupational Safety and Health Act. Similarly, the incorporation by reference of part 1910, 29 CFR, is not intended to include any reference to the Assistant Secretary of Labor and the authorities of the Assistant Secretary. The authority to adopt, promulgate, and amend or revoke standards applicable to covered employment under the CAA rests with the Board of Directors of the Office of Compliance pursuant to sections 215(d) and 304 of the CAA. Notwithstanding anything to the contrary contained in the incorporated standards, the exclusive means for enforcement of these standards with respect to covered employment are the procedures and remedies provided for in section 215 of the CAA.

(c) This part incorporates the referenced safety and health standards in effect as of the effective date of these regulations.

§1900.2 Definitions, provisions regarding scope, applicability and coverage, and exemptions.

(a) Except where inconsistent with the definitions, provisions regarding scope, application and coverage, and exemptions provided in the CAA or other sections of these regulations, the definitions, provisions regarding scope, application and coverage, and exemptions provided in Parts 1910 and 1926, 29 CFR, as incorporated into these regulations, shall apply under these regulations. For example, any reference to "employer" in Parts 1910 and 1926 shall be deemed to refer to "employing office." Similarly, any limitation on coverage in Parts 1910 and 1926 to employers engaged "in a business that affects commerce" shall not apply in these regulations.

(b) The provisions of section 1910.6, 29 CFR, regarding the force and effect of standards of agencies of the U.S. Government and organizations that are not agencies of the U.S. Government, which are incorporated by reference in Part 1910, shall apply to the standards incorporated into these regulations.

(c) It is the Board's intent that the standards adopted in these regulations shall have the same force and effect as applied to covered employing offices and employees under section 215 of the CAA as those standards have when applied by OSHA to employers, employees, and places of employment under the jurisdiction of OSHA and the OSHAct.

§1900.3 Adoption of occupational safety and health standards.

(a) *Part 1910 Standards.* The standards prescribed in 29 CFR part 1910, Subparts B through S, and Subpart Z, as specifically referenced and set forth herein at Appendix A, are adopted as occupational safety and health standards under Section 215(d) of the CAA and shall apply, according to the provisions thereof, to every employment and place of employment of every covered employee engaged in work in an employing office. Each employing office shall protect the employment and places of employment of each of its covered employees by complying with the appropriate standards described in this paragraph.

(b) *Part 1926 Standards.* The standards prescribed in 29 CFR part 1926, Subparts C through X and Subpart Z, as specifically referenced and forth herein at Appendix B, are adopted as occupational safety and health standards under Section 215(d) of the CAA and shall apply, according to the provisions thereof, to every employment and place of employment of every covered employee engaged in work in an employing office. Each employing office shall protect the employment and places of employment of each of its covered employees by complying with the appropriate standards described in this paragraph.

(c) *Standards not adopted.* This section adopts as occupational safety and health standards under section 215(d) of the CAA the standards which are prescribed in Parts 1910 and 1926 of 29 CFR. Thus, the standards (substantive rules) published in subparts B through S and Z of part 1910 and subparts C through X and Z of part 1926 are applied. As set forth in Appendix A and Appendix B to this Part, this section does not incorporate all sections contained in these subparts. For example, this section does not incorporate sections 1910.15, 1910.16, and 1910.142, relating to shipyard employment, longshoring and marine terminals, and temporary labor camps, because such provisions have no application to employment within entities covered by the CAA.

(d) Copies of the standards which are incorporated by reference may be examined at the Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. The OSHA standards may also be found at 29 CFR Parts 1910 and 1926. Copies of the standards may also be examined at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, and their regional offices. Copies of private standards may be obtained from the issuing organizations. Their names and addresses are listed in the pertinent subparts of Parts 1910 and 1926, 29 CFR.

(e) Any changes in the standards incorporated by reference in the portions of Parts 1910 and 1926, 29 CFR, adopted herein and an official historic file of such changes are available for inspection at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

APPENDIX A TO PART 1900 REFERENCES TO SECTIONS OF PART 1910, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(D) OF THE CAA

The following is a reference listing of the sections and subparts of Part 1910, 29 CFR, which are adopted as occupational safety and health standards under section 215(d) of the Congressional Accountability Act. Unless otherwise specifically noted, any reference to a section number includes any appendices to that section.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart B—Adoption and Extension of Established Federal Standards

Sec.
1910.12 Construction work.
1910.18 Changes in established Federal standards.
1910.19 Special provisions for air contaminants.

Subpart C—General Safety and Health Provisions [Reserved]

Subpart D—Walking—Working Surfaces

1910.21 Definitions.
1910.22 General requirements.

1910.23 Guarding floor and wall openings and holes.
1910.24 Fixed industrial stairs.
1910.25 Portable wood ladders.
1910.26 Portable metal ladders.
1910.27 Fixed ladders.
1910.28 Safety requirements for scaffolding.
1910.29 Manually propelled mobile ladder stands and scaffolds (towers).
1910.30 Other working surfaces.

Subpart E—Means of Egress

1910.35 Definitions.
1910.36 General requirements.
1910.37 Means of egress, general.
1910.38 Employee emergency plans and fire prevention plans.
Appendix to Subpart E—Means of Egress

Subpart F—Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms

1910.66 Powered platforms for building maintenance.
1910.67 Vehicle-mounted elevating and rotating work platforms.
1910.68 Manlifts.

Subpart G—Occupational Health and Environmental Control

1910.94 Ventilation.
1910.95 Occupational noise exposure.
1910.96 [Reserved]
1910.97 Nonionizing radiation.

Subpart H—Hazardous Materials

1910.101 Compressed gases (general requirements).
1910.102 Acetylene.
1910.103 Hydrogen.
1910.104 [Reserved]
1910.105 Nitrous oxide.
1910.106 Flammable and combustible liquids.
1910.107 Spray finishing using flammable and combustible materials.
1910.108 Dip tanks containing flammable or combustible liquids.
1910.109 Explosives and blasting agents.
1910.110 Storage and handling of liquefied petroleum gases.
1910.111 Storage and handling of anhydrous ammonia.
1910.112 [Reserved]
1910.113 [Reserved]
1910.119 Process safety management of highly hazardous chemicals.
1910.120 Hazardous waste operations and emergency response.

Subpart I—Personal Protective Equipment

1910.132 General requirements.
1910.133 Eye and face protection.
1910.134 Respiratory protection.
1910.135 Head protection.
1910.136 Foot protection.
1910.137 Electrical protective devices.
1910.138 Hand Protection.

Subpart J—General Environmental Controls

1910.141 Sanitation.
1910.143 Nonwater carriage disposal systems. [Reserved]
1910.144 Safety color code for marking physical hazards.
1910.145 Specifications for accident prevention signs and tags.
1910.146 Permit-required confined spaces.
1910.147 The control of hazardous energy (lockout/tagout).

Subpart K—Medical and First Aid

1910.151 Medical services and first aid.
1910.152 [Reserved]

Subpart L—Fire Protection

1910.155 Scope, application and definitions applicable to this subpart.
1910.156 Fire brigades.
Portable Fire Suppression Equipment
1910.157 Portable fire extinguishers.
1910.158 Standpipe and hose systems.
Fixed Fire Suppression Equipment
1910.159 Automatic sprinkler systems.
1910.160 Fixed extinguishing systems, general.
1910.161 Fixed extinguishing systems, dry chemical.
1910.162 Fixed extinguishing systems, gaseous agent.
1910.163 Fixed extinguishing systems, water spray and foam.
Other Fire Protective Systems
1910.164 Fire detection systems.
1910.165 Employee alarm systems.
Appendices to Subpart L
Appendix A to Subpart L—Fire Protection
Appendix B to Subpart L—National Consensus Standards
Appendix C to Subpart L—Fire Protection References for Further Information
Appendix D to Subpart L—Availability of Publications Incorporated by Reference
In Section 1910.156 Fire Brigades
Appendix E to Subpart L—Test Methods for Protective Clothing

Subpart M—Compressed Gas and Compressed Air Equipment

1910.166 [Reserved]
1910.167 [Reserved]
1910.168 [Reserved]
1910.169 Air receivers.

Subpart N—Materials Handling and Storage

1910.176 Handling material—general.
1910.177 Servicing multi-piece and single piece rim wheels.
1910.178 Powered industrial trucks.
1910.179 Overhead and gantry cranes.
1910.180 Crawler locomotive and truck cranes.
1910.181 Derricks.
1910.183 Helicopters.
1910.184 Slings.

Subpart O—Machinery and Machine Guarding

1910.211 Definitions.
1910.212 General requirements for all machines.
1910.213 Woodworking machinery requirements.
1910.215 Abrasive wheel machinery.
1910.216 [Reserved]
1910.217 Mechanical power presses.
1910.218 Forging machines.
1910.219 Mechanical power-transmission apparatus.

Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment

1910.241 Definitions.
1910.242 Hand and portable powered tools and equipment, general.
1910.243 Guarding of portable powered tools.
1910.244 Other portable tools and equipment.

Subpart Q—Welding, Cutting, and Brazing

1910.251 Definitions.
1910.252 General requirements.
1910.253 Oxygen-fuel gas welding and cutting.
1910.254 Arc welding and cutting.
1910.255 Resistance welding.

Subpart R—Special Industries

1910.263 Bakery equipment.
1910.264 Laundry machinery and operations.
1910.265–1910.267 [Reserved]
1910.268 Telecommunications.
1910.269 Electric power generation, transmission, and distribution.

Subpart S—Electrical

General
1910.301 Introduction.
Design Safety Standards for Electrical Systems
1910.302 Electric utilization systems.
1910.303 General requirements.
1910.304 Wiring design and protection.
1910.305 Wiring methods, components, and equipment for general use.
1910.306 Specific purpose equipment and installations.
1910.307 Hazardous (classified) locations.
1910.308 Special systems.
1910.309–1910.330 [Reserved]
Safety-Related Work Practices
1910.331 Scope.
1910.332 Training.
1910.333 Selection and use of work practices.
1910.334 Use of equipment.
1910.335 Safeguards for personnel protection.
1910.336—1910.360 [Reserved]
Safety-Related Maintenance Requirements
1910.361—1910.380 [Reserved]
Safety Requirements for Special Equipment
1910.381—1910.398 [Reserved]
Definitions
1910.399 Definitions applicable to this subpart.
Appendix A to Subpart S—Reference Documents
Appendix B to Subpart S—Explanatory Data [Reserved]
Appendix C to Subpart S—Tables, Notes, and Charts [Reserved]

Subparts U–Y—[Reserved]

1910.442—1910.999 [Reserved]
Subpart Z—Toxic and Hazardous Substances
1910.1000 Air contaminants.
1910.1001 Asbestos.
1910.1002 Coal tar pitch volatiles; interpretation of term.
1910.1003 13 Carcinogens (4-Nitrobiphenyl, etc.)
1910.1004 alpha-Naphthylamine.
1910.1005 [Reserved]
1910.1006 Methyl chloromethyl ether.
1910.1007 3,3'-Dichlorobenzidine (and its salts).
1910.1008 bis-Chloromethyl ether.
1910.1009 beta-Naphthylamine.
1910.1010 Benzidine.
1910.1011 4-Aminodiphenyl.
1910.1012 Ethyleneimine.
1910.1013 beta-Propiolactone.
1910.1014 2-Acetylaminofluorene.
1910.1015 4-Dimethylaminoazobenzene.
1910.1016 N-Nitrosodimethylamine.
1910.1017 Vinyl chloride.
1910.1018 Inorganic arsenic.
1910.1020 Access to employee exposure and medical records.
1910.1025 Lead.
1910.1027 Cadmium.
1910.1028 Benzine.
1910.1029 Coke oven emissions.
1910.1030 Bloodborne pathogens.
1910.1043 Cotton dust.
1910.1044 1,2-dibromo-3-chloropropane.
1910.1045 Acrylonitrile.
1910.1047 Ethylene oxide.
1910.1048 Formaldehyde.
1910.1050 Methylenedianiline.
1910.1096 Ionizing radiation.
1910.1200 Hazard communication.
1910.1201 Retention of DOT markings, placards and labels.
1910.1450 Occupational exposure to hazardous chemicals in laboratories.

APPENDIX B TO PART 1900 REFERENCES TO SECTIONS OF PART 1926, 29 CFR ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(D) OF THE CAA

The following is a reference listing of the sections and subparts of Part 1926, 29 CFR, which are adopted as occupational safety and health standards under section 215(d) of the Congressional Accountability Act. Unless

otherwise specifically noted, any reference to a section number includes the appendices to that section.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart C—General Safety and Health Provisions

Sec.
1926.20 General safety and health provisions.
1926.21 Safety training and education.
1926.22 Recording and reporting of injuries. [Reserved]
1926.23 First aid and medical attention.
1926.24 Fire protection and prevention.
1926.25 Housekeeping.
1926.26 Illumination.
1926.27 Sanitation.
1926.28 Personal protective equipment.
1926.29 Acceptable certifications.
1926.31 Incorporation by reference.
1926.32 Definitions.
1926.33 Access to employee exposure and medical records.
1926.34 Means of egress.
1926.35 Employee emergency action plans.

Subpart D—Occupational Health and Environmental Controls

1926.50 Medical services and first aid.
1926.51 Sanitation.
1926.52 Occupational noise exposure.
1926.53 Ionizing radiation.
1926.54 Nonionizing radiation.
1926.55 Gases, vapors, fumes, dusts, and mists.
1926.56 Illumination.
1926.57 Ventilation.
1926.58 [Reserved]
1926.59 Hazard communication.
1926.60 Methylenedianiline.
1926.61 Retention of DOT markings, placards and labels.
1926.62 Lead.
1926.63 Cadmium (This standard has been redesignated as 1926.1127).
1926.64 Process safety management of highly hazardous chemicals.
1926.65 Hazardous waste operations and emergency response.
1926.66 Criteria for design and construction for spray booths.

Subpart E—Personal Protective and Life Saving Equipment

1926.95 Criteria for personal protective equipment.
1926.96 Occupational foot protection.
1926.97 [Reserved]
1926.98 [Reserved]
1926.99 [Reserved]
1926.100 Head protection.
1926.101 Hearing protection.
1926.102 Eye and face protection.
1926.103 Respiratory protection.
1926.104 Safety belts, lifelines, and lanyards
1926.105 Safety nets
1926.106 Working over or near water.
1926.107 Definitions applicable to this subpart.

Subpart F—Fire Protection and Prevention

1926.150 Fire protection.
1926.151 Fire prevention.
1926.152 Flammable and combustible liquids.
1926.153 Liquefied petroleum gas (LP-Gas).
1926.154 Temporary heating devices.
1926.155 Definitions applicable to this subpart.

Subpart G—Signs, Signals, and Barricades

1926.200 Accident prevention signs and tags.
1926.201 Signaling.
1926.202 Barricades.
1926.203 Definitions applicable to this subpart.

Subpart H—Materials Handling, Storage, Use, and Disposal

1926.250 General requirements for storage.
1926.251 Rigging equipment for material handling.
1926.252 Disposal of waste materials.

Subpart I—Tools—Hand and Power

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OFFICE OF COMPLIANCE REPORT TO CONGRESS

Mr. THURMOND. Mr. President, pursuant to section 102(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1302(b)), the Board of Directors of the Office of Compliance has submitted a report to Congress. This document is titled a "Review and Report of the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations."

Section 102(b) requires this report to be printed in the CONGRESSIONAL RECORD, and referred to committees with jurisdiction. Therefore I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REVIEW AND REPORT OF THE APPLICABILITY TO THE LEGISLATIVE BRANCH OF FEDERAL LAW RELATING TO TERMS AND CONDITIONS OF EMPLOYMENT AND ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS

[Prepared by the Board of Directors of the Office of Compliance Pursuant to Section 102(b) of the Congressional Accountability Act of 1995 (PL 104–1), Dec. 31, 1996]

SECTION 102(b) REPORT

Section 102(a) of the Congressional Accountability Act (CAA) lists the eleven laws that "shall apply, as prescribed by this Act, to the legislative branch of the Federal Government." Section 102(b) directs the Board of Directors (Board) of the Office of Compliance to: "review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations."

And, on the basis of this review, "[b]eginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch."

In preparing this report, the Board has reviewed the entire United States Code to identify those laws and associated regulations of general application that relate to terms and conditions of employment or access to public accommodations and services. In other words, the Board has reviewed those provisions of law that confer employment rights or benefits on or affect workplace conditions of employees, and that create a corresponding mandate for employers, or that relate to access to public services or accommodations. The Board excluded from consideration those laws that, although employment-related, *(1)* are specific to narrow or specialized industries or types of employment not found in the legislative branch (*e.g.*, employment in maritime or mining industries, or the armed forces, or employment in a project funded by federal grants or contracts); *or (2)* establish government programs of research, data-collection, advocacy, or training, but do not establish correlative rights and responsibilities for employees and employers (*e.g.*, statutes authorizing the Women's Bureau of Labor Statistics); *or (3)* authorize, but do not require, that employers provide benefits to employees, (*e.g.*, so-called "cafeteria plans" authorized by 26 U.S.C. 125).

For ease of reference, the results of this research are presented in four tables, each of which contains a matrix of analysis consisting of four parts. The first column of each table lists the name or a short description of the law; the second gives the United States Code citation and any relevant Code of Federal Regulations citation; the third summarizes the provision of law to illustrate the extent to which it relates to terms and conditions of employment or access to public services or accommodations; and, the fourth analyzes the extent of the provision's application in the legislative branch. Because many statutes are either silent or ambiguous in their definition of coverage, and because the issue is only infrequently litigated, it is often difficult to determine definitively whether a statute is applicable to the legislative branch. The Board has generally followed the principle that coverage must be clearly and unambiguously stated.

Table A lists and reviews those provisions of law relating to terms and conditions of employment or access to public accommodations and services that are generally applicable in the private sector and/or in state and local government, and that are already applicable to entities in the legislative branch of the federal government. This table includes nine of the statutes made applicable to the legislative branch by the CAA.[1]

Table B lists and reviews those provisions of law that apply only in the federal public sector, and have no application in the private sector or in state or local governments. Table B includes the two exclusively federal factor laws applied to the legislative branch by the CAA.[2] Also listed in this table are the

[1] The nine CAA statutes treated in Table A are: the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Employment Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), and Chapter 43 (relating to uniformed services employment and reemployment) of title 38, United States Code. (See Table B for the two CAA statutes applicable only in the federal public sector.)

[2] The two statutes made applicable to the legislative branch by the CAA are: Chapter 71 (relating to federal service labor-management relations) of title 5, United States Code, and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

civil service laws in title 5 of the United States Code, the employment-related laws applicable to Congress and the President, and a variety of other employment-related laws applicable only in the federal public sector.

Table C lists and reviews five private sector and/or state and local government provisions of law that do not apply in the legislative branch. The five provisions of law listed in this table are: the Government Employees Rights Act of 1991, a provision of the Immigration Reform Control Act, the National Labor Relations Act, the Employee Retirement Income Security Act, and provisions of the Consolidated Omnibus Budget Reconciliation Act of 1998 (COBRA). In the fourth column of this table, the Board identifies other provisions of law, currently applicable in the legislative branch, that confer similar or related rights and protections to those provided by the five private sector provisions of law. Those provisions that, in the Board's view, create corresponding rights and protections for the legislative branch are: the anti-discrimination provisions of the Congressional Accountability Act, Legislative Branch Appropriations Acts, the Federal Service Labor-Management Relations Statute provisions, as applied by the Congressional Accountability Act, the Federal Employees Retirement System provisions, and the Federal Employees Health Benefits Program, respectively.

Table D contains the Board's review of thirteen other private sector and/or state and local government provisions of law that do not apply or have very limited application to entities in the legislative branch. The first entry in the table discusses a provision in the Immigration Reform and Control Act, which forbids discrimination by employers on the basis of national origin or citizenship status. Entry two prohibits employment discrimination based on the fact that an employee has declared personal bankruptcy. Entry three prohibits an employer from firing an employee because that employee's wages have been subject to garnishment. The fourth provision in Table D prohibits an employer from discharging an employee because that employee was called to serve on a jury. The next two entries, title II and III of the Civil Rights Act of 1964, prohibit discrimination on the basis of race, color, religion, or national origin in the provision of public accommodations and services. The final two entries review the employee protection provisions contained in seven environmental protection statutes.

Having completed the review and analysis summarized in the tables, the Board next considered the basis on which to decide whether those statutes that were currently inapplicable to the legislative branch "should" be applied to the legislative branch. The statutory mandate of Section 102(b) could be interpreted to require the Board to report on whether all the provisions analyzed in the tables should or should not now be made fully applicable to all entities within the legislative branch. The Board did not do so because, as even a cursory review of those tables demonstrates, that task is the work of many hands and many years. Moreover, section 102(b)(2), in mandating that the Board report biennially, argues for accomplishing such statutory change on an incremental basis through an ongoing reporting process. Accordingly, the Board has decided to focus this, its first report, on the statutes in Table D, for which there is currently no coverage in the legislative branch, and to defer consideration of those provisions of private and public sector laws in tables A, B, and C, not currently fully applicable to the legislative branch, for discussion in future reports.

The Board's rationale for setting these priorities in its first biennial report derives from its reading of the CAA and from prudential institutional concerns. Because the statute does not give direct guidance, the Board set its priorities from the priorities found in the CAA. The CAA focuses almost entirely on private sector law, applying to the legislative branch only two exclusively federal public sector provisions of law. This reading of the legislative priorities established in the CAA is supported by the statement of Senator Grassley, one of the bill's sponsors, who called for an end to the situation in which "[t]here is one set of protections for people in the private sector whose employees are protected by the employment, safety and civil rights laws, but no protection, or very little protection for employees on Capitol Hill."[3] The Board has determined likewise to focus attention in its first biennial report on private sector law. Further, the Board made its first priority the cases where, as Senator Grassley put it, there is currently "no protection, or very little protection" in the legislative branch. Accordingly, the Board focused on reporting on private sector laws found in Table D that currently have no or very limited application to entities in the legislative branch.

The Board next considered how to treat the statutes in the other tables. Because the CAA itself was concerned almost exclusively with the application of private sector law to the legislative branch, the Board gave the federal sector statutes found in Table B a low priority. Further, determining which currently inapplicable provisions of federal civil service law could and "should" be applied to the legislative branch and, if so, to which entities, is difficult. Table B indicates how disparate the application of federal sector laws currently is in the legislative branch and the difficulty in finding a rational organizing principle. Some of the statutes or provisions of statutes already apply to some entities within the legislative branch, but not to others; while a number do not have any application to any entity within the legislative branch. Moreover, the executive branch and the Congress are presently in the process of reexamining the application of federal civil service law in some parts of the executive branch. While such review is underway, the Board has determined that it would be premature to consider applying to the Congress the very provisions at issue. Additionally, such determinations involve, in part, weighing the merits of the protections afforded by CAA against those provided under other statutory schemes. But in this, its first year of administering the CAA, it would be premature for the Board to make such comparative judgments. Therefore, in light of the priorities established by the CAA and the prematurity of review at this time, the Board decided to defer reporting on the statutes listed in Table B for future reports.

Likewise, prudential concerns led the Board to defer consideration of the statutes found in Table C. Although Table C comprises a universe of statutes that are currently inapplicable to entities in the legislative branch, the Congress has already applied comparable provisions to legislative branch entities. As the Board gains rulemaking and adjudicatory experience in the application of the CAA to the legislative branch, the Board will be better situated to formulate recommendations about appropriate changes in those different statutory schemes. Thus, the Board has determined to defer consideration of the laws in table C in this first report.

Table A, as noted above, comprises the universe of private sector law and/or state and local government law that Congress has, with only limited exception, already applied to the legislative branch, including nine of the laws made applicable by the CAA. Because of the obvious importance of these laws to the CAA, the Board intends to undertake a more in depth study of the specific exceptions created by Congress, with the goal of issuing an interim report prior to December 31, 1998 with regard to whether and to what degree the provisions excepted from the laws set forth in Table A should be made applicable to the legislative branch.

Turning now to those statutes in Table D that currently do not apply to the legislative branch, the Board reports below on whether those provisions should or should not be applied to the legislative branch. Because a major goal of the CAA was to achieve parity with the private sector, the Board has determined that, if our review reveals no impediment to applying the provision in question to the legislative branch, it should be made applicable.

Prohibition against discrimination based on national origin or citizenship status (8 U.S.C. 1324b)

Section 1324b of the Immigration Reform and Control Act (IRCA) prohibits employment discrimination by employers of three or more employees against a person because of national origin or citizenship status. This section of IRCA, on its face, does not appear to apply to entities in the legislative branch. The national origin discrimination provisions of IRCA, by their terms, do not apply to any employer that is covered by Title VII. 8 U.S.C. 1324b(a)(2)(B). The CAA already applies the rights and protections of Title VII to legislative branch employment and therefore, IRCA's national origin discrimination provisions would not apply, even if IRCA was generally extended to the legislative branch.

While IRCA prohibits citizenship status discrimination generally, it permits such discrimination to the extent such discrimination is required by federal, state, or local law, regulation, or executive order. 8 U.S.C. 1324b(a)(2)(C). Thus, IRCA gives governments an "override" power with respect to their own hiring practices, and in establishing employment in a government contract with private employers, to require American citizenship as a condition of employment. IRCA, if applied to the legislative branch, would likewise allow legislative branch entities, by law or regulation, to require American citizenship as a condition of employment in any covered facility. The legislative branch has, in the context of appropriations bills, imposed citizenship restrictions on federal government hiring. *See, e.g.*, Pub. L. No. 104–52, title VI, § 606, 109 Stat. 497 (Nov. 19, 1995) (except as otherwise provided, no part of any appropriation contained in this or any other act shall be used to pay the compensation of any officer or employee of the Government of the U.S. whose post of duty is the continental U.S. unless such person is a U.S. citizen or intended citizen or meets other specified requirements). Therefore, application of this section of IRCA would be without significant effect.

Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. 525)

Section 525(a) provides that "a government unit" may not deny employment to, terminate the employment of, or discriminate

[3] 141 Cong. Rec. S622 (daily ed. Jan. 9, 1995).

with respect to employment against, a person that is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. For the reason stated above, the Board reports that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discharge from employment by reason of garnishment (15 U.S.C. 1674(a))

Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reason set forth above, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discrimination on the basis of jury duty (28 U.S.C. 1875)

Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative branch employment. For the reason set forth above, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. 2000a to 2000a–6, 2000b to 2000b–3)

These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations, it does not extend protection based upon race, color, religion, or national origin. Since those protections of titles II and III of the Civil Rights Act do not currently apply to entities in the legislative branch, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to employing offices within the legislative branch.

Employee protection provisions in the environmental protection statutes (15 U.S.C. 2622; 33 U.S.C. 1367; 42 U.S.C. 300j–9(i), 5851, 6971, 7622, 9610)

These provisions generally protect an employee from discrimination in employment because the employee has commenced, or caused to be commenced, proceedings under the applicable statutes, has testified or is about to testify in any such proceedings, or has participated or is about to participate in any way in such proceedings. It is unclear to what extent, if any, these provisions apply to entities in the legislative branch. Furthermore, even if applicable or partially applicable, it is unclear whether and to what extent the legislative branch has the type of employees and employing offices that would be subject to these provisions. Consequently, the Board reserves judgment on whether or not these provisions should be made applicable to the legislative branch at this time.

Thus, pursuant to section 102(b), the Board submits this review and report, concluding that the following provisions of law, summarized in Table D, should be applied to the legislative branch: 11 U.S.C. 525 (bankruptcy); 15 U.S.C. 1675(a) (garnishment); 28 U.S.C. 1875 (jury duty); and titles II and III of the Civil Rights Act of 1964 (42 U.S.C. 2000a to 2000a–6, 2000b to 2000b–3) (public accommodations and services).

(The analysis and conclusions in this review and report are being made solely for the purposes set forth in section 102(b) of the Congressional Accountability Act. Nothing in this review and report is intended or should be construed as a definitive interpretation of any factual or legal question by the Office of Compliance or its Board of Directors.)

(The Board of Directors of the Office of Compliance gratefully acknowledges the contributions of Lawrence B. Novey and Nicola O. Goren for their work on this review and report.)

TABLE A—PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENT PROVISIONS OF LAW AND RIGHTS AND PROTECTIONS ALREADY APPLICABLE IN THE LEGISLATIVE BRANCH

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Restrictions on garnishment	15 U.S.C. 1673 5 C.F.R. parts 581 and 582 generally (Regulations of the Office of Personnel Management)	Provision restricts the amount by which an employee's earnings may be subject to garnishment to satisfy employee debts to creditors.	Provisions of law apply in the legislative branch by virtue of 5 U.S.C. 5520a.
Provision relating to promise of employment for political activity.	18 U.S.C. 600	Provision prohibits the promise of employment, position, or compensation etc. made possible by an Act of Congress, to any person as consideration, favor or reward, for political activity, support, opposition, or in connection with any primary election or political convention.	Provisions apply in the legislative branch.
Provision relating to deprivation of employment for political contribution.	18 U.S.C. 601	Provision prohibits the causing or attempting to cause any person to make a political contribution through the denial or deprivation, or threat thereof, of any employment, position, or work in or for any agency or other entity of Government of the United States where such employment, position, or work is made possible by an Act of Congress.	Provisions apply in the legislative branch.
Provisions relating to peonage and involuntary servitude	18 U.S.C. 1581 and 1584	Provisions establish criminal penalties for holding anyone in a condition of peonage or involuntary servitude.	Provisions apply in the legislative branch.
Fair Labor Standards Act and the Portal to Portal Act (FLSA).	29 U.S.C. 201 to 219 29 U.S.C. 251 to 262. 29 C.F.R. parts 510 to 580 generally, and part 775 (Regulations of the Secretary of Labor). 142 Cong. Rec. S3924 to S3949 (April 23, 1996) (Regulations of the Office of Compliance).	Provisions govern overtime pay, minimum wage, and child labor protections. Also require that women receive equal pay for equal work. The provisions of the Portal to Portal Act generally allow an employer to use as a defense a good faith reliance upon applicable interpretative bulletins of the Secretary of Labor.	Certain provisions of the FLSA were made applicable to the legislative branch by section 203 of the CAA. Among those not made applicable are those relating to record-keeping, notice posting, and the power of the Department of Labor to audit employers and enforce the law. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them.
Discrimination on the basis of age	29 U.S.C. 621 to 633a 29 C.F.R. parts 1625 to 1627 (Interpretations, procedures, etc. of the Equal Employment Opportunity Commission).	The Age Discrimination in Employment Act of 1967 prohibits employment discrimination against persons 40 years of age and over.	Section 201(a) of the CAA requires that "[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on—. . . (2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967." Section 201(b)(2) also provides that the remedy for a violation would be "(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 . . .; and (B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act." The Board has not adopted substantive regulations on age discrimination.
Occupational Safety and Health Act of 1970	29 U.S.C. 651 to 677 29 C.F.R. parts 1900 to 1926 (Regulations of the Occupational Safety and Health Administration, Dept. of Labor). 142 Cong. Rec. H10711 to H10719, S11019 to S11027 (Sept. 19, 1996) (proposed Regulations of the Office of Compliance).	Protects the safety and health of employees from physical, chemical, and other hazards in their places of employment.	Certain provisions were made applicable to the legislative branch by the CAA, effective January 1, 1997. Among those not made applicable are those relating to record keeping. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where cause exists to modify them.

TABLE A—PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENT PROVISIONS OF LAW AND RIGHTS AND PROTECTIONS ALREADY APPLICABLE IN THE LEGISLATIVE BRANCH—Continued

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Provisions relating to lie detector tests	29 U.S.C. 2001 to 2009 29 C.F.R. part 801 (Regulations of the Secretary of Labor). 142 Cong. Rec. S3917 to S3924 (Apr. 23, 1996) (Regulations of the Office of Compliance).	The Employee Polygraph Protection Act of 1988 restricts the use of lie detector tests by employers.	Section 204 of the CAA states that no employing office may require a covered employee to take a lie detector test "where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 . . .". Section 204 also applies the waiver provisions of section 6(d) and a remedy "as would be appropriate if awarded under section 6(c)(1) of that Act." The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them.
Provisions relating to notification in the event of mass layoffs or closings.	29 U.S.C. 2101 to 2109 20 C.F.R. part 639 (Regulations of the Employment and Training Administration, Dept. of Labor). 142 Cong. Rec. S3949 to S3952 (Apr. 23, 1996) (Regulations of the Office of Compliance).	The Worker Adjustment and Retraining Notification Act assures employees of notice in advance of office or plant closings or mass layoffs in certain situations.	Section 205 of the CAA states that no employing office may close or order a mass layoff "within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act . . ." if the employing office has not given employees 60 days written notice. Section 205 further states that a remedy for a violation would be "such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a)" of that Act. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause existed to modify them.
Family and Medical Leave Act	29 U.S.C. 2601 to 2654 29 C.F.R. part 825 (Regulations of the Secretary of Labor). 142 Cong. Rec. S3896 to S3917 (Apr. 23, 1996) (Regulations of the Office of Compliance).	Entitles eligible employees to up to twelve weeks of unpaid leave for certain family and medical reasons.	Certain provisions of the law were made applicable to the legislative branch by section 202 of the CAA. Among those not made applicable are those relating to record keeping. The CAA generally required that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them.
Uniformed Services Employment and Reemployment Rights	38 U.S.C. 4301 to 4333 5 C.F.R. part 353 for executive branch (Regulations of the Office of Personnel Management).	Provisions protect employment rights for individuals who serve in the military and other uniformed services.	Section 206 of the CAA makes it unlawful to discriminate against an eligible employee "within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code," or "deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code," or "deny to an eligible employee benefits within the meaning of section 4316, 4317, and 4318 of title 38, United States Code." The CAA also applies such remedy "as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code."
Provisions relating to Social Security Insurance	42 U.S.C. 401 to 433 20 C.F.R. parts 404, 410, 416 (Regulations of the Social Security Administration). 42 C.F.R. parts 405, 406, 424 (Regulations of the Health Care Financing Administration, HHS).	Provisions entitle former employees to disability and old-age insurance payments in certain situations.	Provisions apply in the legislative branch. However, employment in the legislative branch prior to 1984 and employment of individuals after 1984 who chose to remain in the civil service retirement system are not covered employment for purposes of social security.
Title VII of the Civil Rights Act of 1964—Equal Employment Opportunities.	42 U.S.C. 2000e to 2000e–17; damages in 42 U.S.C. 1981a(a)(1) and (b). 29 C.F.R. part 1601 generally (Procedural regulations of the Equal Employment Opportunity Commission).	Provisions prohibit discrimination in employment based on race, color, religion, sex, or national origin.	Certain provisions of the law were made applicable to the legislative branch by section 201 of the CAA. Those not made applicable include the provision allowing for punitive damages, and those vesting enforcement authority in the Equal Employment Opportunity Commission and the Attorney General. The Board has not promulgated substantive regulations concerning these anti-discrimination provisions.
Discrimination in employment on the basis of disability	42 U.S.C. 12101 to 12213 29 C.F.R. parts 1602, 1614, 1640, 1641 (Record keeping and reporting requirements of the Equal Employment Opportunity Commission).	Title I of the Americans with Disabilities Act of 1990 generally prohibits discrimination in employment on the basis of disability.	Section 201 of the CAA requires that "[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on—. . . (3) disability, within the meaning of . . . sections 102 through 104 of the Americans with Disabilities Act of 1990 . . .". The CAA also provides that the remedy for a violation would be "(A) such remedy as would be appropriate if awarded under section . . . 107(a) of the Americans with Disabilities Act of 1990 . . .; and (B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes . . .". The Board has not adopted substantive regulations on disability discrimination.
Discrimination in the provision of public services and accommodations on the basis of disability.	42 U.S.C. 12101 to 12213 28 C.F.R. part 35 (Regulations of the Attorney General). 49 C.F.R. parts 27, 37, 38 (Regulations of the Secretary of Transportation). 142 Cong. Rec. H10676 to H10711, S10984 to S11019 (Sept. 19, 1996) (proposed Regulations of the Office of Compliance).	Titles II and III of the Americans with Disabilities Act of 1990 generally prohibit discrimination in the provision of public services and accommodations on the basis of disability.	Section 210 of the CAA states that "the rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990" shall apply to covered entities, effective January 1, 1997. Section 210 further states that the remedy for a violation would be "such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990." The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Attorney General and the Secretary of Transportation, except where good cause exists to modify them.

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Provisions relating to the Congress	2 U.S.C. 31 to end (except sections 1201–1202, 1301–1438, discussed below).	Provisions include sections relating to compensation levels, rules for travel reimbursement, and other compensation and employment benefit-related allowances for Members of Congress, their staffs, and the staffs of many legislative branch agencies.	Provisions apply to various entities within the legislative branch.

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Congressional Accountability Act of 1995 (CAA)	2 U.S.C. 1301 to 1438 142 Cong. Rec. S3896 to S3952 generally (Apr. 23, 1996) (Regulations of the Board of Directors and the Executive Director of the Office of Compliance).	The CAA applies eleven federal employment and labor laws to the legislative branch.	Provisions of law and regulations apply to covered offices within the legislative branch.
Provisions relating to the President	3 U.S.C. 101–209	Provisions establish compensation levels and other monetary allowances for the President, Vice President, the White House staff, and the United States Secret Service Uniformed Division.	Provisions do not apply in the legislative branch.
Presidential and Executive Office Accountability Act	PL 104–331	Provisions apply eleven federal employment and labor laws to the executive branch.	Provisions do not apply in the legislative branch. However, this law is comparable to the Congressional Accountability Act of 1995, which does apply in the legislative branch.
Privacy Act	5 U.S.C. 552a Regulations pursuant to the Privacy Act are promulgated by each individual agency subject to the Act.	The Privacy Act protects from disclosure records maintained by agencies on individuals. With respect to federal employees, the Privacy Act protects them from unwanted access into their personal files.	Provisions do not apply in the legislative branch.
Provisions establishing the Merit Systems Protection Board and Office of Special Counsel.	5 U.S.C. 1201 to 1222 5 C.F.R. parts 120 to 1209 (Regulations of the Merit Systems Protection Board). 5 C.F.R. parts 1800 to 1850 (Regulations of the Office of Special Counsel).	The Merit Systems Protection Board was established to hear, adjudicate, and enforce many employment and labor disputes for employees in the competitive service. The Office of Special Counsel was established to protect employees in the executive branch from prohibited employment practices.	Provisions apply to the Government Printing Office and to legislative branch agencies that have positions in the competitive service.
Merit Systems Principles and Prohibited Personnel Practices.	5 U.S.C. 2301 to 2305 5 C.F.R. parts 300 & 720 (Regulations of the Office of Personnel Management).	Provisions establish principles to be applied in the implementation of federal personnel management, and prohibit discriminatory personnel practices.	Provisions and regulations apply to the Government Printing Office.
Authority to hire personal assistants for handicapped employees.	5 U.S.C. 3102 Regulations are promulgated by each individual agency subject to these provisions.	Provision authorizes agencies to employ personal assistants for handicapped employees, including blind and deaf employees.	Provision applies to the General Accounting Office and the Library of Congress.
Restriction on employment of relatives.	5 U.S.C. 3110 5 C.F.R. part 310 (Regulations of the Office of Personnel Management).	Provision restricts the employment, appointment, promotion, and advancement by public officials of relatives.	Provisions apply to "an office, agency, or other establishment in the legislative branch."
Provision relating to appointment of disabled veterans	5 U.S.C. 3112 5 C.F.R. 720.301 et seq. (Regulations of the Office of Personnel Management).	Provision allows agencies to make noncompetitive appointments of disabled veterans.	Provision applies to agencies in the legislative branch that have positions in the competitive service.
Senior Executive Service	5 U.S.C. 3131 to 3136, 3391 to 3397, 3591 to 3596, 4311 to 4315, 4507. 5 C.F.R. parts 214, 293, 317, 352, 359, 412, 430 (Regulations of the Office of Personnel Management).	Provisions throughout title 5 relate to terms and conditions of employment within the Senior Executive Service, including compensation, benefits, incentives, qualifications, removal, and performance appraisals.	Provisions do not apply in the legislative branch.
Civil Service	5 U.S.C. 3301 5 C.F.R. parts 771 & 930 (Regulations of the Office of Personnel Management).	Provision empowers the President to prescribe regulations for the admission of individuals into the civil service in the executive branch, and to ascertain fitness of applicants.	Provisions do not apply in the legislative branch.
Competitive Service	5 U.S.C. chapter 33 5 C.F.R. generally (Regulations of the Office of Personnel Management).	Provisions create the competitive service and relate to terms and conditions of employment within the competitive service including, appointment, examinations, qualifications, preference eligibility for veterans and certain other individuals, separation, promotion, and assignments.	Provisions apply only to legislative branch agencies that have positions in the competitive service.
Political Recommendations	5 U.S.C. 3303	Provision requires that appointments to positions in the competitive service, the senior executive service, or the excepted service be made without regard to any recommendation or statement by any Member of Congress or congressional employee, any elected official of the government of any State, county, city or other subdivision or any other individual or organization making the recommendation on the basis of the applicant's party affiliation.	Provisions apply only to legislative branch agencies that have positions in the competitive service.
Ramspeck Act provisions	5 U.S.C. 3304(c) 5 C.F.R. parts 315 to 316 (Regulations of the Office of Personnel Management).	Provisions give preference for transfer to the competitive service for certain legislative branch employees with at least 3 years of service, and certain judicial branch employees with at least 4 years of service, who are involuntarily separated without prejudice from the legislative or judicial branch and transfer to the competitive service within 1 year of separation.	Provisions apply to employees in the legislative branch who are paid by the Secretary of the Senate or the Clerk of the House of Representatives.
Selective Service Registration	5 U.S.C. 3328 5 C.F.R. part 300 (Regulations of the Office of Personnel Management).	Provisions make a person required to register under the Selective Service who has not done so ineligible to apply to a position within an Executive agency.	Provision applies to the General Accounting Office.
Part-Time Career Employment Opportunities	5 U.S.C. 3401 to 3408 5 C.F.R. part 340 generally (Regulations of the Office of Personnel Management).	Provisions require the heads of agencies to establish and maintain a program for part-time career employment. Restricts agencies' ability to abolish filled full-time positions to make room for part-time positions. Also protects full-time employees from being forced into part-time status.	Provisions apply to the Architect of the Capitol, the Botanic Garden, the General Accounting Office and the Library of Congress.
Retention preference	5 U.S.C. 3501 to 3504 5 C.F.R. parts 351 & 432 (Regulations of the Office of Personnel Management).	Provisions create retention preferences and notice requirements in case of reduction in force, transfer of agency functions or replacement of an agency by another agency.	Provisions of law do not apply in the legislative branch (the General Accounting Office was removed from coverage by the General Accounting Office Personnel Act). However, the Office of Personnel Management's regulations apply to employees in the legislative branch whose positions are in the competitive service.
Reemployment after service with an international organization.	5 U.S.C. 3581 to 3584 5 C.F.R. 352.301 et seq. (Regulations of the Office of Personnel Management).	Provisions protect the benefits, leave, and employment of certain employees who transfer temporarily to an international organization.	Provisions apply in the legislative branch.
Training	5 U.S.C. 4101 to 4119 5 C.F.R. part 410 generally (Regulations of the Office of Personnel Management).	Provisions require the head of each agency to establish, operate, and maintain programs for training of employees in or under the agency in conformity with this law.	Provisions apply to the Government Printing Office, the Library of Congress, and the General Accounting Office. Section 4119 allows Architect of the Capitol to apply provisions of the law deemed necessary for the training of employees of the Architect of the Capitol and the Botanic Garden.
Performance Appraisals	5 U.S.C. 4301 to 4305 5 C.F.R. parts 430 & 432 generally (Regulations of the Office of Personnel Management).	Provisions require each agency to develop performance appraisal systems to provide periodic appraisals of job performance of employees and to use the results of the performance appraisals in personnel decisions.	Provisions apply to the Government Printing Office.
Incentive awards for superior accomplishments	5 U.S.C. 4501 to 4509 5 C.F.R. part 451 (Regulations of the Office of Personnel Management).	Provisions allow the head of an agency to reward employees in the form of a cash award over and above their regular salary, or, under OPM regulations, to give employees paid time off as an award in recognition of superior accomplishment.	Provisions apply to the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, and the Library of Congress.
Awards for cost saving disclosures	5 U.S.C. 4511 to 4513	Provisions allow the Inspector General or other designated official of an executive agency to pay a cash award to an employee of the agency whose disclosure of fraud, waste, or mismanagement has resulted in cost savings for the agency.	Provisions apply to the General Accounting Office.

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Awards to law enforcement officers for foreign language capabilities.	5 U.S.C. 4521 to 4523	Provisions allow an agency to pay a cash award to law enforcement officers who possess and make substantial use of 1 or more foreign languages in the performance of official duties.	Provisions apply to the Architect of the Capitol, the Government Printing Office, the Library of Congress, and the Botanic Garden. (It has not been ascertained whether any of these agencies have the type of employee that would be covered by this provision.)
Pay Systems	5 U.S.C. 5101 to 5392 5 C.F.R. generally (Regulations of the Office of Personnel Management).	Provisions establish the General Schedule classification system for pay, locality-based comparability payments, pay systems for other government entities, the Executive Schedule classification system, prevailing rates, grade and pay retention, and payment in certain circumstances of employees' student loans.	Most provisions apply to one or more legislative branch agencies, including the Library of Congress, the Government Printing Office, the Architect of the Capitol, and the Botanic Garden.
Withholding Pay	5 U.S.C. 5511 to 5520a Regulations are promulgated by each individual agency subject to these provisions.	Allows withholding from employees' pay for payments such as debts to the United States, District of Columbia income taxes, other state taxes, state retirement systems, city or county income or employment taxes, debts owed to creditors following a legal process.	Most provisions apply in the legislative branch.
Dual Pay and Dual Employment	5 U.S.C. 5531 to 5537 5 C.F.R. parts 550 & 553 (Regulations of the Office of Personnel Management).	Provisions impose restrictions on dual government employment, extra pay, and receiving two or more government paychecks at the same time.	Statutory provisions apply throughout the legislative branch. The regulations of the Office of Personnel Management apply to the General Accounting Office.
Premium Pay	5 U.S.C. 5541 to 5550a 5 C.F.R. parts 550 and 551 (Regulations of the Office of Personnel Management).	Provisions allow for overtime pay for hours worked over 40 in a workweek or hours worked over 8 in a day, compensatory time off, and premium pay for holidays and Sundays, for certain employees of the Federal Government.	Statutory provisions apply to covered employees of covered legislative branch agencies, including the Library of Congress, the Botanic Garden, the Architect of the Capitol, the General Accounting Office and, in part, to the Government Printing Office as well. The regulations of the Office of Personnel Management apply to the General Accounting Office.
Payment for accumulated and accrued annual leave	5 U.S.C. 5551 to 5553	Provisions allow for employees to receive a lump sum payment for accumulated and accrued annual leave upon separation from government service.	Provisions apply in the legislative branch.
Payments to missing employees	5 U.S.C. 5561 to 5570 32 C.F.R. part 718 (Regulations of the Department of the Army, DOD) 22 C.F.R. part 19 (Regulations of the Secretary of State).	Provisions allow for payments to employees who are missing in certain circumstances.	Provisions apply to the General Accounting Office.
Settlement of Accounts	5 U.S.C. 5581 to 5584 4 C.F.R. parts 33, 91, 92 (Regulations of the General Accounting Office).	Provisions allow for payment of money due to an employee at the time of death of the employee and, in certain circumstances, for recoupment by the government of overpayments or erroneous payments to employees.	Provisions apply in the legislative branch.
Severance pay and Back pay	5 U.S.C. 5595 to 5597 5 C.F.R. 550.701 et seq., 550.801 et seq. (Regulations of the Office of Personnel Management).	Provisions allow for severance pay upon separation from government service and back pay due to unjustified personnel actions in certain circumstances.	Provisions generally apply to the General Accounting Office, the Government Printing Office, and the Library of Congress.
Travel and subsistence expenses; Mileage allowances	5 U.S.C. 5701 to 5709 41 C.F.R. parts 301 to 304 (Federal Travel Regulations).	Provisions establish rules and policies regarding per diems and traveling on official business, transportation expenses, mileage and related allowances, and subsistence and travel expenses for federal employees.	Provisions generally apply in the legislative branch.
Travel and transportation expenses for new appointees, student trainees, and transferred employees.	5 U.S.C. 5721 to 5735 5 C.F.R. part 572 generally (Regulations of the Office of Personnel Management).	Provisions establish rules and policies for travel and transportation reimbursement for new appointees, student trainees, transferred employees, employees assigned to danger areas, and storage and other miscellaneous expenses.	Provisions apply to the General Accounting Office, the Library of Congress, the Botanic Garden, the Government Printing Office.
Basic 40-hour workweek; work schedules	5 U.S.C. 6101 5 C.F.R. part 610 (Regulations of the Office of Personnel Management).	Provisions establish the 40-hour workweek and work schedules in the federal government.	Statutory provisions apply to the General Accounting Office, and are optional for the Library of Congress, the Botanic Garden, the Architect of the Capitol. The regulations of the Office of Personnel Management apply to the General Accounting Office.
Holidays	5 U.S.C. 6103 and 6104 5 C.F.R. 610.301 et seq. (Regulations of the Office of Personnel Management).	Provisions establish statutory public holidays for government employees; also entities daily, hourly, or piecework employees to be paid for holidays.	Provisions apply in the legislative branch.
Flexible and Compressed Work Schedules	5 U.S.C. 6120 to 6133 5 C.F.R. 610.401 et seq. (Regulations of the Office of Personnel Management). 5 C.F.R. 2472.6 (Regulations of the Federal Labor Relations Authority).	Provisions allow the heads of agencies to establish flexible work schedule programs and compressed work week schedules, within certain guidelines.	Statutory provisions apply to the General Accounting Office, the Government Printing Office, and the Library of Congress. The regulations of the Office of Personnel Management apply to the General Accounting Office. The Federal Labor Relations Authority regulations apply to the Government Printing Office and the Library of Congress.
Annual and Sick Leave	5 U.S.C. 6301 to 6312 5 C.F.R. part 630 (Regulations of the Office of Personnel Management).	Provisions establish rules for government employees to accrue and accumulate annual and sick leave.	Provisions apply in the legislative branch except they do not apply to employees of the House of Representatives or the Senate.
Leave for jury or witness service	5 U.S.C. 6322	Provision entitles government employees to leave without loss of, or reduction in pay, or leave, for jury duty or to be a witness in a judicial proceeding in which the United States, the District of Columbia or a State or local government is a party. In certain situations, an employee called as a witness will be considered on official duty status.	Provision applies in the legislative branch except for individuals whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.
Military Leave; Reserves and National Guardsmen	5 U.S.C. 6323	Provision entitles government employees to leave without loss of, or reduction in pay, etc. in connection with certain reserve duties, military training.	Provision applies in the legislative branch.
Absence resulting from hostile action abroad	5 U.S.C. 6325	Provision entitles government employees not to have leave charged to their account for up to one year if their leave is due to an injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action and not due to the employee himself.	Provision applies in the legislative branch.
Absence for funerals of immediate relatives in the Armed Forces.	5 U.S.C. 6326 5 C.F.R. part 630 (Regulations of the Office of Personnel Management).	Provision entitles employees whose immediate relative has died as a result of wounds, disease or injury incurred while serving in the armed forces in a combat zone, to up to three days leave, without loss of pay, leave, etc.	Provisions applies to the General Accounting Office.
Absence in connection with serving as a bone-marrow or organ donor.	5 U.S.C. 6327	Provision entitles employees to leave without loss of or reduction in pay, leave, etc. when such employees need leave to serve as a bone-marrow or organ donor.	Provision applies to the General Accounting Office.
Voluntary transfers of leave and Voluntary Leave Bank Program.	5 U.S.C. 6331 to 6373 5 C.F.R. part 630 (Regulations of the Office of Personnel Management).	Provisions establish policies under which annual leave accrued or accumulated by an employee may be (1) transferred to the annual leave account of any other employee if the recipient requires additional leave due to a medical emergency, or (2) contributed to a leave bank established by the employment agency and made available to any employee requiring it due to a medical emergency.	Provisions apply in the legislative branch except they do not apply to employees of the House of Representatives or the Senate.

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Family and Medical Leave	5 U.S.C. 6381 to 6387 5 C.F.R. part 630 Regulations of the Office of Personnel Management).	Provisions entitle an employee to take leave for certain family and medical related reasons.	Provisions apply in the legislative branch except they do not apply to employees of the House of Representatives or the Senate. Under section 202 of the CAA, the General Accounting Office and the Library of Congress are removed from coverage of these provisions and made subject to provisions of title 29 U.S.C., governing family and medical leave, effective one year after the study required by section 230 of the CAA is transmitted to Congress. Furthermore, employees of certain other legislative branch entities are included within the terms of both 5 U.S.C. 6381 to 6387 and section 202 of the CAA, which applies certain provisions of title 29, U.S.C., relating to family and medical leave. (See table A)
Federal Service Labor-Management Provisions	5 U.S.C. 7101 to 7135 5 C.F.R. chapter 24 generally (Regulations of the Federal Labor Relations Authority). 142 Cong. Rec. H10369 to H10384, S10405 to S10420 (Sept. 12, 1996) (Regulations of the Office of Compliance under section 220(d) of the CAA.	Provisions protect the rights of employees in the Federal Government to form, join, or assist any labor organization, or to refrain from any such activity, without fear of penalty or reprisal.	Chapter 71 of title 5 and applicable regulations apply to the Government Printing Office and the Library of Congress. Certain provisions of chapter 71 were made applicable to the legislative branch by section 220 of the CAA. Among those provisions not made applicable are those relating to injunctive relief. However, the CAA generally required that the Board of Directors of the Office of Compliance issue implementation regulations that are the same as substantive regulations of the Federal Labor Relations Authority except where good cause existed to modify them.
Provisions relating to Anti-Discrimination in Employment	5 U.S.C. 7201 to 7204 5 C.F.R. 720.101 et seq. (Regulations of the Office of Personnel Management).	Provisions establish policy to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. Provisions prohibit discrimination on the basis of martial status or handicapping condition. Require executive agencies to recruit minorities.	Provision prohibiting discrimination on the basis of marital status or handicapping condition applies to competitive service positions in the legislature branch.
Employees' right to petition Congress	5 U.S.C. 7211	Provision protects employees' rights to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof.	Provision applies in the legislative branch.
Employment Limitations	5 U.S.C. 7311 to 7313 5 C.F.R. part 732 (Regulations of the Office of Personnel Management).	Provide that an individual is ineligible to accept or hold a position in the Government of the United States or District of Columbia for certain specified reasons including if he advocates or is a member of an organization that advocates the overthrow of government; participates in a strike or asserts the right to strike, or is a member of an organization that asserts the right to strike against the U.S. or D.C. government.	Statutory provisions apply to the legislative branch. Office of Personnel Management regulations apply to competitive service positions in the legislative branch.
Political Participation	5 U.S.C. 7321 to 7326 5 C.F.R. parts 733 to 734 (Regulations of the Office of Personnel Management).	Imposes various restrictions on the political activities of Federal employees.	Provisions apply to entities in the legislative branch with positions in the competitive service.
Foreign Gifts and Decorations	5 U.S.C. 7342 Regulations are promulgated by each individual agency subject to these provisions.	Establishes and limits the right of government employees to accept gifts or decorations from foreign governments.	Provisions apply to employees in the legislative branch, as well as Members of Congress.
Misconduct	5 U.S.C. 7351 to 7353 5 C.F.R. part 2635 generally (Regulations of the Office of Government Ethics)	Prohibits gifts to superiors and prohibits certain gifts to employees.	Statutory provisions apply to employees in the legislative branch. Regulations of the Office of Government Ethics apply only in the executive branch.
Adverse Actions	5 U.S.C. 7501 to 7543 5 C.F.R. parts 752, 930, 990 (Regulations of the Office of Personnel Management).	Creates disciplinary proceedings and sanctions for employees under the Merit Systems Protections Board system.	Provisions apply to competitive service positions in the legislative branch.
Safety Programs	5 U.S.C. 7902	Requires the heads of agencies to develop and support organized safety promotion to reduce accidents and injuries among employees of the agency.	Provisions apply in the legislative branch. (NB: Executive Order 12196, which was promulgated under 5 U.S.C. 7902 and sets forth specific duties for heads of federal agencies in establishing health and safety programs, covers only executive branch agencies.)
Employee Assistance Programs relating to drug and alcohol abuse.	5 U.S.C. 7904	Requires the heads of Executive agencies to establish employee assistance programs for drug and alcohol abuse for employees of the agency.	Provisions apply to GAO.
Compensation for Work Injuries	5 U.S.C. 8101 to 8193 20 C.F.R. parts 1, 10, 25 (Regulations of the Office of Worker's Compensation Programs, Dept. of Labor). 5 C.F.R. part 353 (Regulations of the Office of Personnel Management).	Provisions establish systems for compensation and job retention for employees injured, disabled or killed on the job.	Provisions apply in the legislative branch.
Civil Service Retirement and Federal Employees Retirement Systems.	5 U.S.C. 8301 to 8407 5 C.F.R. parts 831, 841 to 846 (Regulations of the Office of Personnel Management). 5 C.F.R. chapter 16 (Regulations of the Federal Retirement Thrift Supervision Board).	Provisions establish retirement systems for employees of the United States Government (and others) and include annuities, thrift savings, retirement on disability, and early retirement.	Provisions apply in the legislative branch.
Unemployment Compensation	5 U.S.C. 8501 to 8525 20 C.F.R. parts 609 & 614 (Regulations of the Employment and Training Administration, Dept. of Labor).	Provisions establish systems for payment of unemployment compensation by states to former federal employees.	Provisions apply in the legislative branch except they do not apply to Members of Congress.
Life Insurance	5 U.S.C. 8701 to 8716 5 C.F.R. parts 870 to 874 (Regulations of the Office of Personnel Management).	Provisions establish system for life insurance for government employees.	Provisions apply in the legislative branch.
Health Insurance	5 U.S.C. 8901 to 8914 5 C.F.R. parts 890 to 891 (Regulations of the Office of Personnel Management).	Provisions establish health insurance system for government employees. Provisions include continuation coverage similar to COBRA's. (See Table C).	Provisions apply in the legislative branch.
Provisions relating to criminal penalties for government employees.	18 U.S.C. 203, 205, 207 to 209 Regulations are promulgated by each individual agency subject to these provisions.	Provisions imposed criminal penalties on certain government employees for, among other things, soliciting or taking bribes, acting as an agent or attorney for bringing claims against the United States, and for participating in an official capacity in official proceedings in which the employee may have a personal interest. The provisions also prohibit former government employees from participating in certain types of actions following their departure from the government.	Provisions apply in the legislative branch.
Provisions relating to illegal government employee contracts.	18 U.S.C. 431 to 443	Provisions impose criminal penalties on certain government employees for entering into contracts which, among other things, create a conflict of interest, or exceed appropriation amounts.	Certain provisions apply in the legislative branch.
Provisions relating to accounting generally for public money.	18 U.S.C. 643	Provisions imposes criminal penalties for embezzlement of public monies by an officer, employee or agent of the United States, or of any department or agency thereof.	Provisions apply in the legislative branch.

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Criminal penalties for certain violations by United States employees.	18 U.S.C. 1913, 1915 to 1918	Provisions impose criminal penalties on officers and employees of the United States, or of any department or agency thereof, for a variety of transgressions, including lobbying with appropriate moneys, unauthorized employment and disposition of lapsed appropriations, interference with civil service examinations, and disloyalty and asserting the right to strike against the government.	Provisions apply in the legislative branch.
Provisions relating to discrimination on the basis of disability.	29 U.S.C. 701 to 797(b) Regulations are promulgated by each individual agency subject to these provisions.	The Rehabilitation Act of 1973 requires affirmative action in federal employment, requires federal buildings to be accessible, and bars discrimination on the basis of disability by federal agencies.	The Rehabilitation Act and applicable regulations apply to the Government Printing Office and the Library of Congress. Section 201 of the CAA requires that "[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on— . . . (3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973. . ." The CAA also provides that the remedy for a violation would be "(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973. . .; and (B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes. . .". The Board has not adopted substantive regulations on employment-related disability discrimination.
Government Accounting Office Personnel Act	31 U.S.C. 731 to 736, 751 to 755 4 C.F.R. parts 2 et seq. (Regulations of the Comptroller General and of the GAO Personnel Appeals Board).	Provisions authorize the Comptroller General to establish a personnel system for GAO, and create the Personnel Appeals Board System for GAO employees. These provisions require that the personnel system for GAO include rights and protections based on various provisions of employment and civil service law.	Provisions and regulations apply to the General Accounting Office.
Provisions relating to terms and conditions of employment for postal employees.	39 U.S.C. 1001 to 1011, 1201 to 1209 39 C.F.R. parts 211, 255, 265, 760, 761, 946 (Regulations of the Postal Service).	Provisions establish framework for determining salaries, benefits, and leave for employees of the Postal Service.	Provisions do not apply in the legislative branch.
Provision relating to substance abuse among government and other employees.	42 U.S.C. 290dd	Provision generally prohibits, with some exceptions, the denial of federal civilian employment or a federal professional license or right solely on the grounds of prior substance abuse.	Provisions apply in at least parts of the legislative branch. (See ***Judd*** v. ***Billington***, 863 F.2d 103 (1988) (provision applies to employee of the Library of Congress).)
Provisions relating to enforcement of child support and alimony orders.	42 U.S.C. 659 to 662 Regulations are promulgated by each individual agency subject to these provisions.	Provisions allow for the garnishment of wages of employees of the United States government for payment of child support and alimony.	Provisions apply in the legislative branch.
Provisions relating to design and construction of public buildings to accommodate physically handicapped persons.	42 U.S.C. 4151 to 4157 41 C.F.R. parts 101 to 119 generally (Regulations of the General Services Administration)	Provisions require that United States public buildings and facilities be constructed to insure wherever possible that physically handicapped persons will have access and use of the building or facility.	Provisions of the law appear to apply on their face in the legislative branch. However, there is no enforceable right or remedy in the legislative branch. The standards enunciated by GSA in their regulations are, however, the same standards as those applied under title II of the ADA, which does apply in the legislative branch by virtue of section 210 of the CAA.

TABLE C—PRIVATE-SECTOR AND STATE AND LOCAL GOVERNMENT PROVISIONS OF LAW FOR WHICH CORRESPONDING RIGHTS AND PROTECTIONS UNDER OTHER FEDERAL-SECTOR LAWS COVER THE LEGISLATIVE BRANCH

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Government Employees Rights Act of 1991 (GERA)	2 U.S.C. 1201–1220	As amended by the CAA, GERA protects the rights of certain elected officials of State and local government and their confidential assistants with respect to their public employment, to be free from discrimination on the basis of race, color, religion, sex, national origin, age, and disability.	GERA does not apply to the legislative branch (except with respect to claims that arose before the effective date of the CAA). However, corresponding rights and protections of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act were made applicable in the legislative branch by the CAA.
Immigration Reform and Control Act (IRCA) provisions	8 U.S.C. 1324a 8 C.F.R. part 274a (regulations of the Immigration and Naturalization Service).	Provision of IRCA makes it illegal for employers to hire unauthorized aliens and requires employers to verify employment authorization.	Provision of IRCA does not apply in the legislative branch. However, the legislative branch has, in the context of appropriations bills, imposed citizenship restrictions (and, therefore some form of employment verification) on federal government hiring. (See, e.g. P.L. 104–52, title VI, 606, 109 Stat. 497 (Nov. 19, 1995)).
National Labor Relations Act (NLRA)	29 U.S.C. 141 to 187 29 C.F.R. parts 100 to 103, 1401 to 1430 (Regulations of the National Labor Relations Board).	Encourages the practice of collective bargaining and protects the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.	The NLRA does not apply in the legislative branch. However, the corresponding rights and protections of 5 U.S.C. chapter 71 were made applicable in the legislative branch by the CAA.
Employment Retirement Income Security Act (ERISA)	29 U.S.C. 1001 to 1461 29 C.F.R. chapter 25 (Regulations of the Pension and Welfare Benefits Administration, Dept. of Labor).	ERISA governs the funding, vesting, and administration of pension plans with the goal of protecting interstate commerce, the Federal taxing power, and the interests of participants and beneficiaries of private pension plans.	ERISA does not apply in the legislative branch. However, the legislative branch is covered by the corresponding rights and protections of civil service provisions through the Federal Employee Retirement System (5 U.S.C. 8301 to 8479).
COBRA provisions	29 U.S.C. 1161 to 1169	Provisions require most employer-sponsored group health plans to offer employees the ability to continue receiving health benefits in certain situations, for certain period of time, and for certain premiums.	COBRA does not apply to government insurance plans. However, continuation coverage similar to that under COBRA was enacted for federal employees in the Federal Employees Health Benefits Amendments Act of 1988, codified at 5 U.S.C. 8905a. The Federal Employees Health Benefits Program, which includes the continuation coverage provided by the 1988 Act, is available to all federal employees, including legislative branch employees.

TABLE D—PRIVATE-SECTOR AND STATE AND LOCAL GOVERNMENT LAWS THAT DO NOT APPLY OR CREATE NO ENFORCEABLE RIGHT IN THE LEGISLATIVE BRANCH

Name or topic	U.S. Code provisions and corresponding Federal regulations, if any	Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations	Whether or to what degree the provisions are applicable or inapplicable to the legislative branch
Immigration Reform and Control Act (IRCA)	8 U.S.C. 1324b 28 C.F.R. part 44 (regulations of the Department of Justice)	Provision of IRCA prohibits employers from discriminating based on national origin or citizenship status.	IRCA does not, by its terms, appear to apply to the legislative branch. However, the national origin discrimination provisions do not apply to any employer that is covered by Title VII of the Civil Rights Act of 1964, and consequently, would not apply in the legislative branch. Further, with respect to the citizenship provisions, IRCA gives an "override" power to federal government agencies and employers by allowing them to exempt themselves from application of these provisions by regulation.
Prohibition of discrimination on the basis of bankruptcy	11 U.S.C. 525	Provision prohibits discrimination in employment by any "governmental unit" against any person who is or has been bankrupt or a debtor under this Act. Provision also applies in the private sector.	Although "governmental unit" includes the United States and a department, agency or instrumentality of the United States, as well as state and local governments, it is not clear that the provision applies in the legislative branch.
Restriction on discharge from employment by reason of garnishment.	15 U.S.C. 1674(a)	Provision prohibits the discharge of an employee by reason of the fact that his earnings have been subjected to garnishment. Imposes a fine of up to $1000 or imprisonment for willful violations.	Provision applies in the private sector, where the Secretary of Labor has jurisdiction to enforce the law. However, the circuits are split as to whether this section allows for a private civil suit against an employer. As for government employers, it appears that, because there is no waiver of sovereign immunity, this provision creates no enforceable right in the legislative branch.
Protection of Juror's Employment Act	28 U.S.C. 1875	Law prohibits an employer from discharging, threatening to discharge, intimidating, or coercing any permanent employee because of the employee's jury service, or attendance in connection with such service, in any court of the United States. The provision allows an individual claiming discrimination under this law to sue in district court. Remedies may include reinstatement, damages for lost wages or other benefits, and a civil penalty of up to $1000.	Provision does not appear to apply in the legislative branch.
Title II of the Civil Rights Act of 1964 (Title II)	42 U.S.C. 2000a to 2000a–6	Title II prohibits discrimination on the basis of race, color, religion, or national origin, in the provision of public accommodations.	Title II does not apply in the legislative branch.
Title III of the Civil Rights Act of 1964 (Title II)	42 U.S.C. 2000b to 2000b–3	Title III prohibits discrimination on the basis of race, color, religion, or national origin, in the provision of public services and facilities.	Title III does not apply in the legislative branch.
Environmental Protection Statutes: Safe Drinking Water Act, Water Pollution Control Act, Toxic Substances Control Act, Solid Waste Disposal Act, Clean Air Act, and Energy Reorganization Act of 1974.	42 U.S.C. 300j–9(i); 33 U.S.C. 1367; 15 U.S.C. 2622; 42 U.S.C. 6971; 42 U.S.C. 7622; 42 U.S.C. 5851. 29 C.F.R. 24.2 (Enforcement Procedures of the Secretary of Labor).	These statutory employee protection provisions provide that no employer subject to the provisions of the Federal statute of which these protective provisions are a part may discharge or otherwise discriminate against the employee with respect to compensation, terms, conditions, or privileges of employment because the employee, or any person acting on his behalf pursuant to the employee's request, commenced, or caused to be commenced proceedings under the statutes, testified or is about to testify in any such proceedings, or assisted or participated, or is about to assist or participate in any manner in proceedings under those statutes.	None of these statutes appears to apply to employing offices in the legislative branch.
Comprehensive, Environmental Response, Compensation, and Liability Act. (CERCLA).	42 U.S.C. 9610 29 C.F.R. 24.2 (Enforcement procedures of the Secretary of Labor).	Provides that no person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceedings under CERCLA, or has testified or is about to testify in any administration or enforcement proceedings under CERCLA.	42 U.S.C. 9620 applies CERCLA to each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) to the same extent, both procedurally and substantively, as any nongovernmental entity. It is unclear whether and to what extent there are facilities and operations of entities within the legislative branch that would come within the coverage of section 9620 and, therefore, within the coverage of section 9610. Moreover, given that the exclusive means of enforcement of section 9610 is through the Secretary of Labor, an executive agency, such employee protection provisions would not likely apply to legislative branch entities.

INDEX OF STATUTORY AND REGULATORY PROVISIONS REVIEWED

TITLE 1 UNITED STATES CODE—GENERAL PROVISIONS

No provisions were found in title 1 that relate to the terms and conditions of employment.

TITLE 2 UNITED STATES CODE—THE CONGRESS

1. *2 U.S.C. 31 to end* (except sections 1201–1220, 1301–1438, discussed below. Table B.

2. *2 U.S.C. 1201 to 1220*—the Government Employees Rights Act of 1991. Table C.

3. *2 U.S.C. 1301 to 1438*—the Congressional Accountability Act of 1995. *142 Cong. Rec. S3896 to S3952* generally—Regulations issued by the Board of Directors and the Executive Director of the Office of Compliance. Table B.

TITLE 3 UNITED STATES CODE—THE PRESIDENT

4. *3 U.S.C. 101 to 209*—the President. Table B.

5. *P.L. 104–331*—The Presidential and Executive Office Accountability Act. Table B.

TITLE 4 UNITED STATES CODE—FLAG AND SEAL, SEAT OF GOVERNMENT AND THE STATES

No provisions were found in title 4 that relate to the terms and conditions of employment.

TITLE 5 UNITED STATES CODE—GOVERNMENT ORGANIZATION AND EMPLOYEES

6. *5 U.S.C.*—Privacy Act. *Regulations* pursuant to the Privacy Act are promulgated by each individual agency subject to the Act. Table B.

7. *5 U.S.C. 1201 to 1222*—Provisions establishing the Merit Systems Protection Board and Office of Special Counsel. *5 C.F.R. parts 12000 to 1209*—Regulations of the Merit Systems Protection Board. *5 C.F.R. parts 1800 to 1850*—Regulations of the Office of Special Counsel. Table B.

8. *5 U.S.C. 1501 et seq.*—Provisions applying Hatch Act type restrictions to state and local employees in certain circumstances relates to grants to states. Not included in report.

9. *5 U.S.C. 2301 to 2305*—Provisions establishing Merit Systems Principles. *5 C.F.R. parts 300 & 720*—Regulations of the Office of Personnel Management. Table B.

10. *5 U.S.C. 3102*—Authority to hire personal assistants for handicapped employees. *Regulations* are promulgated by each individual agency subject to these provisions. Table B.

11. *5 U.S.C. 3110*—Restriction on employment of relatives. *5 C.F.R. part 310*—Regulations of the Office of Personnel Management. Table B.

12. *5 U.S.C. 3112*—Provision relating to appointment of disabled veterans. *5 C.F.R. 720.301 et seq.*—Regulations of the Office of Personnel Management. Table B.

13. *5 U.S.C. 3131 to 3136, 3391 to 3397, 3591 to 3596, 4311 to 4315, 4507*—Senior Executive Service. *5 C.F.R. parts 214, 293, 317, 352, 359, 412, 430*—Regulations of the Office of Personnel Management. Table B.

14. *5 U.S.C. chapter 33* general—Competitive Service. *5 C.F.R.* generally—Regulations of the Office of Personnel Management. Table B.

15. *5 U.S.C. 3301*—Civil Service. *5 C.F.R. parts 771 & 930*—Regulations of the Office of Personnel Management. Table B.

16. *5 U.S.C. 3303*—Political Recommendations. Table B.

17. *5 U.S.C. 3304(c)*—Ramspeck Act provisions. *5 C.F.R. parts 315 to 316*—Regulations of

the Office of Personnel Management. Table B.

18. *5 U.S.C. 3328*—Selective Service Registration. *5 C.F.R. part 300*—Regulations of the Office of Personnel Management. Table B.

19. *5 U.S.C. 3401 to 3408*—Part-Time Career Employment Opportunities. *5 C.F.R. part 340*—Regulations of the Office of Personnel Management. Table B.

20. *5 U.S.C. 3501 to 3504*—Retention preference. *5 C.F.R. parts 351 & 432*—Regulations of the Office of Personnel Management. Table B.

21. *5 U.S.C. 3581 to 3584*—Reemployment after service with an international organization. *5 C.F.R. 352.301 et seq.*—Regulations of the Office of Personnel Management. Table B.

22. *5 U.S.C. 4101 to 4119*—Training. *5 C.F.R. part 410*—Regulations of the Office of Personnel Management. Table B.

23. *5 U.S.C. 4301 to 4305*—Performance Appraisals. *5 C.F.R. parts 430 & 432*—Regulations of the Office of Personnel Management. Table B.

24. *5 U.S.C. 4501 to 4509*—Incentive awards for superior accomplishments. *5 C.F.R. part 451*—Regulations of the Office of Personnel Management. Table B.

25. *5 U.S.C. 4511 to 4513*—Awards for cost saving disclosures. Table B.

26. *5 U.S.C. 4521 to 4523*—Awards to law enforcement officers for foreign language capabilities. Table B.

27. *5 U.S.C. 5101 to 5392*—Pay Systems. *5 C.F.R. generally*—Regulations of the Office of Personnel Management. Table B.

28. *5 U.S.C. 5511 to 5520a*—Withholding Pay. *Regulations* are promulgated by each individual agency subject to these provisions. Table B.

29. *5 U.S.C. 5531 to 5537*—Dual Pay and Dual Employment. *5 C.F.R. parts 550 & 553*—Regulations of the Office of Personnel Management. Table B.

30. *5 U.S.C. 5541 to 5550*—Premium Pay. *5 C.F.R. parts 550 and 551*—Regulations of the Office of Personnel Management. Table B.

31. *5 U.S.C. 5551 to 5553*—Payment for accrued and accumulated annual leave. Table B.

32. *5 U.S.C. 5561 to 5570*—Payments to missing employees. *32 C.F.R. part 718*—Regulations of the Department of the Army, DOD. *22 C.F.R. part 19*—Regulations of the Secretary of State. Table B.

33. *5 U.S.C. 5581 to 5584*—Settlement of Accounts. *4 C.F.R. parts 33, 91, 92*—Regulations of the General Accounting Office. Table B.

34. *5 U.S.C. 5595 to 5597*—Severance pay and Back pay. *5 C.F.R. 550.701 et seq., 550.801 et seq.*—Regulations of the Office of Personnel Management. Table B.

35. *5 U.S.C. 5701 to 5709*—Travel and subsistence expenses; Mileage allowances. *41 C.F.R. parts 301 to 304*—Federal Travel Regulations. Table B.

36. *5 U.S.C. 5721 to 5735*—Travel and transportation expenses for new appointees, student trainees, and transferred employees. *5 C.F.R. part 572*—Regulations of the Office of Personnel Management. Table B.

37. *5 U.S.C. 6101*—Basic 40-hour workweek; work schedules. *5 C.F.R. part 610*—Regulations of the Office of Personnel Management. Table B.

38. *5 U.S.C. 6103 and 6104*—Holidays. *5 C.F.R. 610.301 et seq.*—Regulations of the Office of Personnel Management. Table B.

39. *5 U.S.C. 6120 to 6133*—Flexible and Compressed Work Schedules. *5 C.F.R. 610.401 et seq.*—Regulations of the Office of Personnel Management. *5 C.F.R. 2472.6*—Regulations of the Federal Labor Relations Authority. Table B.

40. *5 U.S.C. 6301 to 6312*—Annual and Sick Leave. *5 C.F.R. part 630*—Regulations of the Office of Personnel Management. Table B.

41. *5 U.S.C. 6322*—Leave for jury or witness service. Table B.

42. *5 U.S.C. 6323*—Military Leave; Reserves and National Guardsmen. Table B.

43. *5 U.S.C. 6325*—Absence resulting from hostile action abroad. Table B.

44. *5 U.S.C. 6326*—Absence for funerals of immediate relatives in the Armed Forces. *5 C.F.R. part 630*—Regulations of the Office of Personnel Management. Table B.

45. *5 U.S.C. 6327*—Absence in connection with serving as a bone-marrow or organ donor. Table B.

46. *5 U.S.C. 6331 to 6340*—Voluntary Transfers of Leave. *5 C.F.R. parts 630*—Regulations of the Office of Personnel Management. Table B.

47. *5 U.S.C. 6361 to 6363*—Voluntary Leave Bank Program. *5 C.F.R. part 630*—Regulations of the Office of Personnel Management. Table B.

48. *5 U.S.C. 6381 to 6387*—Family and Medical Leave. *5 C.F.R. part 630*—Regulations of the Office of Personnel Management. Table B.

49. *5 U.S.C. 7101 to 7135*—Federal Service Labor-Management Relations Provisions. *5 C.F.R. chapter 24*—Regulations of the Federal Labor Relations Authority. *142 Cong. Rec. H10369 to H10384, S10405 to S10420*—Regulations of the Office of Compliance. Table B.

50. *5 U.S.C. 7201 to 7204*—Provisions relating to Anti-Discrimination in Employment. *5 C.F.R. 720.101 et seq.*—Regulations of the Office of Personnel Management. Table B.

51. *5 U.S.C. 7211*—Employees' right to petition Congress. Table B.

52. *5 U.S.C. 7311 to 7313*—Employment Limitations. *5 C.F.R. part 732*—Regulations of the Office of Personnel Management. Table B.

53. *5 U.S.C. 7321 to 7326*—Political Participation. *5 C.F.R. parts 733 & 734*—Regulations of the Office of Personnel Management. Table B.

54. *5 U.S.C. 7342*—Foreign Gifts and Decorations. Regulations are promulgated by each individual agency subject to this provision. Table B.

55. *5 U.S.C. 7351 to 7353*—Misconduct. *5 C.F.R. part 2635*—Regulations of the Office of Government Ethics. Table B.

56. *5 U.S.C. 7501 to 7543*—Adverse Actions. *5 C.F.R. parts 752, 930, 990*—Regulations of the Office of Personnel Management. Table B.

57. *5 U.S.C. 7902*—Safety Programs. Table B.

58. *5 U.S.C. 7904*—Employee Assistance Programs relating to drug and alcohol abuse. Table B.

59. *5 U.S.C. 8101 to 8193*—Compensation for Work Injuries. *20 C.F.R. parts 1, 10, 25*—Regulations of the Office of Worker's Compensation Programs, Department of Labor. *5 C.F.R. part 353*—Regulations of the Office of Personnel Management. Table B.

60. *5 U.S.C. 8301 to 8479*—Civil Service Retirement and Federal Employees Retirement System.

5 C.F.R. parts 831, 841 to 846—Regulations of the Office of Personnel Management.

5 C.F.R. chapter 16—Regulations of the Federal Retirement Thrift Supervision Board. Table B.

61. *5 U.S.C. 8501 to 8525*—Unemployment Compensation.

20 C.F.R. parts 609 & 614—Regulations of the Employment and Training Administration, Department of Labor. Table B.

62. *5 U.S.C. 8701 to 8716*—Life insurance.

5 C.F.R. parts 870 to 874—Regulations of the Office of Personnel Management. Table B.

63. *5 U.S.C. 8901 to 8914*—Health Insurance.

5 C.F.R. parts 890 & 891—Regulations of the Office of Personnel Management.

TITLE 6 UNITED STATES CODE—BONDS

Title 6 of the United States Code has been repealed.

TITLE 7 UNITED STATES CODE—AGRICULTURE

No provisions were found in title 7 that related to the terms and conditions of employment.

TITLE 8 UNITED STATES CODE—ALIENS AND NATIONALITY

64. *8 U.S.C. 1324a*—Provisions of the Immigration Reform and Control Act, regarding unlawful employment of aliens.

8 C.F.R. part 274a—Regulations of the Immigration and Naturalization Service, Department of Justice. Table C.

65. *8 U.S.C. 1324b*—Provisions of the Immigration Reform and Control Act, regarding unfair employment-related practices.

28 C.F.R. part 44—Regulations of the Department of Justice. Table D.

TITLE 9 UNITED STATES CODE—ARBITRATION

No provisions were found in title 9 that related to the terms and conditions of employment.

TITLE 10 UNITED STATES CODE—ARMED FORCES

No provisions were found in title 10 that related to terms and conditions of employment, other than those provisions involving terms and conditions of employment of members of the armed forces specifically.

TITLE 11 UNITED STATES CODE—BANKRUPTCY

66. *11 U.S.C. 525*—Protection against discriminatory treatment on basis of bankruptcy. Table D.

TITLE 12 UNITED STATES CODE—BANKS AND BANKING

No provisions were found in title 12 that related to the terms and conditions of employment.

TITLE 13 UNITED STATES CODE—CENSUS

No provisions were found in title 13 that related to the terms and conditions of employment, other than those provisions involving compensation and dual and temporary employment of employees of the census bureau.

TITLE 14 UNITED STATES CODE—COAST GUARD

No provisions were found in title 14 that relate to terms and conditions of employment, other than those provisions involving terms and conditions of employment of members of the coast guard specifically.

TITLE 15 UNITED STATES CODE—COMMERCE AND TRADE

67. *15 U.S.C. 1673*—Restrictions on Garnishment.

5 C.F.R. parts 581 and 582 generally—Regulations of the Office of Personnel Management. Table A.

68. *15 U.S.C. 1674a*—Restriction on discharge from employment by reason of garnishment. Table D.

69. *15 U.S.C. 2622*—Toxic Substances Control Act (Employee protection provisions). Table D.

TITLE 16 UNITED STATES CODE—CONSERVATION

No provisions were found in title 16 that related to the terms and conditions of employment, other than the establishment of a variety of commissions and boards.

TITLE 17 UNITED STATES CODE—COPYRIGHTS

No provisions were found in title 17 that relate to the terms and conditions of employment.

TITLE 18 UNITED STATES CODE—CRIMINAL CODE

70. *18 U.S.C. 203, 205, 207 to 209*—Provisions relating to criminal penalties for government employees. *Regulations* are promulgated by each individual agency subject to these provisions. Table B.

71. *18 U.S.C. 431 to 443*—Provisions relating to illegal government employee contracts. Table B.

72. *18 U.S.C. 600*—Provision relating to promise of employment for political activity. Table A.

73. *17 U.S.C. 601*—Provision relating to deprivation of employment for political contribution. Table A.

74. *18 U.S.C. 643*—Provision relating to accounting generally for public money. Table B.

75. *18 U.S.C. 1581 and 1584*—Provisions relating to peonage and involuntary servitude. Table A.

76. *18 U.S.C. 1913, 1915 to 1918*—Criminal penalties for certain violations by officers or employees of the United States. Table B.

TITLE 19 UNITED STATES CODE—CUSTOMS AND DUTIES

No provisions were found in title 19 that relate to the terms and conditions of employment, other than provisions involving terms and condition of employment for customs officers specifically.

TITLE 20 UNITED STATES CODE—EDUCATION

No provisions were found in title 20 that relate to terms and conditions of employment, other than those provisions involving terms and conditions of employment of certain teachers specifically.

TITLE 21 UNITED STATES CODE—FOOD AND DRUGS

No provisions were found in title 21 that relate to the terms and conditions of employment.

TITLE 22 UNITED STATES CODE—FOREIGN RELATIONS AND INTERCOURSE

No provisions were found in title 22 that relate to the terms and conditions of employment, other than provisions establishing agencies such as the IMF, the Foreign Service, the Peace Corps, and USIA.

TITLE 23 UNITED STATES CODE—HIGHWAYS

No provisions were found in title 23 that relate to the terms and conditions of employment.

TITLE 24 UNITED STATES CODE—HOSPITALS AND ASYLUMS

No provisions were found in title 24 that relate to the terms and conditions of employment.

TITLE 25 UNITED STATES CODE—INDIANS

No provisions were found in title 25 that relate to terms and conditions of employment, other than those that involve the hiring of Indians within the Indian Office specifically.

TITLE 26 UNITED STATES CODE—INTERNAL REVENUE CODE

No provisions were found in title 26 that relate to terms and conditions of employment.

TITLE 27 UNITED STATES CODE—INTOXICATING LIQUORS

No provisions were found in title 27 that relate to the terms and conditions of employment.

TITLE 28 UNITED STATES CODE—JUDICIARY

77. *28 U.S.C. 1875*—Protection of Juror's Employment Act. Table D.

TITLE 29 UNITED STATES CODE—LABOR

78. *29 U.S.C. 141 to 187*—National Labor Relations Act. *29 C.F.R. parts 100 to 103 and 1401 to 1430*—Regulations of the National Labor Relations Board. Table C.

79. *29 U.S.C. 201 to 219*—Fair Labor Standards Act. *29 C.F.R. parts 510 to 580*—Regulations of the Secretary of Labor. *142 Cong. Rec. S3924 to S3949*—Regulations of the Office of Compliance. Table A.

80. *29 U.S.C. 251 to 262*—the Portal to Portal Act. *29 C.F.R. part 775*—Regulations of the Secretary of Labor. *142 Cong. Rec. S3924 to S3949*—Regulations of the Office of Compliance. Table A.

81. *29 U.S.C. 621 to 633a*—Age Discrimination in Employment Act of 1967. *29 C.F.R. parts 1625 to 1627*—Interpretations of the Equal Employment Opportunity Commission. Table A.

82. *29 U.S.C. 651 to 677*—Occupational Safety and Health Act. *29 C.F.R. parts 1900 to 1926*—Regulations of the Secretary of Labor. *142 Cong. Rec. H10711 to H10719, S11019 to S11027*—Proposed regulations of the Office of Compliance. Table A.

83. *29 U.S.C. 701 to 797(b)*—The Rehabilitation Act of 1973. *Regulations* are promulgated by each individual agency subject to these provisions. Table B.

84. *29 U.S.C.A. 1001 to 1461*—Employee Retirement Income Security Act (ERISA). *29 C.F.R. chapter 25*—Regulations of the Pension and Welfare Benefits Administration, Department of Labor. Table C.

85. *19 U.S.C. 1161 to 1169*—COBRA provisions. Table C.

86. *29 U.S.C. 2001 to 2009*—Employee Polygraph Protection Act. *29 C.F.R. part 801*—Regulations of the Secretary of Labor. *142 Cong. Rec. S3917 to S3924*—Regulations of the Office of Compliance. Table A.

87. *29 U.S.C. 2101 to 2109*—Worker Adjustment Retraining and Notification Act. *20 C.F.R. part 639*—Regulations of the Employment and Training Administration, Department of Labor. *142 Cong. Rec. S3949 to S3952*—Regulations of the Office of Compliance. Table A.

88. *29 U.S.C. 2601 to 2654*—Family and Medical Leave Act. *29 C.F.R. part 825*—Regulations of the Secretary of Labor. *142 Cong. Rec. S3896 to S3917*—Regulations of the Office of Compliance. Table A.

TITLE 30 UNITED STATES CODE—MINERAL LANDS AND MINING

No provisions were found in title 30 that relate to terms and conditions of employment other than those that involve terms and conditions of employment for individuals in the mining industry specifically.

TITLE 31 UNITED STATES CODE—MONEY AND FINANCE

89. *31 U.S.C. 731 to 736, 751 to 755*—Government Accounting Office Personnel Act. *4 C.F.R. parts 2 et seq.*—Regulations of the Comptroller General and of the GAO Personnel Appeals Board. Table B.

TITLE 32 UNITED STATES CODE—NATIONAL GUARD

No provisions were found in title 32 that relate to terms and conditions of employment other than those that involve terms and conditions of employment for members of the National Guard specifically.

TITLE 33 UNITED STATES CODE—NAVIGATION AND NAVIGABLE WATERS

90. *33 U.S.C. 1367*—Water Pollution Control Act (Employee protection provisions). Table D.

TITLE 34 UNITED STATES CODE—NAVY

Incorporated into title 10 of the United States Code.

TITLE 35 UNITED STATES CODE—PATENTS

No provisions were found in title 35 that relate to terms and conditions of employment.

TITLE 36 UNITED STATES CODE—PATRIOTIC SOCIETIES AND OBSERVANCES

No provisions were found in title 36 that relate to terms and conditions of employment.

TITLE 37 UNITED STATES CODE—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

No provisions were found in title 37 that relate to terms and conditions of employment other than those that involve terms and conditions of employment for members of the uniformed services.

TITLE 38 UNITED STATES CODE—VETERAN'S BENEFITS

91. *38 U.S.C. 4301 to 4333*—Uniformed Services Employment and Reemployment Rights. *5 C.F.R. part 353* for executive branch—Regulations of the Office of Personnel Management. Table A.

TITLE 39 UNITED STATES CODE—POSTAL SERVICE

92. *39 U.S.C. 1001 to 1011, 1201 to 1209*—Terms and conditions of employment for postal employees. *39 C.F.R. parts 211, 255, 265, 760, 761, 946*—Regulations of the Postal Service. Table B.

TITLE 40 UNITED STATES CODE—PUBLIC BUILDINGS, PROPERTY, AND WORKS

No provisions were found in title 40 that relate to terms and conditions of employment other than those that involve contractor laws and the establishment of Boards and Commissions.

TITLE 41 UNITED STATES CODE—PUBLIC CONTRACTS

No provisions were found in title 41 that relate to terms and conditions of employment other than those that involve contractor laws.

TITLE 42 UNITED STATES CODE—PUBLIC HEALTH AND WELFARE

93. *42 U.S.C. 290dd*—Provision relating to substance abuse among government and other employees. Table B.

94. *42 U.S.C. 300j-9(i)*—Safe Drinking Water Act (employee protection provisions). Table D.

95. *42 U.S.C. 401 to 433*—Provisions relating to Social Security Insurance. *20 C.F.R. parts 404, 410, 416*—Regulations of the Social Security Administration. *42 C.F.R. parts 405, 406, 424*—Regulations of the Health Care Financing Administration, Health and Human Services. Table A.

96. *42 U.S.C. 659 to 662*—Provisions relating to enforcement of child support and alimony orders. *Regulations* are promulgated by each individual agency subject to these provisions. Table B.

97. *42 U.S.C. 2000a to 2000a-6*—Title II of the Civil Rights Act of 1964. Table D.

98. *42 U.S.C. 2000b to 2000b-3*—Title III of the Civil rights Act of 1964. Table D.

99. *42 U.S.C. 2000e to 2000e-17*—Title VII of the Civil Rights Act of 1964. *29 C.F.R. part 1601* generally—Procedural regulations of the Equal Employment Opportunity Commission. Table A.

100. *42 U.S.C. 4151 to 4157*—Provisions relating to design and construction of public buildings to accommodate physically handicapped persons. *41 C.F.R. parts 101 to 119* generally—Regulations of the General Services Administration. Table B.

101. *42 U.S.C. 5851*—Energy Reorganization Act of 1974 (Employee protection provisions). Table D.

102. *42 U.S.C. 6971*—Solid Waste Disposal Act (Employee protection provisions). Table D.

103. *42 U.S.C. 7622*—Clean Air Act (Employee protection provisions). Table D.

104. *42 U.S.C. 9610*—Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) (Employee protection provisions). *29 C.F.R. 24.2*—Enforcement procedures of the Secretary of Labor. Table D.

105. *42 U.S.C. 12101 to 12213*—The Americans with Disabilities Act of 1990. *29 C.F.R. parts 1602, 1614, 1640, 1641*—Record keeping and reporting requirements of the Equal Employment Opportunity Commission. *28 C.F.R. part 35*—Regulations of the Attorney General. *49 C.F.R. parts 27, 37, 38*—Regulations of the Secretary of Transportation. *142 Cong. Rec. H10676 to H10711, S10984 to S11019*—Proposed regulations of the Office of Compliance. Table A.

TITLE 43 UNITED STATES CODE—PUBLIC LANDS

No provisions were found in title 43 that relate to the terms and conditions of employment.

TITLE 44 UNITED STATES CODE—PUBLIC PRINTING AND DOCUMENTS

No provisions were found in title 44 that relate to the terms and conditions of employment.

TITLE 45 UNITED STATES CODE—RAILROADS

No provisions were found in title 45 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for railroad employees specifically, and the establishment of Boards and Commissions.

TITLE 46 UNITED STATES CODE—SHIPPING

No provisions were found in title 46 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for shipping industry employees specifically.

TITLE 47 UNITED STATES CODE—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

No provisions were found in title 47 that relate to terms and conditions of employment.

TITLE 48 UNITED STATES CODE—TERRITORIES AND INSULAR POSSESSIONS

No provisions were found in title 48 that relate to terms and conditions of employment.

TITLE 49 UNITED STATES CODE—TRANSPORTATION

No provisions were found in title 49 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for common carrier employees specifically.

TITLE 50 UNITED STATES CODE—WAR AND NATIONAL DEFENSE

No provisions were found in title 50 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for CIA employees specifically.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 31st Annual Report of the Department of Housing and Urban Development, which covers calendar year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT—PM 2

Thee PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

In accordance with the requirements of section 657 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7267), I transmit herewith the 31st Annual Report of the Department of Energy, which covers the years 1994 and 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

REPORT CONCERNING THE BIENNIAL REPORT ON HAZARDOUS MATERIALS—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

In accordance with Public Law 103–272, as amended (49 U.S.C. 5121(e)), I transmit herewith the Biennial Report on Hazardous Materials Transportation for Calendar Years 1994–1995 of the Department of Transportation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

REPORT CONCERNING THE APPOINTMENT OF THE UNITED STATES TRADE REPRESENTATIVES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 4

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on January 7, 1997, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

I am pleased to transmit herewith for your immediate consideration and enactment legislation to provide a waiver from certain provisions relating to the appointment of the United States Trade Representative.

This draft bill would authorize the President, acting by and with the advice and consent of the Senate, to appoint Charlene Barshefsky as the United States Trade Representative, notwithstanding any limitations imposed by certain provisions of law. The Lobbying Disclosure Act of 1995 amended the provisions of the Trade Act of 1974 regarding the appointment of the United States Trade Representative and the Deputy United States Trade Representatives by imposing certain limitations on their appointment. These limitations only became effective with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives on January 1, 1996, and do not apply to individuals who were serving in one of those positions on that date and continue to serve in them. Because Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, and has continued to serve in that position since then, the limitations in the Lobbying Disclosure Act, which became effective on January 1, 1996, do not apply to her in her capacity as Deputy United States Trade Representative and it is appropriate that they not apply to her if she is appointed to be the United States Trade Representative.

I have today nominated Charlene Barshefsky to be the next United States Trade Representative. She has done an outstanding job as Deputy United States Trade Representative since 1993 and as Acting United States Trade Representative for the last 9 months. I am confident she will make an excellent United States Trade Representative. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1996, the Secretary of the Senate, on October 4, 1996, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs.

MORELLA) has signed the following enrolled bills:

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

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

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

Under the authority of the order of the Senate of January 4, 1996, the enrolled bills were signed on October 4, 1996, during the sine die adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 4, 1996, the Secretary of the Senate, on October 9, 1996, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. MORELLA) has signed the following enrolled bills and joint resolutions:

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

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

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

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

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

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

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

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

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

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

H.R. 1087. An act for the relief of Nguyen Quy An.

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

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

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

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

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

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

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

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

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

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

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

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

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

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

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

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

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills and joint resolutions were signed on October 9, 1996, during the sine die adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 4, 1996, the Secretary of the Senate, on October 18, 1996, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. MORELLA) has signed the following enrolled bills:

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

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

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

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills and joint resolutions were signed on October 18, 1996, during the sine die adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 4, 1996, he had presented to the President of the United States, the following enrolled bill:

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

The Secretary of the Senate reported that on October 9, 1996, he had presented to the President of the United States, the following enrolled bills:

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

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

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

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

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

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

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

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

S. 2198. An act to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, 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-1. A communication from the Chairman of the Federal Election Commission, transmitting, the budget request for fiscal year 1998; to the Committee on Rules and Administration.

EC-2. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to tuition payment assistance; to the Committee on Rules and Administration.

EC-3. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to tomatoes grown in Florida, (FV96-966-2) received on October 30, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule

relative to Irish potatoes grown in Maine, (FV95-950-1) received on October 16, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to fresh fruits, vegetables, and other products (FV95-306) received on October 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to regulations under the export grape and plum act (FV96-35-1) received on October 17, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to assessment rate for marketing orders, (FV96-927-2) received on October 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of four rules including a rule relative to dried prunes in California, (FV96-993-1, 945-1, 929-3) received on October 3, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to the eastern Colorado milk order, (DA-96-13) received on October 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to olives grown in California and imported olives (FV96-932-3) received on October 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to domestically produced peanuts, (FV96-998-3) received on October 28, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-12. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to brucellosis in cattle, received on October 30, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-13. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to importation of fruit trees from France, received on October 1, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-14. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Japanese beetle, received on November 1, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-15. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to importation of horses, received on October 16, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-16. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to commuted traveltime periods, received on October 16, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-17. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to viruses, serums, toxins, and analogous products, received on October 16, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-18. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to remove interstate movement regulations, received on October 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-19. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to viruses, serums, toxins, and analogous products, received on October 4, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-20. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to a change in disease status, received on October 4, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-21. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to karnal bunt, received on October 4, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-22. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, the report of a rule relative to burley tobacco, (RIN0560-AE47) received on October 1, 1996; to Committee on Agriculture, Nutrition, and Forestry.

EC-23. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, the report of a rule relative to the disaster reserve assistance program, received on October 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-24. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to agreements for the development of foreign markets, (RIN0551-AA24) received on October 4, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-25. A communication from the Administrator of the Grain Inspection and Stockyards Administration, Department of Agriculture, the report of a rule relative to protection for purchasers of farm products, (RIN0580-AA13) received on October 17, 1996; to Committee on Agriculture, Nutrition, and Forestry.

EC-26. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a major rule relative to dairy tariff-rate quote licensing, received on October 16, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-27. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Food Stamp Program regulations, (RIN0584-AB74) received on October 7, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-28. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Food Stamp Program regulations, (RIN0584-AB98) received on October 7, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-29. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Food Stamp Program regulations, (RIN0584-AB58) received on October 7, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-30. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Food Stamp Program regulations, (RIN0584-AB60) received on October 7, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-31. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Food Stamp Program regulations, (RIN0584-AB02) received on October 7, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-32. A communication from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to agriculture acquisition regulation, (RIN0599-AA00) received on October 1, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-33. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the Horse Protection Enforcement Act for fiscal year 1995; to the Committee on Agriculture, Nutrition, and Forestry.

EC-34. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on foreign ownership of U.S. agricultural land for calendar year 1995; to the Committee on Agriculture, Nutrition, and Forestry.

EC-35. A communication from the Acting Executive Director of the Commodities Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to inflation adjusted civil monetary penalties, received on October 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-36. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule relative to adjusting civil money penalties for inflation, (RIN3052-AB74) received on October 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-37. A communication from the Director of the Office of Regulations Management,

Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Willful Misconduct" (RIN2900–AI26) received on November 1, 1996; to the Committee on Veterans' Affairs.

EC–38. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Contract Program for Veterans With Alcohol and Drug Dependence Disorders" (RIN2900–AH77) received on November 1, 1996; to the Committee on Veterans' Affairs.

EC–39. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Federal Civil Penalties Inflation Adjustment" (RIN2900–AI48) received on October 31, 1996; to the Committee on Veterans' Affairs.

EC–40. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Evidence of Dependents and Age" (RIN2900–AH51) received on October 31, 1996; to the Committee on Veterans' Affairs.

EC–41. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "VA Acquisition Regulation: Service Contracting" (RIN2900–AG67) received on October 31, 1996; to the Committee on Veterans' Affairs.

EC–42. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Schedule for Rating Disabilities; Mental Disorders" (RIN2900–AF01) received on October 27, 1996; to the Committee on Veterans' Affairs.

EC–43. A communication from the President of the United States, transmitting, pursuant to law, the report on continued production of the naval petroleum reserves; to the Committee on Armed Services.

EC–44. A communication from the President of the United States, transmitting, pursuant to law, a report on ballistic missiles; to the Committee on Armed Services.

EC–45. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–46. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on continued production of the naval petroleum reserves; to the Committee on Armed Services.

EC–47. A communication from the Secretary of the Navy, transmitting, pursuant to law, a proposal to transfer a battleship; to the Committee on Armed Services.

EC–48. A communication from the Under Secretary of Defense, transmitting, pursuant to law, notice of fund transfers; to the Committee on Armed Services.

EC–49. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on opportunities for greater efficiencies in the operation of the military exchanges, commissary stores, and other morale, welfare and recreation activities; to the Committee on Armed Services.

EC–50. A communication from the Director of the Defense Procurement, Under Secretary of Defense, transmitting, pursuant to law, a rule entitled "The Pilot Mentor-Protege Program" received on October 15, 1996; to the Committee on Armed Services.

EC–51. A communication from the Director of the Defense Procurement, Under Secretary of Defense, transmitting, pursuant to law, a rule entitled "The Defense Federal Acquisition Regulation Supplement" received on September 27, 1996; to the Committee on Armed Services.

EC–52. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–12; to the Committee on Appropriations.

EC–53. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–27; to the Committee on Appropriations.

EC–54. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the Anti-Terrorism Assistance Program; to the Committee on Appropriations.

EC–55. A communication from the Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–56. A communication from the Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–57. A communication from the Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–58. A communication from the Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–59. A communication from the Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–60. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–61. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–62. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–63. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–64. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–65. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–66. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, the report of rule relative to Food Stamp Program regulations, received on October 7, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–67. A communication from the Deputy Under Secretary Natural Resources and Environment, Department of Agriculture, transmitting, pursuant to law, the report under the Wilderness Act; to the Committee on Energy and Natural Resources.

EC–68. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the electric and hybrid vehicles program for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–69. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the report of rule relative to Bonneville Power Administration, received on October 1, 1996; to the Committee on Energy and Natural Resources.

EC–70. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to alternative fuel vehicles in Federal fleets; to the Committee on Energy and Natural Resources.

EC–71. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Emissions of Greenhouse Gases in the United States 1995"; to the Committee on Energy and Natural Resources.

EC–72. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the report of a rule relative to personnel assurance program, received on October 22, 1996; to the Committee on Energy and Natural Resources.

EC–73. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to Outer Continental Shelf Leases, (RIN1010–AC07) received on October 24, 1996; to the Committee on Energy and Natural Resources.

EC–74. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–75. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to Outer Continental Shelf Leases, (RIN1010–AC15) received on October 24, 1996; to the Committee on Energy and Natural Resources.

EC–76. A communication from the Assistant Secretary for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of rule relative to national parks system units in Alaska, (RIN1024–AC19) received

on October 15, 1996; to the Committee on Energy and Natural Resources.

EC-77. A communication from the Acting Director of the Office of Surface Mining, Department of Interior, transmitting, pursuant to law, the report of two final rules including one relative to the Ohio Regulatory Program, received on October 23, 1996; to the Committee on Energy and Natural Resources.

EC-78. A communication from the Acting Director of the Office of Surface Mining, Department of Interior, transmitting, pursuant to law, the report of a final rule relative to North Dakota abandoned Mine Land Reclamation Program, received on October 4, 1996; to the Committee on Energy and Natural Resources.

EC-79. A communication from the National Service Officer of the American Gold Star Mothers, transmitting, pursuant to law, the report of the audit of financial statements for 1995 and 1996; to the Committee on the Judiciary.

EC-80. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report relative to the rule entitled "Grants Program for Indian Tribes"; to the Committee on the Judiciary.

EC-81. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, the rule entitled "Communications with the Patent and Trademark Office" (RIN0651-AA70) received on October 29, 1996; to the Committee on the Judiciary.

EC-82. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the rule entitled "Visas Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended" received on September 27, 1996; to the Committee on the Judiciary.

EC-83. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Child Support Recovery Amendments Act of 1996"; to the Committee on the Judiciary.

EC-84. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-85. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled "Employer Sanctions Modifications" received on October 2, 1996; to the Committee on the Judiciary.

EC-86. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule concerning the Port Passenger Accelerated Service Program received on October 9, 1996; to the Committee on the Judiciary.

EC-87. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled "Collection of Fees Under the Dedicated Commuter Lane Program" received on October 11, 1996; to the Committee on the Judiciary.

EC-88. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation to include American Samoa in the Act of October 5, 1984; to the Committee on the Judiciary.

EC-89. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The International Crime Control Act of 1996"; to the Committee on the Judiciary.

EC-90. A communication from the National Commander of the American Ex-Prisoners of War, transmitting, pursuant to law, the report of the audit of financial statements for 1995 and 1996; to the Committee on the Judiciary.

EC-91. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on the Judiciary.

EC-92. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated September 1, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Government Affairs.

EC-93. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the final sequestration report for fiscal year 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Select Committee on Intelligence, and to the Committee on Indian Affairs.

EC-94. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Notice 96-54, received on October 29, 1996; to the Committee on Finance.

EC-95. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Announcement 96-105, received on October 1, 1996; to the Committee on Finance.

EC-96. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Announcement 96-106, received on October 1, 1996; to the Committee on Finance.

EC-97. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Announcement 96-108, received on October 15, 1996; to the Committee on Finance.

EC-98. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Announcement 96-112, received on October 21, 1996; to the Committee on Finance.

EC-99. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Announcement 96-116, received on October 24, 1996; to the Committee on Finance.

EC-100. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Procedure 250588-96, received on November 1, 1996; to the Committee on Finance.

EC-101. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Procedure 96-49, received on October 7, 1996; to the Committee on Finance.

EC-102. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Procedure 96-50, received on October 31, 1996; to the Committee on Finance.

EC-103. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Notice 96-51, received on September 27, 1996; to the Committee on Finance.

EC-104. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Treasury Notice 96-52, received on September 27, 1996; to the Committee on Finance.

EC-105. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Ruling 96-41, received on October 22, 1996; to the Committee on Finance.

EC-106. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Ruling 96-45, received on September 27, 1996; to the Committee on Finance.

EC-107. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Ruling 96-50, received on September 27, 1996; to the Committee on Finance.

EC-108. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, Revenue Ruling 96-52, received on October 18, 1996; to the Committee on Finance.

EC-109. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of two rules relative to Revenue Ruling 96-51, received on October 3, 1996; to the Committee on Finance.

EC-110. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, a rule relative to an Action on Decision, received on October 17, 1996; to the Committee on Finance.

EC-111. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, a rule relative to an Action on Decision, received on October 17, 1996; to the Committee on Finance.

EC-112. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury,

transmitting, pursuant to law, a rule relative to Revenue Procedure 96-48, received on September 27, 1996; to the Committee on Finance.

EC-113. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule relative to a Treasury Regulation, (RIN1545-AM98) received on October 9, 1996; to the Committee on Finance.

EC-114. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule relative to a Treasury Regulation, (RIN1545-AU08) received on October 9, 1996; to the Committee on Finance.

EC-115. A communication from the Chief Counsel of the Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a final rule relative to United States Savings Bonds, received on October 15, 1996; to the Committee on Finance.

EC-116. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to recovery of overpayments, received on September 27, 1996; to the Committee on Finance.

EC-117. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to services under Medicare Part B, received on September 27, 1996; to the Committee on Finance.

EC-118. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to ambulatory surgical center payment rates, received on October 1, 1996; to the Committee on Finance.

EC-119. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to limitations on aggregate payments, (RIN0938-AH44) received on October 8, 1996; to the Committee on Finance.

EC-120. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to monthly actuarial rates, (RIN0938-AH42) received on October 30, 1996; to the Committee on Finance.

EC-121. A communication from the Chief of Staff of the Social Security Administration, transmitting, pursuant to law, the report of a final rule relative to lawful admission for permanent residence, (RIN0960-AD90) received on October 31, 1996; to the Committee on Finance.

EC-122. A communication from the Chief of Staff of the Social Security Administration, transmitting, pursuant to law, the report of a final rule relative to overpayment appeals and waiver rights, (RIN0960-AD99) received on October 30, 1996; to the Committee on Finance.

EC-123. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the Generalized System of Preferences (GSP) program, received on October 18, 1996; to the Committee on Finance.

EC-124. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on the worker adjustment assistance training funds under the Trade Act of 1974; to the Committee on Finance.

EC-125. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the Caribbean Basin Recovery Act; to the Committee on Finance.

EC-126. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report entitled "Arms Control, Nonproliferation and Disarmament Studies Completed in 1995"; to the Committee on Foreign Relations.

EC-127. A communication from the Assistant Attorney General (Civil Rights Division), transmitting, pursuant to law, the rule entitled "Redress Provisions for Persons of Japanese Ancestry" (RIN1190-AA42) received on October 31, 1996; to the Committee on the Judiciary.

EC-128. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a rule concerning Personnel Security Activities received on November 4, 1996; to the Committee on Energy and Natural Resources.

EC-129. A communication from the Chairman of the Senate Delegation and Chairman of the House of Representatives Delegation of the Canada-United States Interparliamentary Conference, transmitting, pursuant to law, the annual report for 1996; to the Committee on Foreign Relations.

EC-130. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report on the administration of the Foreign Agents Registration Act for the calendar year 1995; to the Committee on Foreign Relations.

EC-131. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-132. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-133. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to a rule on nonimmigrant visas received on October 18, 1996; to the Committee on Foreign Relations.

EC-134. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of intention relative to the Hashemite Kingdom of Jordan; to the Committee on Foreign Relations.

EC-135. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the United Nations and United Nations-affiliated agencies; to the Committee on Foreign Relations.

EC-136. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a rule concerning the Work For Others Program received on November 4, 1996; to the Committee on Energy and Natural Resources.

EC-137. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period July 1 through September 30, 1996; to the Committee on Armed Services.

EC-138. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1, 1996 through September 30, 1996; ordered to lie on the table.

EC-139. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Diseases Associated with Exposure to Certain Herbicide Agents" (RIN2900-AI35) received on November 8, 1996; to the Committee on Veterans' Affairs.

EC-140. A communication from the Chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, the report entitled "A New Diplomacy for the Information Age"; to the Committee on Foreign Relations.

EC-141. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-142. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-143. A communication from the Principal Deputy Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to Saudi Arabia; to the Committee on Appropriations.

EC-144. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-09; to the Committee on Appropriations.

EC-145. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Waste Isolation Pilot Plant; to the Committee on Energy and Natural Resources.

EC-146. A communication from the Acting Assistant Secretary of the Interior for Land Minerals Management, transmitting, pursuant to law, a rule entitled "Grazing Administration, Exclusive of Alaska" (RIN1004-AB89) received on November 22, 1996; to the Committee on Energy and Natural Resources.

EC-147. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Grazing Administration, Exclusive of Alaska" (RIN1004-AB89) received on November 22, 1996; to the Committee on Energy and Natural Resources.

EC-148. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf" (RIN101004-AC03); to the Committee on Energy and Natural Resources.

EC-149. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, a rule entitled "Changes In Procedures For the Insular Possessions Watch Program" (RIN0625-AA46) received on October 30, 1996; to the Committee on Energy and Natural Resources.

EC-150. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of thirteen rules including one relative to revision of Class E airspace (RIN2120-AA64, AA66), received on October 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC-151. A communication from General Counsel, Department of Transportation, transmitting, pursuant to law, the report of thirteen rules including one relative to revision of Class E airspace (RIN2120-AA64,

AA65, AA66), received on October 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC–152. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of seven rules including one relative to Class E airspace (RIN2120–AA64, AA66), received on October 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–153. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of three rules including one relative to standard instrument approach procedures (RIN2120–AA65), received on October 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC–154. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule relative to airworthiness directives (RIN2120–AA64), received on October 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–155. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of two rules including one relative to crashworthiness protection (RIN2115–AE47), received on November 14, 1996; to the Committee on Commerce, Science, and Transportation.

EC–156. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of twenty-five rules including one relative to airworthiness directives (RIN2120–AA63, AA64, AA65, AA66, AC43, AD74), received on November 14, 1996; to the Committee on Commerce, Science, and Transportation.

EC–157. A communication from the Secratary of Commerce, transmitting, pursuant to law, the report entitled "Historic Rational, Effectiveness and Biological Efficiency of Existing Regulations for the U.S. Atlantic Bluefin Tuna Fisheries"; to the Committee on Commerce, Science, and Transportation.

EC–158. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Commerce, Science, Transportation.

EC–159. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, the report of a rule relative to establishment of recordal fees, (RIN0651–AA90) received October 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–160. A communication from the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of rule relative to the Endangered Species Act, received on November 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–161. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to fisheries of the Northeastern United States (RIN0648–AH06) received on November 20, 1996; to the Committee on Commerce, Science, and Transportation.

EC–162. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to fisheries of the Northeastern United States (RIN0648–AH05) received on October 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC–163. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to fisheries of the Northeastern United States (RIN0648–AJ26) received on November 12, 1996; to the Committee on Commerce, Science, and Transportation.

EC–164. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Gulf of Mexico Fisheries Disaster Program (RIN0648–ZA19), received on October 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–165. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the North Pacific Fisheries Research Plan (RIN0648–AI95), received on November 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–166. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Exclusive Economic Zone Off Alaska, received on November 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–167. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the North Pacific Fisheries Research Plan (RIN0648–ZA20), received on November 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–168. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the biennial report on the Coastal Zone Management Act for fiscal years 1994 and 1995; to the Committee on Commerce, Science, and Transportation.

EC–169. A communication from the Associate Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Faster Quality Act (RIN0693–AA90); to the Committee on Commerce, Science, and Transportation.

EC–170. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "The Community Residential Care Program" (RIN2900–AH61) received on December 2, 1996; to the Committee on Veterans' Affairs.

EC–171. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on Vietnam-era and Disabled Veterans; to the Committee on Veterans' Affairs.

EC–172. A communication from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a proposed plan for the use and distribution of the White Mountain Apache Tribe's judgment funds; to the Committee on Indian Affairs.

EC–173. A communication from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule (RIN1035–AA00) received on December 19, 1996; to the Committee on Indian Affairs.

EC–174. A communication from the Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–175. A communication from the Special Assistant to the President and Senior Director for Legislative Affairs, National Security Council, transmitting, pursuant to law, a report on the Livingston ABM Amendment; to the Committee on Appropriations.

EC–176. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–06; to the Committee on Appropriations.

EC–177. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–11; to the Committee on Appropriations.

EC–178. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96–03; to the Committee on Appropriations.

EC–179. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96–05; to the Committee on Appropriations.

EC–180. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–09; to the Committee on Appropriations.

EC–181. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on December 2, 1996; to the Committee on Foreign Relations.

EC–182. A communication from the Chairman of the J. William Fulbright Foreign Scholarship Board, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Foreign Relations.

EC–183. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Iraq; to the Committee on Foreign Relations.

EC–184. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice relative to Iraq; to the Committee on Foreign Relations.

EC–185. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to United States Prisoners of War and Missing in Action; to the Committee on Foreign Relations.

EC–186. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–187. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–188. A communication from the President of the United States, transmitting, pursuant to law, the report of seven new deferrals of budgetary resources; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–189. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Final Sequestration Report for fiscal year 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans Affairs, to the Committee on Indian Affairs, to the Select Committee on Ethics, to the Select Committee on Intelligence, and to the Special Committee on Aging.

EC–190. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Cooperative Threat Reduction Program Plan; to the Committee on Armed Services.

EC–191. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "The Uses and Counterfeiting of U.S. Currency in Foreign Countries"; to the Committee on the Judiciary.

EC–192. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Adjustment of Status to That of Person Admitted for Permanent Residence: Interview" (RIN1115–AD15) received on December 2, 1996; to the Committee on the Judiciary.

EC–193. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule entitled "Changes in Signature and Filing Requirements for Correspondence Filed in the Patent and Trademark Office" (RIN0651–AA55) received on November 27, 1996; to the Committee on the Judiciary.

EC–194. A communication from the Director of the Office for Victims of Crime, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report on the programs and activities of the Office for Victims of Crime; to the Committee on the Judiciary.

EC–195. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, a rule entitled "Distribution of Chemical Import/Export Declaration" (RIN1117–AA21) received on October 31, 1996; to the Committee on the Judiciary.

EC–196. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule affecting expansion of the Board of Immigration Appeals (RIN1125–AA17) received on December 24, 1996; to the Committee on the Judiciary.

EC–197. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Revocation of Naturalization" (RIN1115–AD45) received on October 31, 1996; to the Committee on the Judiciary.

EC–198. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Visas: Regulations Pertaining to Both Nonimmigrants and Immigrants" received on November 7, 1996; to the Committee on the Judiciary.

EC–199. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Visas: Regulations Pertaining to Both Nonimmigrants and Immigrants" received on December 4, 1996; to the Committee on the Judiciary.

EC–200. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, four rules including a rule entitled "Incoming Publications: Nudity and Sexually Explicit Material or Information" (RIN1120–AA59, 1120–AA50, 1120–AA21, 1120–AA45); to the Committee on the Judiciary.

EC–201. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on the continuing need for existing bankruptcy judgeship positions; to the Committee on the Judiciary.

EC–202. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report entitled "Study of Judicial Branch Coverage"; to the Committee on the Judiciary.

EC–203. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report entitled "U.S. Navy Ship Solid Waste Compliance Plan for MARPOL Annex V Special Areas"; to the Committee on Armed Services.

EC–204. A communication from the Secretary of the Panama Canal Commission, transmitting, pursuant to law, a rule entitled "Proposal to Increase Tolls and Apply Certain Rules For Measurement of Vessels" received on December 19, 1996; to the Committee on Armed Services.

EC–205. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to nuclear, biological, and chemical weapons; to the Committee on Armed Services.

EC–206. A communication from the Chair of the Defense Environmental Response Task Force, Under Secretary of Defense, transmitting, pursuant to law, the report for fiscal year 1996; to the Committee on Armed Services.

EC–207. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison at the Air Force Development Test Center, Eglin Air Force Base, Florida; to the Committee on Armed Services.

EC–208. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison at Keesler Air Force Base, Mississippi, and Lackland AFB, Texas; to the Committee on Armed Services.

EC–209. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison at Bolling Air Force Base, Washington, DC; to the Committee on Armed Services.

EC–210. A communication from the Director of the Office of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Civilian Health and Medical Program of the Uniformed Services" received on November 20, 1996; to the Committee on Armed Services.

EC–211. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to Medicare late enrollment penalties; to the Committee on Armed Services.

EC–212. A communication from the Director of the Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, a rule entitled "Civilian Health and Medical Program of the Uniformed Services" (RIN0720–AA29) received on December 19, 1996; to the Committee on Armed Services.

EC–213. A communication from the Secretary of Defense, transmitting notice of four retirements; to the Committee on Armed Services.

EC–214. A communication from the Director of the Defense Procurement (Acquisition and Technology), Under Secretary of Defense, transmitting, pursuant to law, five rules including a rule entitled "Defense Federal Acquisition Regulation Supplement" (DFARS Case 96–D023, D332, D334, D320, D330); to the Committee on Armed Services.

EC–215. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the coke oven emission control program for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–216. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report on the Exxon Stripper Well Oil Overcharge Funds as of June 30, 1996; to the Committee on Energy and Natural Resources.

EC–217. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Automotive Technology Development Program for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–218. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the report of a rule relative to human resource management, received on October 30, 1996; to the Committee on Energy and Natural Resources.

EC–219. A communication from the Chair of the Federal Regulatory Commission, transmitting, pursuant to law, the report of a rule relative to the Federal Power Act, received on December 27, 1996; to the Committee on Energy and Natural Resources.

EC–220. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to acreage limitation and water conservation (RIN1006–AA32) received on December 11, 1996; to the Committee on Energy and Natural Resources.

EC-221. A communication from the Acting Director of the Office of Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to the Kentucky Regulatory Program, received on December 14, 1996; to the Committee on Energy and Natural Resources.

EC-222. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Exclusive Economic Zone off Alaska, received on December 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC-223. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Fisheries of the Northeastern United States, received on December 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC-224. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Exclusive Economic Zone off Alaska, received on December 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-225. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Scallop Registration Area D, received on December 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC-226. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of four rules including one rule relative to Exclusive Economic Zone off Alaska, received on December 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-227. A communication from the Acting Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Monterey Bay National Marine Sanctuary (RIN0648-AH92) received on December 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC-228. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to species bycatch allowances (RIN0648-xx73) received on December 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC-229. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Fishery Management Plan (RIN0648-AH28) received on December 19, 1996; to the Committee on Commerce, Science, and Transportation.

EC-230. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Fishery Management Plan (RIN0648-AG29) received on December 19, 1996; to the Committee on Commerce, Science, and Transportation.

EC-231. A communication from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Fishery Management Plan (RIN0648-AD91) received on December 19, 1996; to the Committee on Commerce, Science, and Transportation.

EC-232. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the List of Fisheries for 1997 (RIN0648-AH33) received on December 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC-233. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Sea Turtle Conservation (RIN0648-AH89) received on December 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC-234. A communication from the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, a rule entitled "Alaska, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and Demonstration Projects" (RIN0584-AC14) received on November 20, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-235. A communication from the Assistant Secretary of Agriculture for Marketing and Regulatory Programs, transmitting, pursuant to law, a rule entitled "Fees for Commodity Inspection" (RIN0580-AA48) received on December 17, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-236. A communication from the Under Secretary of Agriculture for Rural Development, transmitting, pursuant to law, three rules including a rule entitled "Rural Business Loan Program Streamlining" (RIN0575-AA09, 0575-AB99, 0575-AB59); to the Committee on Agriculture, Nutrition, and Forestry.

EC-237. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, three rules including a rule entitled "Accounting and Reporting Requirements" (RIN3052-AB54, 3052-AB61, 3052-AB73); to the Committee on Agriculture, Nutrition, and Forestry.

EC-238. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, sixteen rules including a rule entitled "Tomatoes Grown in Florida" (FV96-966-1, 981-4, 989-3, 905-4, 906-2, 911-1, 920-3, 987-1, 920-3, 998-2, 906-3, 955-1, 984-1 IFR); to the Committee on Agriculture, Nutrition, and Forestry.

EC-239. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "Importation of Fruits and Vegetables" (95-098-3, 96-045-1, 96-074-1); to the Committee on Agriculture, Nutrition, and Forestry.

EC-240. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, two rules including a rule entitled "Report for Commission Interpretation"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-241. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "Foreign Donation of Agricultural Commodities" (7 CFR Part 1499, 1485); to the Committee on Agriculture, Nutrition, and Forestry.

EC-242. A communication from the Acting Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "Dairy Indemnity Payment Program" (RIN0560-AE97, 0560-AE45, 0560-AE46); to the Committee on Agriculture, Nutrition, and Forestry.

EC-243. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Grading and Inspection" (RIN0581-AB43) received on December 31, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-244. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Revisions in Use and Disclosure Rules" (RIN0584-AC00) received on January 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-245. A communication from the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the report of the dissolution study; to the Committee on Armed Services.

EC-246. A communication from the Director of the Office of Administration and Management, Secretary of Defense, transmitting, pursuant to law, a rule entitled "Inflation Adjustment of Civil Monetary Penalties" received on January 2, 1997; to the Committee on Armed Services.

EC-247. A communication from the Assistant Secretary of the Army (Civil Works) transmitting, pursuant to law, a rule entitled "Cooper River and Tributaries, Charleston, South Carolina, Danger Zones and Restricted Areas" received on December 19, 1996; to the Committee on Environment and Public Works.

EC-248. A communication from the Director of the National Institutes of Health, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "National Institute of Environmental Health Sciences Hazardous Substances Basis Research and Training Grants" (RIN0925-AA03) received on December 19, 1996; to the Committee on Environment and Public Works.

EC-249. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Agency for Toxic Substances and Disease Registry for fiscal year 1993, 1994, and 1995; to the Committee on Environment and Public Works.

EC-250. A communication from the General Counsel of the Secretary of Transportation, transmitting, pursuant to law, a rule entitled "Emergency Relief Program" (RIN2125-AD60) received on December 19, 1996; to the Committee on Environment and Public Works.

EC-251. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report under the Superfund Amendments and Reauthorization

Act for fiscal year 1996; to the Committee on Environment and Public Works.

EC–252. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Determination of Endangered Status for Lesquerella perforata" (RIN:AC42) received on December 19, 1996; to the Committee on Environment and Public Works.

EC–253. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period July 1 through September 30, 1996; to the Committee on Environment and Public Works.

EC–254. A communication from the Director of the Office of the Congressional Affairs of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, seven rules including a rule entitled "Interim Guidance On Transportation of Steam Generators"; to the Committee on Environment and Public Works.

EC–255. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, twenty-three (23) rules including a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL5601–7, 5668–3, 5665–9, 5658–6, 5658–7, 5659–9, 5658–4, 5658–5, 5671–1, 5670–5, 5670–2, 5665–8, 5666–1, 5659–7, 5654–7, 5664–3, 5664–6, 5665–1, 5657–5, 5649–8, 5662–8, 5667–8, 5662–5); to the Committee on Environment and Public Works.

EC–256. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report on environmental monitoring of organotin for the period April 1991 through June 1992; to the Committee on Environment and Public Works.

EC–257. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, four rules including a rule entitled "Medicare Program; Changes Concerning Suspension of Medicare Payments, and Determinations of Allowable Interest Expenses" (RIN0938–AC99, AH45, AH08, AH41); to the Committee on Finance.

EC–258. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Certain Provisions of the National Voter Registration Act of 1993" (RIN0970–AB32) received on November 22, 1996; to the Committee on Finance.

EC–259. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Certain Provisions of the National Voter Registration Act of 1993" (RIN0970–AB34) received on December 6, 1996; to the Committee on Finance.

EC–260. A communication from the Acting U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report concerning eliminating or reducing foreign unfair trade practices for the period January 1995 through June 1996; to the Committee on Finance.

EC–261. A communication from the President of the United States, transmitting, pursuant to law, a report relative to broom corn brooms; to the Committee on Finance.

EC–262. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Requirement of Return and Time for Filing" (RIN1545–AU65) received on January 2, 1997; to the Committee on Finance.

EC–263. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, two announcements (96–133, 97–1); to the Committee on Finance.

EC–264. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, eighteen Treasury regulations including a regulation entitled "Sale of Seized Property" (RIN1545–AU13, 1545–AE94, 1545–AS19, 1545–AT48, 1545–AU52, 1545–AS52, 1545–AT64, 1545–AS94, 1545–AT92, 1545–AS14, 1545–AT91, 1545–AR57, 1545–AS09, 1545–AS30, 1545–AT19, 1545–AU44, 1545–AS04, 1545–AU47, 1545–AT25); to the Committee on Finance.

EC–265. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 92–62 received on December 17, 1996; to the Committee on Finance.

EC–266. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 92–65 received on December 18, 1996; to the Committee on Finance.

EC–267. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, thirteen Revenue Rulings (96–61, 96–63, 96–56, 96–58, 96–59, 96–64, 97–1, 97–3, 97–4, 96–53, 96–54, 96–57, 96–60); to the Committee on Finance.

EC–268. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, eighteen Revenue Procedures (96–38, 96–52, 96–53, 96–54, 96–55, 96–56, 96–57, 96–58, 96–60, 96–59, 96–61, 96–63, 96–62, 96–64, 97–3, 97–8, 97–9, 97–5); to the Committee on Finance.

EC–269. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, twenty-one Notices (96–64, 96–65, 96–66, 96–67, 96–68, 97–1, 97–2, 97–3, 97–4, 97–6, 97–7, 97–10, 97–11, 96–53, 96–55, 96–57, 96–58, 96–59, 96–60, 96–61, 96–62); to the Committee on Finance.

EC–270. A communication from the Inspector General of the Department of Commerce, transmitting, pursuant to law, a report on the export license application screening process; to the Committee on Banking, Housing, and Urban Affairs.

EC–271. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–272. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1995; to the Committee on Banking, Housing, and Uban Affairs.

EC–273. A communication from the Under Secretary of Commerce for Export Administration, transmitting, pursuant to law, the report on the imposition of foreign policy export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–274. A communication from the Acting Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a rule entitled "Book-Entry Procedure" received on December 17, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–275. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on fair housing programs for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–276. A communication from the Acting Secretary of the Board of the National Credit Union Administration, transmitting, pursuant to law, four rules including a rule entitled "Supervisory Committee Audits and Verifications"; to the Committee on Banking, Housing, and Urban Affairs.

EC–277. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–278. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, two rules including a rule entitled "Revisions to the Export Administration Regulations: License Exceptions" (RIN0694–AB51, AB09); to the Committee on Banking, Housing, and Urban Affairs.

EC–279. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–280. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–281. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, four rules including a rule entitled "Iranian Transactions Regulations"; to the Committee on Banking, Housing, and Urban Affairs.

EC–282. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, four rules including a rule entitled "Subsidiaries and Equity Investments"; to the Committee on Banking, Housing, and Urban Affairs.

EC–283. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, nineteen rules including a rule entitled "Streamlining of the Supportive Housing Program Regulations" (FR–4022, 2206, 4072, 4091, 4089, 4088, 3982, 4038, 4077, 4148, 4112, 4154, 4095, 4139, 3324, 4081, 4116, 4136); to the Committee on Banking, Housing, and Urban Affairs.

EC–284. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, two rules including a rule entitled "Fiscal Service"; to the Committee on Banking, Housing, and Urban Affairs.

EC–285. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, four rules including a rule entitled "Amendment of Budgets Regulation" (96–71, 96–80, 96–81, 96–79); to the Committee on Banking, Housing, and Urban Affairs.

EC–286. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, eight rules including a rule entitled "Sales of Credit Life Insurance"

(RIN1557–AB49, AB40, AB37, AB42, AB41, AB45, AB12, AB27); to the Committee on Banking, Housing, and Urban Affairs.

EC–287. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, five rules including a rule entitled "Adjustments to Civil Monetary Penalty Amounts" (RIN3235–AG47, AG78, AF54); to the Committee on Banking, Housing, and Urban Affairs.

EC–288. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, eleven rules including a rule entitled "Reimbursement for Providing Financial Records" (Docket Numbers R–0934, 0938, 0928, 0892, 0936, 0939, 0931, 0946, 0937, 0841, 0929); to the Committee on Banking, Housing, and Urban Affairs.

EC–289. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on rules on home-equity credit; to the Committee on Banking, Housing, and Urban Affairs.

EC–290. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on funds availability schedules and check fraud at depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–291. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the Libyan emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–292. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the Iran emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–293. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the emergency with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–294. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to processing export license applications; to the Committee on Banking, Housing, and Urban Affairs.

EC–295. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to the Chinese FY–1 meteorological satellite; to the Committee on Banking, Housing, and Urban Affairs.

EC–296. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to the SINOSAT project; to the Committee on Banking, Housing, and Urban Affairs.

EC–297. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the emergency with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–298. A communication from the President of the United States, transmitting, pursuant to law, a report on the administration of export controls on encryption products; to the Committee on Banking, Housing, and Urban Affairs.

EC–299. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the continuation of the Iran emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–300. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the emergency regarding weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC–301. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the Governments of Serbia and Montenegro; to the Committee on Banking, Housing, and Urban Affairs.

EC–302. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–303. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–304. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Lithuania; to the Committee on Banking, Housing, and Urban Affairs.

EC–305. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–306. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC–307. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Qatar; to the Committee on Banking, Housing, and Urban Affairs.

EC–308. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Uzbekistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–309. A communication from the Acting Deputy Secretary of Education, transmitting, pursuant to law, a report relative to paperwork; to the Committee on Labor and Human Resources.

EC–310. A communication from the Chair of the U.S. Commission On Child and Family Welfare, transmitting, pursuant to law, a report entitled "Parenting Our Children: In the Best Interest of the Nation"; to the Committee on Labor and Human Resources.

EC–311. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Labor and Human Resources.

EC–312. A communication from the Secretary of Education and the Secretary of Labor, transmitting jointly, pursuant to law, a report on activities under the School-to-Work Opportunities Act; to the Committee on Labor and Human Resources.

EC–313. A communication from the Acting Deputy Assistant Secretary of Labor, Office of Labor-Management Standards, transmitting, pursuant to law, a rule entitled "Permanent Replacement of Lawfully Striking Employees by Federal Contractors" (RIN1294–AA15); to the Committee on Labor and Human Resources.

EC–314. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the audit of the Student Loan Marketing Association's financial statements for calendar year 1995; to the Committee on Labor and Human Resources.

EC–315. A communication from the Office of the Assistant Secretary of Health and Human Services, Administration For Children and Families, transmitting, pursuant to law, a rule on the Developmental Disabilities Program (RIN0970–AB11) received on October 1, 1996; to the Committee on Labor and Human Resources.

EC–316. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, a rule entitled "Occupational Exposure to 1,3-Butadiene" (RIN1218–AA83) received on November 4, 1996; to the Committee on Labor and Human Resources.

EC–317. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, a rule entitled "North Carolina State Plan; Final Approval Determination" received on December 16, 1996; to the Committee on Labor and Human Resources.

EC–318. A communication from the Assistant Secretary of Labor for Mine Safety and Health, transmitting, pursuant to law, two rules including a rule entitled "First Aid at Metal and Nonmetal Mines" (RIN1219–AA97, AA27); to the Committee on Labor and Human Resources.

EC–319. A communication from the Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, three rules including a rule entitled "Unemployment Insurance Program Letter 30–96 and 37–96" (RIN1205–AB13); to the Committee on Labor and Human Resources.

EC–320. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, six rules including a rule entitled "Payment of Premiums": to the Committee on Labor and Human Resources.

EC–321. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, fourteen rules including the final regulations for the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC–322. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to institutions of higher education; to the Committee on Labor and Human Resources.

EC–323. A communication from the Director of the National Institutes of Health, Public Health Services, Department of Health and Human Services, transmitting, pursuant to law, four rules including a rule entitled "Grants for Research Projects" (RIN0905–AC02, AD56, AA15, AE00); to the Committee on Labor and Human Resources.

EC–324. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, eleven rules including a rule entitled

"Extralabel Drug Use in Animals" (RIN0910-AA47, AA01, AA23, AA31); to the Committee on Labor and Human Resources.

EC-325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, five rules including a rule entitled "Civil Money Penalty Inflation Adjustments" (RIN0991-AZ00, 0910-AA60, 0910-AA09, 0970-AB55); to the Committee on Labor and Human Resources.

EC-326. A communication from the Administrator of the Health Resources and Services Administration, Public Health Services, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Grants for Nurse Practitioner and Nurse Midwifery Programs" (RIN0906-AA40); to the Committee on Labor and Human Resources.

EC-327. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Prescription Drug User Fee Act for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-328. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the effectiveness of demonstration projects to address child access problems; to the Committee on Labor and Human Resources.

EC-329. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on childhood lead poisoning prevention activities for fiscal years 1993 and 1994; to the Committee on Labor and Human Resources.

EC-330. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "The Presidential Honors Scholarship Act of 1996"; to the Committee on Labor and Human Resources.

EC-331. A communication from the Secretary of Education, transmitting, pursuant to law, a report on efforts to assure the free appropriate public education of all children with disabilities; to the Committee on Labor and Human Resources.

EC-332. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to vocational education programs; to the Committee on Labor and Human Resources.

EC-333. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report entitled "Scientific and Engineering Research Facilities at Colleges and Universities: 1996"; to the Committee on Labor and Human Resources.

EC-334. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report entitled "Women, Minorities, and Persons With Disabilities in Science and Engineering"; to the Committee on Labor and Human Resources.

EC-335. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the program operations of the Office of Workers' Compensation Programs for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-336. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report covering the administration of the Employee Retirement Income Security Act for calendar year 1994; to the Committee on Labor and Human Resources.

EC-337. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on training and employment programs for program year 1992 and fiscal year 1993; to the Committee on Labor and Human Resources.

EC-338. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of seven rules including one rule relative to prohibition of oxygen generators (RIN2137-AC89, 2115-AA97, 2127-AF63, 2105-AC59, 2120-AA66, 2127-AG14, 2125-AD92); to the Committee on Commerce, Science, and Transportation.

EC-339. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one rule relative to power brake regulations (RIN2130-AA73, 2127-AG60), received on January 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC-340. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of eight rules relative to Airworthiness Directives (RIN2120-AA64), received on January 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC-341. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of thirty-one rules including one rule relative to Airworthines Directives, (RIN2120-AA64, AA65, AA66, AG27, AD47), received on December 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-342. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of five rules including one rule relative to hazardous materials regulations (RIN2130-AB00, 2127-AG54, 2115-AE72, 2127-AD01, 2127-AG20), received on October 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC-343. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of six rules including one rule relative to Airworthiness Directives, (RIN2120-AG30, 2120-AA64) received on November 21, 1996; to the Committee on Commerce, Science, and Transportation.

EC-344. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of nine rules relative to Airworthiness Directives, (RIN2120-AA64) received on November 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC-345. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of four rules relative to Class E Airspace, (RIN2120-AA66) received on November 4, 1996; to the Committee on Commerce, Science, and Transportation.

EC-346. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of three rules including one rule relative to commercial fishing regulations (RIN21115-AF35, 2105-AC63, 2105-AB62), received on November 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC-347. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of six rules including one rule relative to drawbridge regulations (RIN2115-AE46, AA-97, AF17); to the Committee on Commerce, Science, and Transportation.

EC-348. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of five rules relative to Class E Airspace, (RIN2120-AA66) received on October 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC-349. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one rule relative to notice of arrivals, (2115-AF29 , AF19); to the Committee on Commerce, Science, and Transportation.

EC-350. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of three rules including one rule relative to Safety Zones, (RIN2137-AC94, 2115-AA97, 2115-AF34) received on October 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC-351. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of eight rules relative to Airworthiness Directives (RIN2120-AA64); to the Committee on Commerce, Science, and Transportation.

EC-352. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one rule relative to Maritime Security Program Regulations, (RIN2133-AB24, 2125-AD96) received on October 18, 1996; to the Committee on Commerce, Science, and Transportation.

EC-353. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of four rules including one rule relative to Airworthiness Directives, (RIN2120-AA64, AG28, AF43) received on October 18, 1996; to the Committee on Commerce, Science, and Transportation.

EC-354. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of six rules including one rule relative to roadway worker protection, (RIN2130-AB13, 2130-AA86, 2132-AA57, 2115-AF35, 2115-AA97, 2115-AF11) received on December 19, 1996; to the Committee on Commerce, Science, and Transportation.

EC-355. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of three rules including one rule relative to commercial fishing regulations, (RIN2115-AF35, 2125-AD62, 2105-AB62) received on December 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC-356. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of six rules relative to Airworthiness Directives, (RIN2120-AA64) received on December 12, 1996; to the Committee on Commerce, Science, and Transportation.

EC-357. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of seven rules including one rule relative to railroad accident reporting, (RIN2115-AE01, 2115-AE46, 2130-AA58, 2127-AG14) received on December 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC-358. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of five rules including one rule relative to Airworthiness Directives, (RIN2120-AA64, AA65, AA66) received on December 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC-359. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one rule relative

to Airworthiness Directives, (RIN2120-AA64) received on December 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC-360. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of sixteen rules including one rule relative to Class E Airspace, (RIN2120-AA64, 2120-AA65, 2120-AA66, 2120-AF93, 2105-AC63,) received on December 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC-361. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of eighteen rules including one rule relative to Airworthiness Directives, (RIN2120-AA64, AA66, AD47, AE83) received on December 19, 1996; to the Committee on Commerce, Science, and Transportation.

EC-362. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of six rules including one rule relative to appliance labeling; to the Committee on Commerce, Science, and Transportation.

EC-363. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of three rules including one relative to FM broadcast stations, received on October 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC-364. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of five rules including one relative to FM broadcast stations, received on November 4, 1996; to the Committee on Commerce, Science, and Transportation.

EC-365. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of six rules including one relative to FM broadcast stations, received on September 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC-366. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to pay telephone provisions, received on November 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC-367. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to competitive bidding, received on November 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC-368. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to filing requirements, received on November 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC-369. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to interstate interexchange marketplace, received on November 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC-370. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to citizenship requirements, received on October 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC-371. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to competitive bidding, received on October 21, 1996; to the Committee on Commerce, Science, and Transportation.

EC-372. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of nine rules including one rule relative to TV broadcast stations; to the Committee on Commerce, Science, and Transportation.

EC-373. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to amateur radio service, received on November 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC-374. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of nine rules including one rule relative to domestic ship and aircraft radio stations; to the Committee on Commerce, Science, and Transportation.

EC-375. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on December 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-376. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of seventeen rules including one rule relative to FM broadcast stations, received on December 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC-377. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of ten rules including one rule relative to yellowtail rockfish; to the Committee on Commerce, Science, and Transportation.

EC-378. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of eleven rules including one rule relative to other rockfish; to the Committee on Commerce, Science, and Transportation.

EC-379. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to consolidation of all Alaska regulations, (RIN0648-AI18) received on October 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC-380. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of two rules including one rule relative to Fisheries of the Northeastern United States, (RIN0648-AH70, AJ25) received on September 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC-381. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Atlantic bluefin tuna fishery, received on October 15, 1996; to the Committee on Commerce, Science, and Transportation.

EC-382. A communication from the Acting Deputy Assistant Administrator of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Exclusive Economic Zone off Alaska, (RIN0648-AI96) received on September 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC-383. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Exclusive Economic Zone off south Atlantic states, (RIN0648-AI92) received on September 11, 1996; to the Committee on Commerce, Science, and Transportation.

EC-384. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Statistical Area 610 of the Gulf of Alaska, received on September 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC-385. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to spawning area closures, (RIN0648-AE50) received on October 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC-386. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of rule relative to graduate research fellowships, (RIN0648-ZA24) received on October 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC-387. A communication from the Assistant Secretary for Communication, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Public Telecommunications Facilities Program, (RIN0660-AA09) received on November 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC-388. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC-389. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Federal Cigarette Labeling and Advertising Act for 1994; to the Committee on Commerce, Science, and Transportation.

EC-390. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of rule relative to collection of debts, received on September 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC-391. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of rule relative to civil monetary penalties, received on October 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-392. A communication from the Chairman of the Surface Transportation Board,

transmitting, pursuant to law, the report of a rule relative to Ex Parte No. 527, received on December 12, 1996; to the Committee on Commerce, Science, and Transportation.

EC-393. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule relative to Ex Parte No. 346, received on December 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC-394. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule relative to Ex Parte No. 527, received on October 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC-395. A communication from the Secretary of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule relative to the Small Business Program, received on October 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC-396. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, an appeal letter regarding the fiscal year 1998 budget request; to the Committee on Commerce, Science, and Transportation.

EC-397. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report regarding the fiscal year 1998 budget request; to the Committee on Commerce, Science, and Transportation.

EC-398. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the fiscal year 1998 budget request; to the Committee on Commerce, Science, and Transportation.

EC-399. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on the National Implementation Plan for Modernization of the National Weather Service for Fiscal Year 1997; to the Committee on Commerce, Science, and Transportation.

EC-400. A communication from the Acting Chief Financial Officer and Assistant Secretary for Administration, transmitting, pursuant to law, the report of a rule relative to civil monetary penalties, (RIN0690-AA27) received on October 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC-401. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Metals Initiative for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC-402. A communication from the Director of the Bureau of Transportation Statistics, transmitting, pursuant to law, the annual report for 1996; to the Committee on Commerce, Science, and Transportation.

EC-403. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report on increased air traffic over Grand Canyon National Park; to the Committee on Commerce, Science, and Transportation.

EC-404. A communication from the Chairman of the Interagency Coordinating Committee on Oil Pollution Research, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the biennial report for fiscal years 1993 and 1994; to the Committee on Commerce, Science, and Transportation.

EC-405. A communication from the Administrator of the Federal Aviation Administration, Department of Commerce, transmitting, the report on the ninety day safety review as of September 16, 1996; to the Committee on Commerce, Science, and Transportation.

EC-406. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Status of the Public Ports of the United States" for years 1994 and 1995; to the Committee on Commerce, Science, and Transportation.

EC-407. A communication from the Secretary of Transportation, transmitting, pursuant to law, the progress report on the transition to quieter airplanes for 1995; to the Committee on Commerce, Science, and Transportation.

EC-408. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-409. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-410. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-411. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-412. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-413. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-414. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-415. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-416. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-417. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-418. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-419. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-420. A communication from the Office of the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-421. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-422. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-423. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-424. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-425. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-426. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-427. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-428. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-429. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-430. A communication from the Chairman and General Counsel of the U.S. Government National Labor Relations Board, transmitting jointly, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-431. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–432. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–433. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–434. A communication from the Chairman and Chief Executive Office of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–435. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–436. A communication from the Chairman of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–437. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–438. A communication from the President and Chief Executive Office of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–439. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–440. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–441. A communication from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–442. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–443. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–444. A communication from the Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–445. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–446. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–447. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–448. A communication from the Inspector General of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–449. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–450. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–451. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–452. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–453. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–454. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–455. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–456. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–457. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–458. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–459. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–460. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–461. A communication from the Chairman of the U.S. Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–462. A communication from the Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–463. A communication from the Acting Museum Director of the U.S. Holocaust Memorial Museum, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–464. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–465. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–466. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–467. A communication from the Chair of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–468. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–469. A communication from the President of the African Development Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–470. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–471. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–472. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–473. A communication from the Director of the Morris K. Udall Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–474. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–475. A communication from the Executive Director of the U.S. Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–476. A communication from the Executive Director of the National Education Goals Panel, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–477. A communication from the Chairman of the U.S. Nuclear Waste Technical Review Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–478. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–479. A communication from the President and Chief Executive Officer of the U.S. Enrichment Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–480. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–481. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–482. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–483. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–484. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–363 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–485. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–387 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–486. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–413 adopted by the Council on October 1, 1996; to the Committee on Governmental Affairs.

EC–487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–414 adopted by the Council on October 1, 1996; to the Committee on Governmental Affairs.

EC–488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–415 adopted by the Council on October 1, 1996; to the Committee on Governmental Affairs.

EC–489. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–432 adopted by the Council on October 1, 1996; to the Committee on Governmental Affairs.

EC–490. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–433 adopted by the Council on October 1, 1996; to the Committee on Governmental Affairs.

EC–491. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–454 adopted by the Council on November 7, 1996; to the Committee on Governmental Affairs.

EC–492. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–493. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a rule entitled "Allocation of Earnings" received on December 2, 1996; to the Committee on Governmental Affairs.

EC–494. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report under the Program Fraud Civil Remedies Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–495. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, three rules including a rule entitled "Definition of Basic Pay"; to the Committee on Governmental Affairs.

EC–496. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Program Fraud Civil Remedies Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–497. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Excepted Service Employee Failed to Comply with the District's Residency Requirement"; to the Committee on Governmental Affairs.

EC–498. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Certification of the Fiscal Year 1997 Revenue Estimates in Support of the District of Columbia General Obligation Bonds (Series 1996A)"; to the Committee on Governmental Affairs.

EC–499. A communication from the Inspector General of the Corporation For National Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–500. A communication from the Vice President and Treasurer of the Farm Credit Financial Partners, transmitting, pursuant to law, the annual report of the Group Retirement Plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District for calendar

year 1995; to the Committee on Governmental Affairs.

EC–501. A communication from the Federal Reserve Employee Benefits Systems, transmitting, pursuant to law, the annual reports for the plan year 1995; to the Committee on Governmental Affairs.

EC–502. A communication from the President of the United States, transmitting, pursuant to law, a report concerning locality pay; to the Committee on Governmental Affairs.

EC–503. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the U.S. Government for fiscal year 1996; to the Committee on Governmental Affairs.

EC–504. A communication from the Chairman of the U.S. Arctic Research Commission, transmitting, pursuant to law, the annual reports for fiscal years 1994 and 1995; to the Committee on Governmental Affairs.

EC–505. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, a report entitled "District of Columbia Department of Corrections Short-Term Improvements Plan"; to the Committee on Governmental Affairs.

EC–506. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, the annual report on progress for fiscal year 1996; to the Committee on Governmental Affairs.

EC–507. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a revised annual report on progress for fiscal year 1996; to the Committee on Governmental Affairs.

EC–508. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report entitled "Children in Crisis: A Report on the Failure of D.C. Public Schools"; to the Committee on Governmental Affairs.

EC–509. A communication from the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–510. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to the Federal Employees Health Benefits program; to the Committee on Governmental Affairs.

EC–511. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the U.S. Government: Fiscal Year 1997"; to the Committee on Governmental Affairs.

EC–512. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to accounts containing unvouchered expenditures; to the Committee on Governmental Affairs.

EC–513. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports for September 1996; to the Committee on Governmental Affairs.

EC–514. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports for October 1996; to the Committee on Governmental Affairs.

EC–515. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports for November 1996; to the Committee on Governmental Affairs.

EC–516. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–517. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Payment to Financial Institutions" (RIN1510–AA30) received on December 19, 1996; to the Committee on Governmental Affairs.

EC–518. A communication from the Deputy General Counsel of the U.S. Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208" (RIN3209–AA09) received on December 11, 1996; to the Committee on Governmental Affairs.

EC–519. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, four rules including a rule entitled "Civil Monetary Penalties Inflation Adjustment" (RIN3090–AG18, AG26, AG09, AG14); to the Committee on Governmental Affairs.

EC–520. A communication from the Chairman of the Board Contract Appeals, General Services Administration, transmitting, pursuant to law, two rules including a rule entitled "Rules of Procedure for Travel and Relocation Expenses Cases" (RIN3090–AG29, AF99); to the Committee on Governmental Affairs.

EC–521. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, two rules including a rule relative to the Privacy Program; to the Committee on Governmental Affairs.

EC–522. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, six additions to the procurement list; to the Committee on Governmental Affairs.

EC–523. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, seven rules including a rule entitled "Training" (RIN3206–AF99, AG31, AH56, AH10, AH55); to the Committee on Governmental Affairs.

EC–524. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, four rules including a rule entitled "Voting Rights Program" (RIN3206–AH69, AH54, AH41, AG78); to the Committee on Governmental Affairs.

EC–525. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Exotic Newcastle Disease in Birds and Poultry" (RIN0579–AA22) received on November 6, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–526. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–527. A communication from the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, a report entitled "The Impact of the Compacts of Free Association on the U.S. Territories and Commonwealths and on the State of Hawaii"; to the Committee on Energy and Natural Resources.

EC–528. A communication from the Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, a rule entitled "Collection of Canadian Province of Origin Information on Customs Entry Records" (RIN0607–AA21) received on November 22, 1996; to the Committee on Finance.

EC–529. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule relative to the Debt Collection Improvement Act of 1996 (RIN1512–AB62) received on October 30, 1996; to the Committee on Finance.

EC–530. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to a peace monitoring force; to the Committee on Foreign Relations.

EC–531. A communication from the U.S. Arms Control and Disarmament Agency, U.S. Information Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–532. A communication from the Acting Director of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States; ordered to lie on the table.

EC–533. A communication from the Acting Director of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States; ordered to lie on the table.

EC–534. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report of the Defense Environmental Restoration Program for fiscal year 1995; to the Committee on Environment and Public Works.

EC–535. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the audit report of Superfund financial transactions for fiscal year 1995; to the Committee on Environment and Public Works.

EC–536. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, informational copies of a Federal Space Situation Report; to the Committee on Environment and Public Works.

EC–537. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report relative to the Comprehensive Environmental Response Compensation and Liability Act; to the Committee on Environment and Public Works.

EC–538. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Alaska Demonstration Programs"; to the Committee on Environment and Public Works.

EC-539. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Surface Transportation Research and Development Plan; to the Committee on Environment and Public Works.

EC-540. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, two rules including a rule entitled "Certification Acceptance" (RIN2125-AD62, 2135-AA09); to the Committee on Environment and Public Works.

EC-541. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, two rules including a rule entitled "Removal of Subchapter D" (RIN1018-AD72, AD62); to the Committee on Environment and Public Works.

EC-542. A communication from the Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report under the Toxic Substances Control Act for fiscal year 1994; to the Committee on Environment and Public Works.

EC-543. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act; to the Committee on Environment and Public Works.

EC-544. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the study of hazardous air pollutant emissions from electric utility steam generating units; to the Committee on Environment and Public Works.

EC-545. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, four rules including a rule entitled "Policy and Procedure for Enforcement Actions" (RIN3150-AF37); to the Committee on Environment and Public Works.

EC-546. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, eight rules including a rule entitled "Endangered and Threatened Wildlife and Plants" (RIN1018-AE05, AC01, AC47, AD50, AD25, AD58, AC56, AD46); to the Committee on Environment and Public Works.

EC-547. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a rule entitled "St. Marys Falls Canal and Locks" received on October 21, 1996; to the Committee on Environment and Public Works.

EC-548. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of fully-authorized unconstructed projects; to the Committee on Environment and Public Works.

EC-549. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project the Rio Guanajibo, Puerto Rico; to the Committee on Environment and Public Works.

EC-550. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an environmental restoration project for the Willamette River, McKenzie Subbasin, Oregon; to the Committee on Environment and Public Works.

EC-551. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation to modify the Oakland Inner Harbor, California navigation project; to the Committee on Environment and Public Works.

EC-552. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to authorized project modifications for flood damage reduction along the Ramapo River at Oakland, New Jersey; to the Committee on Environment and Public Works.

EC-553. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules (FRL5672-5, 5666-8) received on December 31, 1996; to the Committee on Environment and Public Works.

EC-554. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, twenty-six rules including a rule entitled "Significant New Uses of Certain Chemical Substances (FRL5651-3, 5651-2, 5629-4, 5650-7, 5651-7, 5654-8, 5572-9, 5648-7, 5644-2, 5282-1, 5649-5, 5650-5, 5650-6, 5648-4, 5640-4, 5647-9, 5574-7, 5575-1, 5574-9, 5574-8, 4964-3, 5656-7, 5655-6, 5650-8, 5646-7, 5645-4); to the Committee on Environment and Public Works.

EC-555. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules including one rule relative to air quality (FRL5554-9, 5393-8, Environment and Public Works.

EC-556. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, nineteen rules including one rule relative to air quality (FRL5638-9, 5629-7, 5639-2, 5637-8, 5608-1, 5634-9, 5636-2, 5635-9, 5633-8, 5615-6, 5645-1, 5610-9, 5640-8, 5643-2, 5640-2, 5636-6, 5635-6, 5635-4, 5638-1, 5613-4, 5617-2, 5641-5, 5641-7, 5642-1); to the Committee on Environment and Public Works.

EC-557. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, twenty-three rules including a rule entitled "Control Strategy: Ozone; Tennessee" (FRL5637-A, 5637-3, 5619-8, 5631-2, 5631-6, 5630-4, 5630-5, 5466-9, 5630-9, 5620-1, 5619-6, 5612-7, 5613-3, 5629-5, 5634-4, 5612-6, 5618-8, 5619-4, 5628-6, 5616-6, 5613-1, 5617-4, 5618-2); to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 27

Whereas, In 1853, the United States Congress granted to the State of California the 16th and 36th sections of every township of public land to support the public education system in California, a grant long held by the courts to create a "solemn agreement" between the federal government and the state; and

Whereas, In California, the State Teachers' Retirement System is the beneficiary of revenues derived from those school lands; and

Whereas, Those revenues are a significant source of income to the retired teachers of the state; and

Whereas, Elk Hills Naval Petroleum Reserve Numbered 1 contains two school land sections rich in oil reserves and constituting the two most valuable school land sections in the state; and

Whereas, The inclusion of these school lands within the petroleum reserve in 1912 made them unavailable to the state, with the result being that the State Teachers' Retirement System is deprived of substantial income; and

Whereas, Ever since 1976, the federal government has been producing oil and gas from the naval petroleum reserves at the maximum efficient rate and selling its production to gain further general revenues for the United States Treasury; and

Whereas, The federal government has stated that the role of the national petroleum reserves "has evolved over time from an emergency source of oil to an income-generating federal business asset," and that "federal ownership and operation of the reserves is not essential to the national energy policy goals and objectives"; and

Whereas, The Department of Energy proposes to sell Elk Hills Naval Petroleum Reserve Numbered 1, as part of the President's 1996 Budget submission to Congress calling for the privatization of the naval petroleum reserves, and has earmarked 9 percent of the anticipated proceeds from privatization to be paid to the State of California to benefit the Teacher's Retirement Fund; and

Whereas, Congress has passed, and the President has signed, legislation to compensate California after the sale of Elk Hills Naval Petroleum Reserve Numbered 1; and

Whereas, That compensation will be based on an agreement between the State of California and the Department of Energy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to expedite the agreement by the Department of Energy for recognizing the valid claim of this state to the two school land sections within the reserve, and to compensate California's retired teachers for their 9 percent interest in the reserve upon its sale; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior, the Secretary of Energy, and the Secretary of Defense.

POM-2. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 45

Whereas, Alameda has a long history associated with the U.S. Navy and Naval Air Forces, and Alameda was shaped by the birth of aviation technology and is proudly and inextricably linked to the military's presence; and

Whereas, The acquisition of the aircraft carrier *Hornet* (CV-12) would preserve a vital

part of the U.S. military history and its establishment as a museum would be a fitting memorial to Alameda's contributions to U.S. efforts in World War II, the Korean War, and the Vietnam War; and

Whereas, In the 18 months of combat during World War II, the aircraft and gunners of the U.S.S. *Hornet* (CV–12) destroyed 1,410, enemy planes, sank 73 ships, and damaged more than 400 vessels, including the first hits on the Japanese battleship Yamato, which was sunk on April 7, 1945, as it steamed toward Okinawa; and

Whereas, The U.S.S. *Hornet* (CV–12), a 53-year old Essex Class carrier is one of eight warships that bore that name, but it was the most decorated of them all, earning a presidential unit citation and seven battle stars in action during World War II, the Korean War, and the Vietnam War; and

Whereas, The first U.S. Navy aircraft carrier named "*Hornet*" was CV–8 (Yorktown Class, including: *Enterprise*/CV–6 and *Yorkton*/CV–5) laid down in September 1939 by the Newport News Shipbuilding & Drydock Company. It was launched on December 14, 1940, and commissioned on October 20, 1941; it displaced 20,000 tons, measured 761 feet long, and had a complement of 2,200 personnel; and

Whereas, The *Hornet* (CV–8) was designed with the benefit of real operating experience, sharing the basic design principles of a large, open hangar deck topped by a thin, rectangular wood and steel flight deck; and

Whereas, On April 2, 1942, the U.S.S. *Hornet* (CV–8) having just completed its workups, left Alameda with an unusual deckload of 16 Army Air Corps B–25 Mitchell bombers commanded by Lt. Colonel James "Jimmy" Doolittle, sailing to join a task force with *Enterprise* (CV–6) targeting the Japanese Cities of Tokyo, Nagoya, Yokohama, and Kobe; and

Whereas, On April 18, 1942, still some miles to the east of the intended launch point, the ships of the task force were sighted by Japanese picket boats. Faced with the decision whether to abort the mission, push on to the planned launch point against an alerted enemy, or launch immediately with full knowledge that the B–25s lacked the range to reach their intended landing fields in China, "Doolittle's Raiders" launched immediately, and struck the first successful attack upon the homeland of Japan; and

Whereas, The *Hornet* (CV–8) was further involved during World War II in the Central and South Pacific carrying out operations in the Battle of Midway, June 4–6, 1942, and the Battle of Santa Cruz Islands, where it received six Japanese bomb hits, two torpedo hits, and two hits by suicide aircraft, and sank on October 27, 1942; and

Whereas, The second U.S. Navy aircraft carrier named "*Hornet*" was CV–12 (modernized Essex Class, including 19 ships), constructed by the Newport News Shipbuilding & Drydock Company, and launched August 29, 1943. The *Hornet* (CV–12) was commissioned November 29, 1943, it displaced 38,500 tons, measured 889 feet long, carried 45 aircraft, and had a complement of 2,400 personnel; and

Whereas, In June, 1945, a typhoon ripped a 24-foot gash in the forward section of the flight deck, but the *Hornet* (CV–12) was simply turned around and the aircraft were launched off the stern; and

Whereas, Postwar modernization of the *Hornet* (CV–12) under the Fleet Rehabilitation and Modernization program allowed it to be refitted with improved elevators, a reinforced flight deck, increased aviation fuel storage, and other features for operating jet aircraft including modernization of its aircraft arresting system. These refittings increased the *Hornet's* ability to operate advanced aircraft and to improve antisubmarine capabilities; and

Whereas, The aircraft carrier *Hornet* (CV–12) contributed to U.S. efforts in World War II, the Korean War, and the Vietnam War, and served as the command ship for recovery of the *Apollo* XI and XII reentry vehicles; and

Whereas, The aircraft carrier *Hornet* (CV–12) was decommissioned on June 26, 1970, and is in good structural condition, and will soon be considered for sale as military surplus; and

Whereas, The McDonald Douglas F/A 18 *Hornet* multiple-role air superiority/ground attack aircraft that has become the fleet's principal carrier-based fixed wing aircraft, was named in honor of the aircraft carrier U.S.S. *Hornet*; and

Whereas, In 1995, the weathered-gray warship was scheduled for demolition despite its 1991 designation as a National Historic Landmark; and

Whereas, The decision to demolish the ship outraged former crew members, who recruited approximately 100 volunteers and embarked on a campaign to save the ship; and

Whereas, The Aircraft Carrier Hornet Museum is proposed to be permanently berthed in Alameda at Pier No. 2 and to be secured by eight 2-inch chains to existing chain pads welded on the shell, and would immeasurably enhance the maritime ambience of the regional shipyards, the Port of Oakland, and the Alameda Naval Air Station; and

Whereas, The Aircraft Carrier Hornet Foundation (ACHF) has arranged to acquire four 110-foot long by 34-foot wide YCs for mooring (that are certified as suitable for use associated with nuclear submarines) from Mare Island Naval Shipyard. This arrangement will provide a 440-foot long parallel load distribution plane from the hull to the fenders of the pier; and

Whereas, Use of this system of chain attachment to the pier bollards in conjunction with the four YCs will provide an arrangement of positive mechanical attachment sufficient to secure the ship and withstand 100-year weather requirements; and

Whereas, The carrier museum would be an attraction to both domestic and foreign tourists, thereby enhancing the global competitive position of the San Francisco Bay area; and

Whereas, According to the Historic Naval Ships Association, a 1994–95 survey shows attendance to similar historic U.S. naval ship museums as follows: battleship *Texas* (BB–35)—300,000; battleship *Arizona* (BB–39)—1.5 million; battleship *North Carolina* (BB–55)—225,000; battleship *Massachusetts* (BB–59)—140,000; battleship *Alabama* (BB–60)—245,000; aircraft carrier *Intrepid* (CV–11)—410,000; aircraft carrier *Lexington* (CV–16)—340,000; submarine *Bowfin* (SS–287)—195,000; submarine *Pampanito* (SS–383)—250,000; 3-masted frigate *Constitution*—420,000; and

Whereas, The added attraction of a carrier museum would result in longer tourist stays, with consequent increases in retail sales, hotel and motel occupancy, and restaurant patronage, resulting in higher sales and transient occupancy tax revenues; and

Whereas, Estimates indicate that establishment of the proposed museum and cultural center would employ up to 150 people within three years, and would annually infuse between 12 and 22 million dollars into the local economy; and

Whereas, A carrier museum could be used as an ongoing exposition to showcase Alameda's leadership in aerospace and defense technology, to develop educational programs for schoolaged children, and to provide entertainment attractions based on naval aviation history; and

Whereas, The presence of a military museum in Alameda would promote positive community relations between the citizens and the military; and

Whereas, Support for legislation pending before the 104th Session of the U.S. Congress entitled "The World War II Education and Research Act" would authorize that at least one site per state be officially designated a National World War II Education and Research Center; and

Whereas, The purposes of this Congressional Act are to enable industry, universities, research facilities, presidential libraries, museums, and public and private sector organizations to make available to the public all relevant information on the collective war effort involving the military, industrial, and civilian sectors; and

Whereas, The Aircraft Carrier Hornet Foundation intends to raise sufficient resources from various possible sources (donations, pledges, venture capital, and revenue bonds) to pay for all relevant startup costs and to develop a long-range master plan to do all of the following: (1) include a 1940–60's museum in hangar bays 1, 2, and 3, with an emphasis on Pacific theater battles including airplanes and artifacts from that era; (2) incorporate Airwings, Squadrons, Marine Detachments, and Reserve and Veterans Associations called "Bringing the Ship Back to Life"; (3) provide mobile displays and exhibits in hangar bays for large community-sponsored events; and (4) establish *Apollo* XI and *Apollo* XII displays; and

Whereas, The Alameda Reuse and Redevelopment Association (ARRA), which will be responsible for the base after the Navy leaves in 1997, has indicated its willingness to enter into an interim lease of one of the piers for this purpose, and to adopt a resolution in support of the U.S.S. *Hornet* renovation project; and

Whereas, A group of Alameda citizens have established a nonprofit corporation and a committee, along with the support of the ARRA, the World War II Education and Research Commission, the Mayor and City Council of Oakland, the San Francisco Veterans' Affairs Commission, the City of Vacaville, the Oakland Navy League, the Aircraft Carrier Hornet Foundation, the Historic Naval Ships Association, and the Smithsonian Institution, to pursue the acquisition of the aircraft carrier *Hornet* (CV–12); now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That in order to enhance the public's awareness of the contributions of the citizens of the State of California and the County of Alameda to military preparedness and, in particular, naval aviation history, and to enhance the region's economy by increasing tourism and creating new employment opportunities, the Legislature of the State of California endorses the efforts to acquire the aircraft carrier U.S.S. *Hornet* (CV–12) as a permanent museum, educational, and entertainment complex to be located in Alameda; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States, the Secretary of Defense, and the Joint Chiefs of Staff to the Department of Defense, to support the efforts of the citizens of the State of California and the County of Alameda to acquire the aircraft carrier *Hornet*; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, and the Joint Chiefs of Staff of the Department of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-3. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

Whereas, The recent worldwide conflicts have highlighted again the contributions of this nation's military and retired veterans; and

Whereas, Integral to the success of our military forces are those servicemen and servicewomen who have made a career of defending their country, who in peacetime may be called away to places remote from their families and loved ones, and who in war face the prospect of death or of serious disabling wounds as a constant possibility; and

Whereas, Legislation has been introduced by the United States Congress to remedy an inequity applicable to military careerists; and

Whereas, The inequity concerns those veterans who are both retired and disabled and who, because of an antiquated law that dates back to the nineteenth century, are denied concurrent receipt of full retirement pay and disability compensation pay, but instead may receive one or the other or must waive an amount of retirement pay equal to the amount of disability compensation pay; and

Whereas, No such deduction applies to the federal civil service so that a disabled veteran who has held a nonmilitary federal job for the requisite duration receives full longevity retirement pay undiminished by the subtraction of disability pay; and

Whereas, A statutory change is necessary to correct this injustice and discrimination in order that America's occasional commitment to war in pursuit of national and international goals may be matched by an allegiance to those who sacrificed on behalf of those goals; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the Congress of the United States to amend Chapter 71 (commencing with Section 1401) of Title 10 of the United States Code, relating to the compensation of retired military personnel, to permit full concurrent receipt of military longevity retirement pay and service-connected disability pay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-4. A resolution adopted by the Operation Combined Accident Reduction Effect relative to highway safety; to the Committee on Commerce, Science, and Transportation.

POM-5. A resolution adopted by the Operation Combined Accident Reduction Effect relative to safety belt laws; to the Committee on Commerce, Science, and Transportation.

POM-6. A resolution adopted by the Charter Township of Van Buren, Michigan relative to hazardous materials; to the Committee on Environment and Public Works.

POM-7. A resolution adopted by the Chamber of Commerce of Paradise, Michigan relative to Lake Superior; to the Committee on Environment and Public Works.

POM-8. A resolution adopted by the City of Melvindale, Michigan relative to hazardous wastes; to the Committee on Environment and Public Works.

POM-9. A resolution adopted by the Charter Township of Brownstown, Michigan relative to hazardous wastes; to the Committee on Environment and Public Works.

POM-10. A resolution adopted by the Mayor and Council of the Borough of Little Silver, Michigan relative to ocean dumping; to the Committee on Environment and Public Works.

POM-11. A resolution adopted by the Keane Valley Congregational Church of the City of Syracuse, New York relative to Adirondacks; to the Committee on Environment and Public Works.

POM-12. A resolution adopted by the Interfaith Council to Assist Vietnamese Refugees relative to asylum; to the Committee on Foreign Relations.

POM-13. A resolution adopted by the Lithuanian American Council and Lithuanian American Community of the City of Cicero, Illinois relative to Russia; to the Committee on Foreign Relations.

POM-14. A resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

Whereas, For one hundred and fifty years, Liberia and the United States have maintained a direct and cordial relationship; and

Whereas, Liberia, a former member of the League of Nations and founding member of the United Nations, now faces total disintegration; and

Whereas, Liberia has been burdened with a brutal civil war for the past six years that has displaced more than one-half of the country's population and claimed the lives of approximately 250,000 Liberians; and

Whereas, The brunt of the protracted civil war has been borne by the elderly, women, children, and their relatives living abroad, including in California; and

Whereas, A sizable portion of Liberian citizens in the United States reside in the State of California and contribute to the growth of this state and those citizens are individually and collectively impacted by the destruction of their people in Liberia, West Africa; and

Whereas, The leadership of Liberia has reneged on more than a dozen signed peace agreement; and

Whereas, The citizens of Liberia are being held hostage by the opposing forces resulting in a breakdown of the civil society and the government; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature hereby respectfully memorializes the President and Congress to ameliorate the situation in Liberia and seek a permanent resolution to Liberia's conflict; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-15. A resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

SENATE RESOLUTION

Whereas, The Republic of Poland is a free, democratic and independent nation with a long and proud history; and

Whereas, The North Atlantic Treaty Organization (NATO) is dedicated to the preservation of freedom and security of its member nations; and

Whereas, The Republic of Poland desires to share in both the benefits and obligations of NATO in pursuing the development, growth and promotion of democratic institutions and ensuring free market economic development; and

Whereas, The Republic of Poland recognizes its responsibilities as a democratic nation and wishes to exercise such responsibilities in concert with members of NATO; and

Whereas, The Republic of Poland desires to become part of NATO's efforts to prevent the extremes of nationalism; and

Whereas, The security of the United States is dependent upon the stability of Central Europe; therefore be it

Resolved, That the Senate of Pennsylvania respectfully urge the President of the United States and the Congress of the United States to support the Republic of Poland's petition for admission to the North Atlantic Treaty Organization; and be it further

Resolved, That the Senate of Pennsylvania respectfully urge the President of the United States and Congress to support the establishment of a timetable for the admission of the Republic of Poland to the North Atlantic Treaty Organization; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to Jerzy Kozminski, Ambassador, of the Republic of Poland.

I certify that the foregoing is a true and correct copy of Senate Resolution No. 154, introduced by Senators Jack Wagner, Gerald J. La Valle, Richard A. Kasunic, Clarence D. Bell, Roy C. Afflerbach, Michael A. O'Pake, James J. Rhoades, J. Barry Stout, Joseph M. Uliana, Jay Costa, Jr., Leonard J. Bodack, John E. Peterson, Melissa A. Hart and Raphael J. Musto, and adopted by the Senate of the Commonwealth of Pennsylvania the seventh day of October in the year of our Lord, one thousand nine hundred and ninety-six.

POM-16. A resolution adopted by the Village of Bridgeview, Illinois relative to the English language; to the Committee on Governmental Affairs.

POM-17. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION NO. 52

Whereas, Breast cancer is the most common cancer found in women, with one in every eight women likely to develop breast cancer in her lifetime, 183,400 new diagnoses of breast cancer each year, and 46,240 deaths from breast cancer expected in 1996; and

Whereas, In the United States, every 15 minutes, five new diagnoses of breast cancer and one death as a result of breast cancer will occur, and worldwide, every 30 seconds, a new diagnosis of breast cancer and a death as a result of breast cancer will occur; and

Whereas, The cause or causes of this disease have not been identified and no cure is available at this time, which indicates that more intense research is needed to improve care and treatment and to find a cure for this dreadful disease; and

Whereas, Dr. Balazs "Ernie" Bodai, M.D., F.A.C.S., chief of surgery at Kaiser Permanente Medical Center in North Sacramento, contributing his own money and time, has developed a proposal for a voluntary method to raise additional breast cancer research funds; and

Whereas, The proposal provides that additional breast cancer research funds would be collected from postal patrons who wish to donate one cent ($0.01) per first-class postage stamp purchased, by requesting a special breast cancer postal stamp and paying one cent ($0.01) more than the rate that would otherwise apply, with the extra one cent ($0.01) going into a special fund called the Cure Breast Cancer (CBC) fund; and

Whereas, Dr. Bodai has undertaken an extensive campaign to garner public and private support for the Cure Breast Cancer fund by establishing an organization that is tax exempt for purposes of Section 501(c)(3) of the Internal Revenue Code and ensuring that all administrative costs will be raised separately and all postal donations will go directly into research to find the cause and cure for breast cancer; and

Whereas, The Cure Breast Cancer postal stamp donation program has received favorable attention from the media and endorsements from breast cancer organizations, corporations, medical groups, and elected officials, leading to the introduction of federal legislation to enable implementation of the Cure Breast Cancer postal stamp donation program; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature memorialize the Congress and the President to enact the federal legislation that has been introduced in the House of Representatives and Senate to enable the implementation of the Cure Breast Cancer postal stamp donation program and memorialize the Board of Governors of the United States Postal Service to implement this program to allow voluntary collection of supplemental breast cancer research funds; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-18. A resolution adopted by the Council of the City of Long Branch, California relative to allegations concerning the sale of illegal drugs; to the Select Committee on Intelligence.

POM-19. A petition from a citizen of the State of Louisiana relative to the seating in the U.S. Senate of a citizen from the State of Louisiana, received on December 5, 1996; to the Committee on Rules and Administration.

POM-20. A resolution adopted by the White House Conference on Library and Information Services Taskforce relative to libraries; to the Committee on Labor and Human Resources.

POM-21. A petition from a citizen of the State of Tennessee relative to the seating of the U.S. Senate of a citizen from the State of Tennessee; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 1. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

S. Res. 2. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

S. Res. 4. A resolution to elect Strom Thurmond, a Senator from the State of South Carolina, to be President pro tempore of the Senate of the United States; considered and agreed to.

S. Res. 5. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

S. Res. 6. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. ROCKEFELLER, and Mr. SARBANES):

S. Res. 7. A resolution commending Senator Robert Byrd for fifty years of public service; considered and agreed to.

By Mr. DASCHLE:

S. Res. 8. A resolution granting floor privileges; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 1. A concurrent resolution to provide for the counting on January 9, 1997, of the electoral votes for President and Vice President of the United States; considered and agreed to.

S. Con. Res. 2. A concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 48; considered and agreed to.

S. Con. Res. 3. A concurrent resolution providing for a recess or adjournment of the Senate from January 9, 1997 to January 21, 1997, and an adjournment of the House from January 9, 1997 to January 20, 1997, from January 20, 1997 to January 21, 1997, and from January 21, 1997 to February 4, 1997; considered and agreed to.

SENATE CONCURRENT RESOLUTION 1—RELATIVE TO ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 9th day of January 1997, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

SENATE CONCURRENT RESOLUTION 2—RELATIVE TO THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1997, the joint committee created by Senate Concurrent Resolution 47 of the One Hundred Fourth Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority.

SEC. 2. That effective from January 3, 1997, the provisions of Senate Concurrent Resolution 48 of the One Hundred Fourth Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President of the United States, and for other purposes, are hereby continued with the same power and authority.

SENATE CONCURRENT RESOLUTION 3—RELATIVE TO THE ADJOURNMENT OF THE SENATE

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, January 9, 1997, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 12 noon on Tuesday, January 21, 1997, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the House adjourns on Thursday, January 9, 1997, it stand adjourned until 10 a.m. on Monday, January 20, 1997; that when the House adjourns on Monday, January 20, 1997, it stand adjourned until 12 noon on Tuesday, January 21, 1997; and that when the House adjourns on Tuesday, January 21, 1997; it stand adjourned until 12:30 p.m. on Tuesday, February 4, 1997, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 1—RELATIVE TO INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 1

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 2—RELATIVE TO INFORMING THE PRESIDENT THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 2

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 3—RELATIVE TO FIXING THE HOUR OF DAILY MEETING

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 3

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 4—RELATIVE TO ELECTING SENATOR STROM THURMOND AS PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 4

Resolved, That Strom Thurmond, a Senator from the State of South Carolina, be, and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

SENATE RESOLUTION 5—RELATIVE TO NOTIFYING THE PRESIDENT OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 5

Resolved, That the President of the United States be notified of the election of Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

SENATE RESOLUTION 6—RELATIVE TO NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to.

S. RES. 6

Resolved, That the House of Representatives be notified of the election of Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

SENATE RESOLUTION 7—COMMENDING SENATOR ROBERT C. BYRD FOR 50 YEARS OF PUBLIC SERVICE

Mr. DASCHLE (for himself, Mr. LOTT, Mr. ROCKEFELLER, and Mr. SARBANES) submitted the following resolution; which was considered and agreed to.

S. RES. 7

Whereas, the Honorable Robert C. Byrd has dutifully and faithfully served the people of West Virginia since January 8, 1947;

Whereas, for 50 years, he had dedicated himself to improving the lives and welfare of the people of West Virginia and the United States,

Whereas, his 50-year commitment to public service has been one of total dedication to serving the people of his beloved state and to the highest ideals of public service,

Whereas, he has held more legislative offices than anyone else in the history of his state, and is the longest serving Senator in the history of his state: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for his 50 years of public service to the people of West Virginia and to the United States of America.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

SENATE RESOLUTION 8—GRANTING FLOOR PRIVILEGES

Mr. DASCHLE submitted the following resolution; which was considered and agreed to.

S. RES. 8

Resolved, That an employee in the office of Senator Max Cleland, to be designated from time to time by Senator Cleland, shall have the privilege of the Senate floor during any period when Senator Cleland is in the Senate chamber during the 105th Congress.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, January 7, 1997 at 4 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SONS OF THE AMERICAN REVOLUTION

• Mr. LIEBERMAN. Mr. President, I would like to take a few moments to acknowledge the Sons of the American Revolution, Gen. David Humphreys Branch, and the East Haven Historical Society. In a combined effort, these three groups have placed a marker on the northeast corner of the East Haven Town Green as a memorial to the Marquis de Lafayette, general in the Continental Army. General Lafayette and his troops camped on that site en route to support the American and French forces at Providence, RI, on July 26, 1778.

The dedication took place on May 27, 1996, in observance of Memorial Day. The ceremony included planes from the Connecticut Air National Guard flying overhead. Mayor Henry Luzzi of East Haven introduced State Representative Michael P. Lawlor, 99th District, as the guest speaker. Representative Lawlor spoke of General Lafayette's concern for our newly formed Government and his firm dedication to the cause of freedom. General Lafayette served at his own expense as a volunteer using his personal funds to supply the troops under his command and soon reached virtual bankruptcy. Additionally, he forged a friendship between two nations which has lasted to the present time. When he died in 1834, soil from each of the individual United States was placed on his grave. I commend the Sons of the American Revolution, Gen. David Humphreys Branch, and the East Haven Historical Society for their efforts and dedication to preserving the history of the United States.•

MONITORING THE NEW LINE-ITEM VETO AUTHORITY

• Mr. FEINGOLD. Mr. President, on the first of January, the clock began ticking on an historic 8-year experiment. The Line-Item Veto Act became effective on that date, a law that provides the President with significant new authority to cancel discretionary spending and new entitlement spending, along with an extremely limited ability to cancel new spending done through the Tax Code.

Though the version enacted was flawed in several ways, I supported this new authority to provide the President with some additional flexibility to eliminate inappropriate spending. I do not believe the line-item veto is the whole answer to our deficit problem, or even most of the answer, but it certainly can be part of the answer.

A key part of the new Presidential authority is the sunset clause. Unless Congress renews this authority, it will expire. The sunset clause will put the burden on those who want to retain the

authority to demonstrate the experiment has worked.

Mr. President, though the continuing Federal budget deficits justify granting this temporary authority to the President on a trial basis, there are many extremely serious issues surrounding this proposal that merit close monitoring over the next several years. At the time I voted for the final version of this new authority last year, I announced my intention to form a line-item veto watchdog project to regularly monitor how this new law is implemented over the next 8 years, and I am pleased to take this opportunity to report on that project.

Mr. President, joining me in this line-item veto watchdog project are a number of distinguished observers of Federal policymaking, including Norman Ornstein of the American Enterprise Institute, Stephen Moore of the CATO Institute, and Demetri Coupanis on behalf of the Concord Coalition. In addition, several individuals from my home State of Wisconsin have also agreed to participate in the project. They include State Senator Lynn Adelman, State Representative Dave Travis, and attorney Fred Wade of Madison. Each of those three individuals has a deep interest in the partial veto authority granted to Wisconsin's Governors and brings a critical perspective to the new authority given the President.

Mr. President, though we have no prior experience at the Federal level, many in this body who have served in State government may have seen the use of line-item veto authority at the State level. Indeed, much of the support for a Federal line-item veto stems from the State experience. But few other States, if any at all, have witnessed the abuses of line-item veto authority that we have seen in Wisconsin. That abuse has been bipartisan—Governors of both parties have used Wisconsin's partial veto authority in ways it is safe to say no one anticipated when that authority was first contemplated. For example, Wisconsin's current Governor, Governor Thompson, has used the veto authority not only to rewrite entire laws, but actually to increase spending and increase taxes.

Mr. President, given that history, the participation of Senator Adelman, Representative Travis, and attorney Wade will be invaluable in helping us monitor potential abuses of the new Presidential authority.

Mr. President, the watchdog project will be monitoring and chronicling a number of aspects of the Presidential power—first, the actual amount of Federal spending eliminated by the President's use of the line-item veto. Reducing unnecessary spending was the central argument for this new authority, and keeping track of how much spending is eliminated will be useful in seeing how effective this new tool actually is. It may also help encourage Presidents to make sure that they are making full use of this new authority as we will attempt to track missed opportunities as well as successes.

The watchdog project will also monitor instances where the new authority is abused by the executive branch. Some have suggested that the line-item veto could be used to coerce Members of Congress to toe the line on an administration's policies through the threat to cancel spending in home States. If a President starts misusing the line-item veto authority as a club to get votes on nominations or other policy matters, the public ought to hear about it, and our project will seek to document this kind of abuse if it takes place.

Mr. President, the watchdog project will also look for examples of excess spending that escape scrutiny because of loopholes in the new law. Some already are speculating on the different techniques that may be attempted to avoid the reach of this new Presidential power.

Mr. President, in this regard, I am especially concerned that the sections of the line-item veto authority that deal with tax expenditures were too narrowly drawn, and that many new special interest tax breaks could escape the line-item veto pen. Along with my good friend in the other body, Representative TOM BARRETT of Milwaukee, I have introduced legislation to address this weakness in the new law, and will do so again this session. It makes no sense to provide the President with this new authority while protecting one of the fastest growing areas of spending in the Federal budget, an area that includes unjustified subsidies to some of the wealthiest individuals and corporations in the world.

Mr. President, the watchdog group will also monitor efforts to twist the line item authority beyond its stated purpose. As I noted above, in Wisconsin, the partial veto authority has been abused by our Governors by striking out single letters in appropriation bills to create new words and new meanings to legislation. In some cases, the Wisconsin statute has been used to actually increase State spending. The new Federal law does not, on its surface, appear to allow for that kind of abuse, but our project will be monitoring that aspect of implementation of the new law as well.

Other aspects of the new law that warrant review are also sure to present themselves as we begin its actual use later this session, and I welcome suggestions from my colleagues who are interested in this historic new law.

It is critical that we track closely how the new authority is being used so that when it expires in 8 years, Congress and the public will have some measurable criteria by which to assess its effectiveness.•

BURTON P. RESNICK

• Mr. LIEBERMAN. Mr. President, I rise today to honor Burton P. Resnick on the occasion of his birthday. Mr. Resnick turned 60 on November 28, 1996.

Mr. Resnick is the President of Jack Resnick & Sons, Inc. The company, founded by his father in 1928, has been a leader in real estate development, construction, ownership, and management of business in New York for many years. Today Jack Resnick & Sons, Inc., controls and operates over 5 million square feet of first-class real estate in prime locations in New York City. In recognition of his outstanding work in the field of real estate, Mr. Resnick was named chairman emeritus of the Board of Governors of the Real Estate Board of New York.

Burton P. Resnick is also extremely involved with numerous philanthropic and charitable organizations. One of his highest honors was being appointed by President Clinton to the Holocaust Memorial Council. He is chairman of the Executive Committee of the Board of Trustees of Yeshiva University and Chairman of the board of Overseers of Albert Einstein College of Medicine. He is also a member of the board of directors of the Hebrew Home for the Aged at Riverdale, NY, as well as Chairman of the Building Committee.

Mr. Resnick assists the National United Jewish Appeal through his role as vice chairman of the organization. He also serves as national campaign vice chairman of the Anti-Defamation League.

Burton P. Resnick's dedication to helping the community through his outstanding achievements and accomplishments is highly commendable and I take this time to wish him a very happy birthday.•

THE 220TH ANNIVERSARY OF THE FOUNDING OF THE U.S. CAVALRY

• Mr. LIEBERMAN. Mr. President, I rise today to recognize the 220th anniversary of the U.S. Cavalry. The anniversary occurred on December 16, 1996.

It was in the town of Wethersfield, CT, under orders by the First Continental Congress, that Revolutionary troops organized the 1st Cavalry Regiment in the Continental Army. Today, the town of Wethersfield, located in my home State of Connecticut, is proud to be recognized as the birthplace of the U.S. Cavalry.

Recognized by the U.S. Department of the Army's Center of Military History, the 2d Continental Light Dragoons—Sheldon's Horse—were organized in Wethersfield. This was the first dragoon regiment to become a part of the Continental Army. Training ground for this regiment had been created by a Wethersfield native, Capt. Benjamin Tallmadge. This regiment made numerous contributions in the Revolutionary War by participating in

combat in northern New Jersey and the defense of Philadelphia.

The town of Wethersfield played a vital role in America's independence. From the historic Webb House, where Gen. George Washington met with Comte de Rochambeau to discuss strategies for the Battle of Yorktown, to the modern development of the Silas Deane Highway, the quaintness of Wethersfield is intermingled with the heroic greatness of the U.S. Cavalry. With origins in Wethersfield, the U.S. Cavalry fought epic battles at Brandy Station during the Civil War and the Punity Expedition before World War I.

The U.S. Cavalry now based in Fort Riley, KS, will be forever linked with Wethersfield and the State of Connecticut. I applaud the efforts of Deputy Mayor Richard Sparveri, Town Councilman Brendan T. Flynn, the Wethersfield Historical Society, Wethersfield Tourism Task Force, Mr. John Conway, Mr. Arthur Hutchinson, and so many others who have brought this significant part of American history into the spotlight it greatly deserves.●

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–1

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 7, 1997, by the President of the United States: protocols to the 1980 Conventional Weapons Convention, Treaty Document No. 105–1.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the following Protocols to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II or the amended Mines Protocol); the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III or the Incendiary Weapons Protocol); and the Protocol on Blinding Laser Weapons (Protocol IV). Also transmitted for the information of the Senate is the report of the Department of State with respect to these Protocols, together with article-by-article analyses.

The most important of these Protocols is the amended Mines Protocol. It is an essential step forward in dealing with the problem of anti-personnel landmines (APL) and in minimizing the very severe casualties to civilians that have resulted from their use. It is an important precursor to the total prohibition of these weapons that the United States seeks.

Among other things, the amended Mines Protocol will do the following: (1) expand the scope of the original Protocol to include internal armed conflicts, where most civilian mine casualties have occurred; (2) require that all remotely delivered anti-personnel mines be equipped with self-destruct devices and backup self-deactivation features to ensure that they do not pose a long-term threat to civilians; (3) require that all nonremotely delivered anti-personnel mines that are not equipped with such devices be used only within controlled, marked, and monitored minefields to protect the civilian population in the area; (4) require that all anti-personnel mines be detectable using commonly available technology to make the task of mine clearance easier and safer; (5) require that the party laying mines assume responsibility for them to ensure against their irresponsible and indiscriminate use; and (6) provide more effective means for dealing with compliance problems to ensure that these restrictions are actually observed. These objectives were all endorsed by the Senate in its Resolution of Ratification of the Convention in March 1995.

The amended Mines Protocol was not as strong as we would have preferred. In particular, its provisions on verification and compliance are not as rigorous as we had proposed, and the transition periods allowed for the conversion or elimination of certain noncompliant mines are longer than we thought necessary. We shall pursue these issues in the regular meetings that the amended Protocol provides for review of its operation.

Nonetheless, I am convinced that this amended Protocol will, if generally adhered to, save many lives and prevent many tragic injuries. It will, as well, help to prepare the ground for the total prohibition of anti-personnel landmines to which the United States is committed. In this regard, I cannot overemphasize how seriously the United States takes the goal of eliminating APL entirely. The carnage and devastation caused by anti-personnel landmines—the hidden killers that murder and maim more than 25,000 people every year—must end.

On May 16, 1996, I launched an international effort to this end. This initiative sets out a concrete path to a global ban on anti-personnel landmines and is one of my top arms control priorities. At the same time, the policy recognizes that the United States has international commitments and responsibilities that must be taken into account in any negotiations on a total ban. As our work on this initiative progresses, we will continue to consult with the Congress.

The second of these Protocols—the Protocol on Incendiary Weapons—is a part of the original Convention but was not sent to the Senate for advice and consent with the other 1980 Protocols in 1994 because of concerns about the acceptability of the Protocol from a military point of view. Incendiary weapons have significant potential military value, particularly with respect to flammable military targets that cannot so readily be destroyed with conventional explosives.

At the same time, these weapons can be misused in a manner that could cause heavy civilian casualties. In particular, the Protocol prohibits the use of air-delivered incendiary weapons against targets located in a city, town, village, or other concentration of civilians, a practice that caused very heavy civilian casualties in past conflicts.

The executive branch has given very careful study to the Incendiaries Protocol and has developed a reservation that would, in our view, make it acceptable from a broader national security perspective. This proposed reservation, the text of which appears in the report of the Department of State, would reserve the right to use incendiaries against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and less collateral damage than alternative weapons.

The third of these three Protocols—the new Protocol on Blinding Lasers—prohibits the use or transfer of laser weapons specifically designed to cause permanent blindness to unenhanced vision (that is, to the naked eye or to the eye with corrective devices). The Protocol also requires Parties to take all feasible precautions in the employment of other laser systems to avoid the incidence of such blindness.

These blinding lasers are not needed by our military forces. They are potential weapons of the future, and the

United States is committed to preventing their emergence and use. The United States supports the adoption of this new Protocol.

I recommend that the Senate give its early and favorable consideration to these Protocols and give its advice and consent to ratification, subject to the conditions described in the accompanying report of the Department of State. The prompt ratification of the amended Mines Protocol is particularly important, so that the United States can continue its position of leadership in the effort to deal with the humanitarian catastrophe of irresponsible landmine use.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

RECESS UNTIL THURSDAY, JANUARY 9, 1997, AT 12:30 P.M.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now stand in recess under the previous order.

There being no objection, the Senate, at 5:07 p.m., recessed until Thursday, January 9, 1997, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate January 7, 1997:

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF STATE, VICE WARREN CHRISTOPHER, RESIGNED.

DEPARTMENT OF DEFENSE

WILLIAM S. COHEN, OF MAINE, TO BE SECRETARY OF DEFENSE, VICE WILLIAM J. PERRY.

DEPARTMENT OF STATE

BILL RICHARDSON, OF NEW MEXICO, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, VICE MADELEINE KORBEL ALBRIGHT.

UNITED STATES CAPITOL

ALAN M. HANTMAN, OF NEW JERSEY, TO BE ARCHITECT OF THE CAPITOL FOR THE TERM OF 10 YEARS, VICE GEORGE MALCOLM WHITE.

THE JUDICIARY

ERIC L. CLAY, OF MICHIGAN, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RALPH B. GUY, JR., RETIRED.

MERRICK B. GARLAND, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE ABNER J. MIKVA, RETIRED.

WILLIAM A. FLETCHER, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE WILLIAM ALBERT NORRIS, RETIRED.

RICHARD A. PAEZ, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE CECIL F. POOLE, RESIGNED.

M. MARGARET MCKEOWN, OF WASHINGTON, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE J. JEROME FARRIS, RETIRED.

ARTHUR GAJARSA, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE HELEN WILSON NIES, RETIRED.

JAMES A. BEATY, JR., OF NORTH CAROLINA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE JAMES DICKSON PHILLIPS, JR., RETIRED.

ANN L. AIKEN, OF OREGON, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE JAMES H. REDDEN, RETIRED.

LAWRENCE BASKIR, OF MARYLAND, TO BE A JUDGE OF THE U.S. COURT OF FEDERAL CLAIMS FOR A TERM OF 15 YEARS, VICE REGINALD W. GIBSON, RETIRED.

JOSEPH F. BATAILLON, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE LYLE E. STROM, RETIRED.

COLLEEN KOLLAR-KOTELLY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE HAROLD H. GREENE, RETIRED.

RICHARD A. LAZZARA, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE JOHN H. MOORE II, RETIRED.

DONALD M. MIDDLEBROOKS, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE JAMES W. KEHOE, RETIRED.

JEFFREY T. MILLER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE GORDON THOMPSON, JR., RETIRED.

SUSAN OKI MOLLWAY, OF HAWAII, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF HAWAII VICE HAROLD M. FONG, DECEASED.

MARGARET M. MORROW, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE RICHARD A. GADBOIS, RETIRED.

ROBERT W. PRATT, OF IOWA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA VICE HAROLD D. VIETOR, RETIRED.

CHRISTINA A. SNYDER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE EDWARD RAFEEDIE, RETIRED.

CLARENCE J. SUNDRAM, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK VICE CON. G. CHOLAKIA, RETIRED.

THOMAS W. THRASH, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA VICE ROBERT L. VINING, JR., RETIRED.

MARJORIE O. RENDELL, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE WILLIAM D. HUTCHINSON, DECEASED.

HELENE N. WHITE, OF MICHIGAN, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAMON J. KEITH, RETIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DONNA HOLT CUNNINGHAME, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOSE-MARIE GRIFFITHS, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2001, VICE SHIRLEY ADAMOVICH, TERM EXPIRED.

DEPARTMENT OF STATE

MADELEINE MAY KUNIN, OF VERMONT, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

FEDERAL ELECTION COMMISSION

JOHN WARREN MCGARRY, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001. (REAPPOINTMENT)

DEPARTMENT OF EDUCATION

DONALD RAPPAPORT, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE DONALD RICHARD WURTZ, RESIGNED.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KAREN SHEPHERD, OF UTAH, TO BE U.S. DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE LEE F. JACKSON, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARTHUR I. BLAUSTEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE BRUCE D. BENSON, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

DAVE NOLAN BROWN, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998, VICE JOHN A. GANNON, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LORRAINE WEISS FRANK, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE MIKISO HANE, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

HANS M. MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2002. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUSAN FORD WILTSHIRE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE HELEN GARY CRAWFORD, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CHARLENE BARSHEFSKY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE MICHAEL KANTOR.

SMALL BUSINESS ADMINISTRATION

AIDA ALVAREZ, OF NEW YORK, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE PHILIP LADER.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ANDREW M. CUOMO, OF NEW YORK, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE HENRY G. CISNEROS, RESIGNED.

DEPARTMENT OF COMMERCE

WILLIAM M. DELAY, OF ILLINOIS, TO BE SECRETARY OF COMMERCE, VICE MICHAEL KANTOR.

DEPARTMENT OF LABOR

ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR, VICE ROBERT B. REICH.

DEPARTMENT OF TRANSPORTATION

RODNEY E. SLATER, OF ARKANSAS, TO BE SECRETARY OF TRANSPORTATION, VICE FEDERICO PENA.

EXECUTIVE OFFICE OF THE PRESIDENT

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE JOSEPH E. STIGLITZ, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

THOMAS J. BARRETT	JAMES D. HULL
JOHN F. MCGOWAN	GEORGE N. NACCARA
TERRY M. CROSS	

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE U.S. COAST GUARD IN THE GRADE OF LIEUTENANT COMMANDER:

LAURA H. GUTH

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY FOR PROMOTION TO THE GRADE INDICATED:

To be commander

ROBERT R. ALBRIGHT II	LUCRETIA A. FLAMMANG

To be lieutenant commander

JAMES R. DIRE

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE INDICATED:

To be captain

FRANCIS C. BUCKLEY

To be commander

SHARON K. RICHEY	ALLEN K. HARKER

PURSUANT TO THE PROVISIONS OF 14 U.S.C. 729, THE FOLLOWING NAMED COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF CAPTAIN:

RONALD G. DODD	MICHAEL E. THOMPSON
JOHN M. RICHMOND	

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

JOSEPH F. AHERN	MICHAEL J. DEVINE
JEFFREY G. LANTZ	SCOTT F. KAYSER
ADAN D. GUERRERO	JAMES B. CRAWFORD
WALTER S. MILLER	WILLIAM J. HUTMACHER
MARK E. BLUMFELDER	GLENN L. SNYDER
RICHARD W. GOODCHILD	DOUGLAS P. RUDOLPH
JON T. BYRD	JOHN L. GRENIER
DAVID W. RYAN	TIMOTHY S. SULLIVAN
JEFFREY A. FLORIN	MARK G. VANHAVERBEKE
JOHN C. SIMPSON	JAMES SABO
WILLIAM C. BENNETT	PAUL C. ELLNER
JOEL R. WHITEHEAD	STEVEN A. NEWELL
JAMES J. LOBER, JR.	DOUGLAS E. MARTIN
WAYNE D. GUSMAN	RICHARD M. BROOKS

THE FOLLOWING RESERVE OFFICER OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

CATHERINE M. KELLY

PURSUANT TO THE PROVISIONS OF 14 U.S.C. 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER:

ROY F. WILLIANS	JACQUELINE V. WYLAND
THEODORE B. ROYSTER	LAWRENCE A. GASS
GEORGE J. SCHULER	KRISTIN Q. CORCORAN

MARYELLEN M. COLELLA
DAVID A. MAES
JOHN J. MADEIRA
JEANNE CASSIDY
CHARLES E. POLK
JOHN A. HOLUB
JOHN W. LONG
MICHAEL D. OAKS
ANN M. COURTNEY
ANTHONY B. CANORRO
LARRY L. JONES
MATTHEW P. BERNARD
MAUREEN B. HARKINS
ROBERT W. GRABB
WAYNE C. DUMAS
MARK A. JONES
STEPHEN N. JACKSON
WILLIAM C. HANSEN
JOSEPH A. KEGLOVITS
DAVID P. ROUNDY
THOMAS PLESNARSKI
WARREN E. SOLODUK
DAVID H. SULOUFF
ROBERT C. LUDWICK
RICHARD A. REYNOLDS
DOUGLAS A. ASH
DAVID G. O'BRIEN
JOSEPH J. RIORDAN
NEEDHAM E. WARD
ROBERT Q. AMMON
BRIAN D. MURPHY
VIRGIL F. BATEMAN
SALVATORE BRILLANTE
NANCY A. MAZUR
MICHAEL A. CICALESE
SIDNEY J. DUCK
PHILIP J. JORDAN
JOSEPH P. CAIN

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

GEORGE A. RUSSELL, JR.
PATRICK J. CUNNINGHAM, JR.
DANE S. EGLI
JEFFREY S. GORDEN
BRET K. MCGOUGH
JODY B. TURNER
MARK L. MCEWEN
MARK A. SKORDINSKI
DONALD K. STROTHER
FRANCIS X. IRR, JR.
ROBERT A. FARMER
RICHARD M. KASER
KURTIS J. GUTH
GARY E. FELICETTI
DANIEL A. LALIBERTE
KURT W. DEVOE
ROBERT J. LEGIER
ROBERT E. KORROCH
THOMAS P. OSTEBO
MARK A. PRESCOTT
KENNETH H. SHERWOOD
MARK S. GUILLORY
PRESTON D. GIBSON
DAVID L. HILL
MICHAEL P. FARRELL
RICHARD A. STANCHI
SCOTT S. GRAHAM
MARK R. DEVRIES
KENNETH R. BURGESS, JR.
WARREN L. HASKOVEC
JENNIFER L. YOUNT
BARRY P. SMITH
WILLIAM D. LEE
JOHN R. LINDLEY, JR.
ROBERT R. O'BRIEN, JR.
SCOTT G. WOOLMAN
WILLIAM W. WHITSON, JR.
LARRY E. SMITH
MARK A. FROST
MITCHELL R. FORRESTER
PATRICK J. NEMETH
CURTIS A. STOCK
CHRISTOPHER K. LOCKWOOD
BARRY L. DRAGON
MICHAEL D. BRAND
BRUCE E. GRINNELL
BRIAN K. SWANSON
ROBERT J. MALKOWSKI
BRIAN J. GOETTLER
CHARLES W. RAY
STEPHEN J. MINUTOLO
VIRGINIA K. HOLTZMAN-BELL
MATTHEW M. BLIZARD
RICHARD A. RENDON
BRYAN D. SCHRODER
JOHN W. YAGER, JR.
MARSHALL B. LYTLE III
THOMAS D. CRIMAN
STEPHEN J. OHNSTAD
CAROL C. BENNETT
THOMAS E. HOBAICA
DAVID S. STEVENSON
JAMES T. HUBBARD
GEORGE P. VANCE, JR.
ROBERT M. ATKIN
CHRISTINE D. BALBONI
MARK D. RUTHERFORD
PATRICK B. TRAPP
DENNIS D. BLACKALL
BRADLEY R. MOZEE
RICHARD J. FERRARO
RICHARD L. MATTERS
EKUNDAYO G. FAUX
DAVID L. LERSCH
RICKI G. BENSON
NORMAN L. CUSTARD, JR.
GREGORY B. BREITHAUPT
FREDERICK J. KENNEY, JR.
THOMAS K. RICHEY
DAVID M. GUNDERSEN
JAMES E. TUNSTALL
JOHN R. OCHS
TIMOTHY J. DELLOT
TOMAS ZAPATA
PETER V. NEFFENGER
DANIEL R. MACLEOD
ROBERT M. WILKINS
TIMOTHY G. JOBE
RICKEY W. GEORGE
STEVEN E. VANDERPLAS
STEVEN J. BOYLE
DENNIS A. HOFFMAN
JEFFREY N. GARDEN
KEVIN G. QUIGLEY
RONALD D. HASSLER
KENNETH D. FORSLUND
DENNIS M. SENS
ALVIN M. COYLE
MELISSA A. WALL
CURTIS A. SPRINGER
CHRISTIAN BROXTERMAN
ELMO L. ALEXANDER II

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

BRIAN C. CONROY
ARLYN R. MADSEN, JR.
KEITH F. CHRISTENSEN
TIMOTHY J. CUSTER
SCOTT A. KITCHEN
JACK W. NIEMIEC
RHONDA F. GADSDEN
GLEN B. FREEMAN
ROBERT C. LAFEAN
THOMAS J. CURLEY III
JEROME R. CROOKS, JR.
CHARLES A. HOWARD
MARK A. HERNANDEZ
ROBERT E. ASHTON
ABRAHAM L. BOUGHNER
GLENN F. GRAHL, JR.
ANNE L. BURKHARDT
THOMAS M. MIELE
ANTHONY T. FURST
DUANE R. SMITH
KEVIN K. KLECKNER
JAMES A. MAYORS
WYMAN W. BRIGGS
GWYN R. JOHNSON
GEOFFREY L. ROWE
JOHN M. SHOUEY
EDWARD R. WATKINS
WILLIAM S. STRONG
RICHARD C. JOHNSON
JAMES O. FITTON
TERRY D. CONVERSE
MARK C. RILEY
ERIC A. GUSTAFSON
CHRISTOPHER E. AUSTIN
RICHARD R. JACKSON, JR.
PETE V. ORTIZ, JR.
PAUL D. LANGE
RONALD J. MAGOON
CHRIS J. THORNTON
DOUGLAS W. ANDERSON
NATHALIE DREYFUS
KURT A. CLASON
GREGORY W. MARTIN
NONA M. SMITH
WILLIAM H. RYPKA
GERALD F. SHATINSKY
STEVEN M. HADLEY
JOHN F. EATON, JR.
DAVID H. DOLLOFF
STEPHEN E. MAXWELL
DAVID W. LUNT
WILLIAM J. MILNE
GREGORY W. BLANDFORD
DOUGLAS C. LOWE
EDDIE JACKSON III
MATTHEW T. BELL, JR.
MARC D. STEGMAN
WILLIAM G. HISHON
LARRY A. RAMIREZ
BENJAMIN A. EVANS
TRACY L. SLACK
THOMAS C. HASTING, JR.
WILLIAM H. OLIVER II
TALMADGE SEAMAN
MARK E. MATTA
JANIS E. NAGY
SALVATORE G. PALMERI, JR.
MARK D. RIZZO
SPENCER L. WOOD
RICARDO RODRIGUEZ
RANDALL A. PERKINS III
TIMOTHY B. O'NEAL
ROBERT P. MONARCH
EDWARD J. HANSEN, JR.
DONALD J. MARINELLO
CHARLES A. MILHOLLIN
DENNIS D. DICKSON
TIMOTHY N. SCOGGINS
GENE W. ADGATE
BARRY J. WEST
JEFFREY W. JESSEE
GEORGE A. ELDREDGE
SCOTT E. DOUGLASS
JOHN K. LITTLE
SAMUEL WALKER VII
ROBERT R. DUBOIS
ROBERT J. HENNESSY
THOMAS E. CRABBS
STEVEN D. STILLEKE
JOHN S. KENYON
DOUGLAS J. CONDE
WILLIAM R. CLARK
DONNA A. KUEBLER
TIMOTHY A. FRAZIER
ROCKY S. LEE
RANDY C. TALLEY
ROBERT M. CAMILLUCCI
CHRISTOPHER B. ADAIR
ERIC C. JONES
JOHN R. LUSSIER
MELVIN W. BOUBOULIS
MELISSA BERT
ANITA K. ABBOTT
VERNE B. GIFFORD
SCOTT N. DECKER
PETER W. GAUTIER
MATTHEW T. RUCKERT
CHRISTOPHER M. SMITH
ANTHONY J. VOGT
JAMES A. CULLINAN
DONALD R. SCOPEL
GWEN L. KEENAN
RICHARD J. RAKSNIS
MARC A. GRAY
GRAHAM S. STOWE
CHRISTOPHER P. CALHOUN
KYLE G. ANDERSON
JONATHAN P. MILKEY
MATTHEW J. SZIGETY
RUSSEL C. LABODA
ANDEW P. KIMOS
JOHN T. DAVIS
ANTHONY R. GENTILELLA
JOHN G. TURNER
RAMONCITO R. MARIANO
LEIGH A. ARCHBOLD
DANA G. DOHERTY
PAUL E. FRANKLIN
STEVEN A. SEIBERLING
SCOTTIE R. WOMACK
RONALD H. NELSON
HENRY M. HUDSON, JR.
FRANK D. GARDNER
RALPH MALCOLM, JR.
DONALD N. MYERS
RICHARD A. PAGLIALONGA
JAMES E. HAWTHORNE, JR.
JAY A. ALLEN
GORDON A. LOEBL
GARY T. CROOT
SAMUEL L. HART
WEBSTER D. BALDING
CHRISTOPHER N. HOGAN
THOMAS D. COMBS III
BEVERLY A. HAVLIK
THOMAS H. FARRIS, JR.
TIMOTHY E. KARGES
DAVID SELF
JOHN D. GALLAGHER
ROBERT G. GARROTT
GREGORY W. JOHNSON
SCOTT A. MEMMOTT
GREGORY P. HITCHEN
RICHARD W. SANDERS
JASON B. JOHNSON
RAYMOND W. PULVER
STUART M. MERRILL
JOSEPH E. VORBACH
KEVIN E. LUNDAY
BRIAN R. BEZIO
CHRISTINE L. MACMILLIAN
JOANNA M. NUNAN
JOSEPH SEGALLA
JOHN J. PLUNKETT
CHRISTOPHER M. RODRIGUEZ
PATRICK P. O'SHAUGHNESSY
ANTHONY POPIEL
MATTHEW L. MURTHA
JAMES M. CASH
DWIGHT T. MATHERS
PAULINE F. COOK
ROBERT J. TARANTINO
JOHN E. HARDING
CRAIG S. SWIRBLISS
JOHN J. ARENSTAM
JOHN M. FITZGERALD
KIRK D. JOHNSON
DAVID R. BIRD
WILLIAM B. BREWER
WILLIAM G. KELLY

I NOMINATE THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

MONICA L. LOMBARDI
LATICIA J. ARGENTI
SLOAN A. TYLER
KAREN E. LLOYD
MICHAEL E. TOUSLEY
THOMAS F. LENNON
DONALD A. LA CHANCE II

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. LLOYD W. NEWTON, xx...

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. MAXWELL C. BAILEY, xx...
BRIG. GEN. WILLIAM J. DENDINGER, xx...
BRIG. GEN. DENNIS G. HAINES, xx...
BRIG. GEN. CHARLES R. HENDERSON, xx...
BRIG. GEN. CHARLES R. HOLLAND, xx...
BRIG. GEN. SILAS R. JOHNSON, JR., xx...
BRIG. GEN. THOMAS J. KECK, xx...
BRIG. GEN. RODNEY P. KELLY, xx...
BRIG. GEN. RONALD E. KEYS, xx...
BRIG. GEN. DAVID R. LOVE, xx...
BRIG. GEN. EARL W. MABRY III, xx...
BRIG. GEN. RICHARD C. MARR, xx...
BRIG. GEN. WILLIAM F. MOORE, xx...
BRIG. GEN. THOMAS H. NEARY, x...
BRIG. GEN. SUSAN L. PAMERLEAU, xx...
BRIG. GEN. ANDREW J. PELAK, JR., xx...
BRIG. GEN. GERALD F. PERRYMAN, JR., xx...
BRIG. GEN. ROGER R. RADCLIFF, xx...
BRIG. GEN. RICHARD H. ROELLIG, xx...
BRIG. GEN. LANSFORD E. TRAPP, JR., xx...
BRIG. GEN. THOMAS C. WASKOW, xx...
BRIG. GEN. CHARLES J. WAX, xx...
BRIG. GEN. JOHN L. WOODWARD, JR., xx...
BRIG. GEN. MICHAEL K. WYRICK, xx...

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. GARY A. AMBROSE, xx...
COL. FRANK J. ANDERSON, JR., xx...
COL. THOMAS L. BAPTISTE, xx...
COL. BARRY W. BARKSDALE, xx...
COL. LEROY BARNIDGE, JR., xx...
COL. RANDALL K. BIGUM, xx...
COL. RICHARD B. BUNDY, xx...
COL. SHARLA J. COOK, xx...
COL. TOMMY F. CRAWFORD, xx...
COL. CHARLES E. CROOM, JR., xx...
COL. RICHARD W. DAVIS, xx...
COL. ROBERT R. DIERKER, xx...
COL. JERRY M. DRENNEN, xx...
COL. CAROL C. ELLIOT, xx...
COL. PAUL W. ESSEX, xx...
COL. MICHAEL N. FARAGE, xx...
COL. RANDALL C. GELWIX, xx...
COL. JAMES A. HAWKINS, xx...
COL. GARY W. HECKMAN, xx...
COL. HIRAM L. JONES, x...
COL. JOSEPH E. KELLEY, xx...
COL. CHRISTOPHER A. KELLY, xx...
COL. JEFFREY B. KOHLER, xx...
COL. EDWARD L. LA FOUNTAINE, xx...
COL. WILLIAM J. LAKE, xx...
COL. DAN L. LOCKER, xx...
COL. TEDDIE M. MCFARLAND, xx...
COL. MICHAEL C. MCMAHAN, xx...
COL. DUNCAN J. MCNABB, xx...
COL. RICHARD A. MENTEMEYER, xx...
COL. JAMES W. MOREHOUSE, xx...
COL. PAUL D. NIELSEN, xx...
COL. THOMAS A. ORIORDAN, xx...
COL. BENTLEY B. RAYBURN, xx...
COL. REGNER C. RIDER, xx...
COL. GARY L. SALISBURY, xx...
COL. KLAUS O. SCHAFER, xx...
COL. CHARLES N. SIMPSON, xx...
COL. ANDREW W. SMOAK, x...
COL. JOHN M. SPEIGEL, xx...
COL. RANDALL F. STARBUCK, xx...
COL. SCOTT P. VAN CLEEF, xx...
COL. GLENN C. WALTMAN, xx...
COL. CRAIG P. WESTON, xx...
COL. MICHAEL P. WIEDEMER, xx...
COL. MICHAEL W. WOOLEY, xx...
COL. BRUCE A. WRIGHT, xx...

IN THE ARMY

THE FOLLOWING-NAMED ARMY COMPETITIVE CATEGORY OFFICER FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be major general

BRIG. GEN. LARRY G. SMITH, xx...

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10 UNITED STATES CODE, 14101, 14315, AND 12203(A):

To be major general

BRIG. GEN. WILLIAM F. ALLEN, xx...
BRIG. GEN. CRAIG BAMBROUGH, xx...
BRIG. GEN. PETER A. GANNON, xx...
BRIG. GEN. FRANCIS R. JORDAN, JR., xx...

To be brigadier general

COL. HERBERT L. ALTSHULER, xx...
COL. MICHAEL W. BEASLEY, xx...
COL. JAMES P. COLLINS, xx...
COL. JAMES W. COMSTOCK, xx...
COL. WILLIAM S. CRUPE, xx...
COL. ALAN V. DAVIS, xx...
COL. JOHN F. DEPUE, xx...
COL. BERTIE S. BUEITT, xx...
COL. CALVIN D. JAEGER, xx...
COL. JOHN S. KASPER, xx...
COL. RICHARD M. O'MEARA, xx...
COL. JAMES C. PRICE, xx...
COL. RICHARD O. WIGHTMAN, JR., xx...

THE FOLLOWING-NAMED ARMY COMPETITIVE CATEGORY OFFICER FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. MITCHELL M. ZAIS, x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JOSEPH T. ANDERSON, xx...
BRIG. GEN. RAYMOND P. AYRES, JR., xx...
BRIG. GEN. EMIL R. BEDARD, xx...
BRIG. GEN. CHARLES F. BOLDEN, JR., xx...
BRIG. GEN. EARL B. HAILSTON, xx...
BRIG. GEN. BRUCE B. KNUTSON, JR., xx...
BRIG. GEN. GARY S. MCKISSOCK, xx...
BRIG. GEN. WILLIAM L. NYLAND, xx...

BRIG. GEN. RONALD G. RICHARD, xx...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. AIR FORCE IN ACCORDANCE WITH SECTIONS 618, 624, AND 628 TITLE 10, UNITED STATES CODE:

LINE OF THE AIR FORCE

To be major

SAMUEL R. BAKALIAN, JR., xx...
KEITH P. FEAGA, xx...
BRAD L. SABO, xx...
PETER L. VAN VLECK, xx...
JAMES M. WALSH, xx...
JAMES E. WALTRIP, xx...

MEDICAL CORPS

To be lieutenant colonel

CARL G. SIMPSON, xx...

To be major

MARTIN L. ABBINANTI, xx...
THOMAS S. HOFFMAN, xx...
JEROME J. SCHULTE, xx...
MARIO A. SILVA, xx...

THE FOLLOWING-NAMED OFFICER FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

LINE OF THE AIR FORCE

To be captain

JERRY A. WEIHE, xx...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 AND 628, TITLE 10, UNITED STATES CODE:

To be major

MEDICAL CORPS

ROBERT J. METZ, xx...
GEORGINA L. MURRAY, xx...
MICHAEL R. NELSON, xx...

MEDICAL SERVICE CORPS

To be major

DANIEL V. CHAPA, JR., xx...

VETERINARY CORPS

To be major

KATHLEEN W. CARR, xx...

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 OF TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

OWEN, H. BLACK, xx...
SCOTT C. BLACK, xx...
DONALD H. DUBIA, xx...
VICTOR L. HORTON, xx...
CALVIN L. LEWIS, xx...
ROBERT MCFETRIDGE, xx...
SARAH P. MERCK, xx...
KENT R. MEYER, xx...
ROBERT L. MINOR, xx...
PATRICK J. PARRISH, xx...
JAMES D. SCHMIDLI, xx...
ROBERT L. SWANN, xx...
DENISE K. VOWELL, xx...
KARL K. WARNER, xx...
RONALD W. WHITE, x...
DALE N. WOODLING, xx...

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE:

ARMY COMPETITIVE

To be major

RANDEL D. MATNEY, xx...

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be colonel

*RONALD P. TURNICKY, xx...

ARMY COMPETITIVE

To be lieutenant colonel

ROBERT E. KEMPFE, xx...
JARVIS NEWSOME, xx...

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

LINDA S. BURGAN, x...
STEPHEN D. HARVEY, xx...

MEDICAL CORPS

To be lieutenant colonel

*MATTHEW W. RAYMOND, xx...

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE:

ARMY COMPETITIVE

To be lieutenant colonel

JOHN E. RUETH, xx...
DOUGLAS R. YATES, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be colonel

PHILLIP J. TODD, xx...

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

EMMANUEL M. CHIAPARAS, xx...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 628, AND 531:

To be lieutenant colonel

*BENJE H. BOEDEKER, xx...
*BEVERLY I. MALINER, xx...

To be major

BRUCE F. BROWN, xx...
THADDEUS J. KROLICKI, xx...
MARTHA K. LENHART, xx...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be major

*RUPERT H. PEETE, xx...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERICK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be lieutenant colonel

x...K. x...
VIRGINIA P. PRUGH, xx...

To be major

*SCOTT A. SVABEK, xx...

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

MARK S. ACKERMAN, xx...
RICHARD J. ANDERSON, xx...
ROBERT J. BARHAM, xx...
WILLIAM T. BARTO, xx...
GARY J. BROCKINGTON, xx...
JEFFREY L. CADDELL, xx...
JANET W. CHARVAT, xx...
MARK CREMIN, x...
ALLEN R. GOSHL, xx...
ANNE EHRSAMHOLLAND, xx...
MICHAEL J. FUCCI, xx...
JILL M. GRANT, xx...
MARK E. HENDERSON, xx...
STEPHEN R. HENLEY, xx...
ANDY K. HUGHES, xx...
MUSETTA T. JOHNSON, xx...
KAREN L. JUDKINS, xx...
JOHN KASTENBAUER, xx...
LAUREN B. LEEKER, xx...
JAMES K. LOVEJOY, xx...
REYNOLD MASTERTON, xx...
EVERETT MAYNARD, JR., xx...
HOWARD O. MCGILLIN, xx...
RICHARD B. O'KEEFFE, xx...
FRANCES E. OLMSTED, xx...
TIMOTHY PENDOLINO, xx...
EDITH M. ROB, xx...
MARK P. SPOSATO, xx...
DONNA L. WILKINS, xx...

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

CHAPLAIN CORPS

To be major

*WILLIAM M. AUSTIN, xx...
*SHERMAN W. BAKER, xx...
*WILLIAM T. BARBEE, xx...
*ORMAN W. BOYD, x...
*KAREN D. BRANDON, x...
*BRENT V. CAUSEY, xx...
*PHILLIP C. CONNER, xx...
*STEPHEN P. DEMIEN, xx...
*THOMAS G. EVANS, xx...
*PETER J. FREDERICH, xx...
*WILBERT C. HARRISON, xx...
*STEVEN L. JORDAN, xx...
*SCOTT H. KAMINSKY, xx...
*PAUL R. KERR, xx...
*YOUN H. KIM, xx...
*DENNIS S. KRUMLAUF, xx...
*WILLIAM H. LIPTROT, xx...
*MARTIN E. MATTHIS, xx...
*ROBERT J. MEYER, xx...
*GLENN R. MOSTELLER, xx...
*DAVID A. NEETZ, xx...
*MARSHALL PETERSON, xx...
*JIM L. PITTMAN, xx...
*PAUL A. RODGERS, xx...
*STEPHEN M. RUSS, xx...
*DAVID H. SCHARFF, xx...
*PEARLEAN SCOTT, xx...
*WILLIAM D. SMITH, xx...
*ALLEN M. STAHL, xx...
*KENNETH W. STICE, xx...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

JAMES W. BROWN, xx...

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be colonel

CHRIS J. GUNTHER, xx...

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be major

DOUGLAS S. KURTH, xx...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

RANDALL N. MILLER, xx...
MICHAEL B. SAGASER, xx...
GARY W. SCHENKEL, xx...

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CONGRESS:

SUPPLY CORPS

To be captain

BRUCE G. LALONDE, xx...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE NAVY UNDER 12203 OF TITLE 10, UNITED STATES CONGRESS:

To be captain

GARY D. BUMGARNER, xx...
WALTER E. MARDIK, xx...
REYNALDO RESENDEZ, xx...

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CONGRESS:

UNRESTRICTED LINE

To be captain

THOMAS J. CAMPBELL, xx...
STEVENS K. SHEGRUD, xx...

To be commander

VITO M. MENZELLA, xx...

MEDICAL SERVICE CORPS

To be commander

JOHN A. D'ALESSANDRO, xx...

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be commander

TIMOTHY F. ARCHER, [redacted]
DAVID B. MORGAN, [redacted]

MEDICAL SERVICE CORPS

To be commander

PATRICK J. KELLY, [redacted]

MEDICAL CORPS

To be lieutenant commander

KENNETH M. LANKIN, [redacted]

DENTAL CORPS

To be lieutenant commander

KIMBROUGH M. HORNSBY, [redacted]
MELANIE J. LARSON, [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

UNRESTRICTED LINE

To be commander

DONALD L. BEEM, [redacted]

UNRESTRICTED LINE

To be lieutenant commander

JAMES E. REED, [redacted]

MEDICAL CORPS

To be lieutenant colonel

PETER A. KHAMVONGSA, [redacted]
NELSON A. NIEVES, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

EDGARDO PEREZ-LUGO, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICER MARKED BY AN ASTERISK (*) IS ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

RICHARD H. AGOSTA, [redacted]
PRISCILLA M. ALSTON, [redacted]
MICHAEL D. BERNDT, [redacted]
LEE W. BRIGGS, [redacted]
JOHN H. BROWN, [redacted]
BRUCE W. BURNEY, [redacted]
DAVID C. BURNS, [redacted]
CLYDE D. BYRNE, [redacted]
LYLE W. CARLSON, [redacted]
LARRY J. CLARK, [redacted]
EDWARD O. CRANDELL, [redacted]
MELINDA E. DEFFER, [redacted]
ROBERT R. ENG, [redacted]
RONALD D. FANCHER, [redacted]
JACK C. FARRIS, [redacted]
ROGER W. FOXHALL, [redacted]
JEFFREY A. GERE, [redacted]
HARRY R. GOOD, [redacted]
JOSEPH M. HARMON, [redacted]
MONTIE S. JOHNSON, [redacted]
TERRY A. KLEIN, [redacted]
MORRIS R. LATTIMORE, [redacted]
DAVID B. MCCRADY, [redacted]
ROBERT J. MYERS, [redacted]
VIRGIL J. PATTERSON, [redacted]
DAVID M. PENETAR, [redacted]
RANDY PERRY, [redacted]
KOTU K. PHULL, [redacted]
TERRY M. RAUCH, [redacted]
DANIEL D. REMUND, [redacted]
RENE J. ROBICHAUX, [redacted]
JAMES A. ROMANO, [redacted]
HARVEY G. SOEFER, [redacted]
PHILLIP W. SWINNEY, [redacted]
BRUCE F. SYLVIA, [redacted]
ALAN K. THOMPSON, [redacted]
RANDAL L. TREIBER, [redacted]
DAVID W. WILLIAMS, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

ANN P. AMOROSO, [redacted]
MARGARE APPLEWHITE, [redacted]
GAIL D. DEYLE, [redacted]
REBECCA S. STOREY, [redacted]

VETERINARY CORPS

To be colonel

CHARLES KELSEY, JR., [redacted]
GEORGE E. MOORE, [redacted]
ROBERT R. SMITH, [redacted]
DEWAYNE G. TAYLOR, [redacted]

NURSE CORPS

To be colonel

SANDRA L. BRUNKEN, [redacted]
ANDREA B. CALDWELL, [redacted]
ANNIE M. CAYLOR, [redacted]
LOIS J. DICKINSON, [redacted]
JOAN P. EITZEN, [redacted]
LENORE S. ENZEL, [redacted]
SUZANNE S. EVANS, [redacted]
LARK A. FORD, [redacted]
MELISSA A. FORSYTHE, [redacted]
ANN E. HALLIDAY, [redacted]
ROY A. HARRIS, [redacted]
DANIEL J. JERGENS, [redacted]
CATHY J. JOHNSON, [redacted]
*SUSAN A. KAPLAN, [redacted]
CHERY KILIANHOFFER, [redacted]
EILEEN B. MALONE, [redacted]
MARYANN MONTEITH, [redacted]
CAROL J. PIERCE, [redacted]
CATHERINE K. ROCCO, [redacted]
KATHLEEN L. SIMPSON, [redacted]
CHRISTIE A. SMITH, [redacted]
REID M. STEVENSON, [redacted]
MICHAEL V. WALSH, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED SUPPLY CORPS OFFICERS, TO BE REAPPOINTED IN THE LINE OF THE U.S. NAVY IN ACCORDANCE WITH SECTIONS 531 AND 5582(A) OF TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant commander

MARCIAL B. DUMLAO, [redacted]

To be lieutenant

GREGORY D. GJURICH, [redacted]
STEVEN B. HEMMRICH, [redacted]
EDWARD S. HUNTER, [redacted]
MATTHEW K. LINCE, [redacted]
JUDITH E. MANFULL, [redacted]
RODNEY O. MATTHEWS, [redacted]
BRUCE J. WEIDNER, [redacted]
SCOTT E. WHITMORE, [redacted]

To be lieutenant (junior grade)

CHRIS D. AGAR, [redacted]
MICHAEL G. EARL, [redacted]

To be ensign

SHELLEY ANDERSON, [redacted]
MARK E. NIETO, [redacted]

THE FOLLOWING-NAMED CIVIL ENGINEER CORPS OFFICER, TO BE REAPPOINTED IN THE LINE OF THE U. S. NAVY IN ACCORDANCE WITH SECTIONS 531 AND 5582(A) OF TITLE 10, UNITED STATES CODE.

To be lieutenant (junior grade)

ERIC C. CAHILL, [redacted]

THE FOLLOWING-NAMED MEDICAL SERVICE CORPS OFFICERS, TO BE REAPPOINTED IN THE LINE OF THE U.S. NAVY IN ACCORDANCE WITH SECTIONS 531 AND 5582(A) OF TITLE 10, UNITED STATES CODE.

To be lieutenant

TRACIE L. CRAWSHAW, [redacted]
BRYANT W. KNOX, [redacted]

THE FOLLOWING-NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE LINE OF THE U.S. NAVY IN ACCORDANCE WITH SECTIONS 531 OF TITLE 10, UNITED STATES CODE.

To be lieutenant

NADIM ABUHAIDAR, [redacted]
CLETE D. ANSELM, [redacted]
RICKY D. BALCOM, [redacted]
DAVID L. BECK, [redacted]
LAURA L. BELLOS, [redacted]
WILLIAM L. BLACKER, [redacted]
BRADFORD J. BOGARD, [redacted]
DANIEL F. BOSCOLA, [redacted]
PATRICK C. CAREY, [redacted]
TIMOTHY M. CLESEN, [redacted]
JAMES CLUXTON, [redacted]
DAVID J. DEMERS, [redacted]
TRENT R. DEMOSS, [redacted]
THAD J. DOBBERT, [redacted]
KEVIN T. DOUPE, [redacted]
ALAN R. DUNSTON, [redacted]
JASON C. EHRET, [redacted]
JAMES M. ELLIS, [redacted]
JUAN M. ENTENZA, [redacted]
ROLANDO ESTRUGO, [redacted]
JAMES J. FALCONE, [redacted]
GERARD R. FEAGLES, [redacted]
JAMES M. FILIPSKI, [redacted]
MERL W. FUCHS, [redacted]
JEFFREY B. GRIGGS, [redacted]
JEFFREY L. HAMMER, [redacted]
SCOTT V. HANNA, [redacted]
JON J. HANSON, [redacted]
LINDA M. HASCHART, [redacted]
RICHARD W. HAUPT, [redacted]
THOMAS H. HAWLEY, [redacted]
ERIC J. HEITMAN, [redacted]
GERALD R. HERMANN, [redacted]
KIM D. HILL, [redacted]
MICHAEL J. HOLDER, [redacted]
PETER S. JONES, [redacted]
THOMAS P. JUHL, [redacted]
MATTHEW S. JUTTE, [redacted]
TRACI A. KEEGAN, [redacted]
ANDREW L. KESSLER, [redacted]
GREGORY S. KIRKWOOD, [redacted]
GREGORY A. KISER, [redacted]
RICHARD D. LEONARD, [redacted]
REGINALD D. LEUTHEN, [redacted]
JONATHAN A. LEWIS, [redacted]
ROGER J. LUCAS, [redacted]
MICHAEL C. MABEE, [redacted]
MARK M. MARTY, [redacted]
CHAD A. MCCAIN, [redacted]
PETER P. MCDONOUGH, JR., [redacted]
MICHAEL G. MCFERREN, [redacted]
WALTER L. MEARES, [redacted]
ERNST MENGELBERG, [redacted]
ERIC B. MICHAELSON, [redacted]
JEROME T. MORICK, [redacted]
LAURA J. MOTLEY, [redacted]
JOEL M. MULLEN, [redacted]
ARJAY J. NELSON, [redacted]
CHRISTOPHER M. NERNEY, [redacted]
JOHN R. NOLTING, [redacted]
WILLIAM W. OLMSTEAD, [redacted]
SUSAN E. PAPP, [redacted]
OSCAR J. PATINO, [redacted]
WANDA G. POMPEY, [redacted]
MARY P. POWERS, [redacted]
JASON R. PRICKETT, [redacted]
TODD W. RADER, [redacted]
RUSS C. RAINES, [redacted]
JOHN H. RAMSEY, [redacted]
JOSEPH W. REEVES, [redacted]
ANNE M. ROPER, [redacted]
ROBERT L. RUBINO, JR., [redacted]
EDWARD F. SCHMITT, [redacted]
KEITH L. SELBY, [redacted]
THOMAS J. SIU, [redacted]
JEFFREY E. SMITH, [redacted]
JOSEPH M. SNOWBERGER, [redacted]
SHELBY STRATTON, [redacted]
JOHN C. SWEDBERG, [redacted]
JOHN N. TURNIPSEED, [redacted]
PETER J. WALLIS, [redacted]
KENNETH L. WEEKS III, [redacted]
DONALD L. WILBURN, JR., [redacted]
PAUL J. WILSON, [redacted]
DARSHAN M. WOODS, [redacted]
GREGORY A. YANOK, [redacted]

To be lieutenant (junior grade)

COLLEEN M. BARIBEAU, [redacted]
CHRISTOPHER J. BASHAM, [redacted]
RODNEY T. BEHREND, [redacted]
TANIA M. BISHOP, [redacted]
LISA C. BRAUN, [redacted]
PAUL G. BROTZE, [redacted]
STEVE K. BRUNO, [redacted]
ANTHONY T. BUTERA, [redacted]
ROSETTA BUTLER, [redacted]
SANDRA Y. CONNER, [redacted]
LAUREL P. FALLS, [redacted]
STEPHEN T. FAUST, [redacted]
RAY A. FRANKLIN II, [redacted]
MICHAEL G. FRANTZ, [redacted]
ERIC H. FRITZ, [redacted]
GREGORY J. GAHLINGER, [redacted]
MICHAEL L. GALES, [redacted]
NOAH J. GENGLER, [redacted]
GEOFFREY L. GERBER, [redacted]
STEVEN J. HALL, [redacted]
JASON R. HAMMONS, [redacted]
JOHN P. HIBBS, [redacted]
EDGARD T. HIGGINS III, [redacted]
JONATHAN L. JACKSON, [redacted]
DONALD R. JONES, JR., [redacted]
COREY J. KENISTON, [redacted]
MICHAEL J. KOEN, [redacted]
LUKE A. KOLBECK, [redacted]
JEFFREY J. KUGELE, [redacted]
GEORGE M. LANDIS III, [redacted]
JONATHAN D. LIPPS, [redacted]
CHRISTOPHER B. LOUNDERMON, [redacted]
JAY J. MATTHEWS, [redacted]
RICHARD C. MCDANIEL, [redacted]
PATRICK W. MCNALLY, [redacted]
PATRICK E. MONDOR, [redacted]
INGRID M. MUELLER, [redacted]
JAMES M. MUSE, [redacted]
COLEY R. MYERS III, [redacted]
NEAL M. NOTTROTT, [redacted]
CURTIS E. OELRICHS, [redacted]
RONALD J. O'GRADY, [redacted]
INGRID M. RADER, [redacted]
STEPHEN C. RANCOURT, [redacted]
PAUL C. RAWLEY, [redacted]
DAVID R. ROSETTER, [redacted]
KORY L. SCHROEDER, [redacted]
FRANK A. SCRIVENER III, [redacted]
SHANTI R. SETHI, [redacted]
BILL T. SHEETS, [redacted]
THEODORE J. STARINSHAK, [redacted]
KENNETH A. STRONG, [redacted]
KARL R. TENNEY, [redacted]

JEFFREY S. TIPPIE, xx...
ERIC D. WEBSTER, xx...
CHRIS F. WHITE, xx...

To be ensign

MICHAEL S. ANSLEY, xx...
JEFFREY M. BIERLEY, xx...
DWIGHT A. BLAHA, xx...
MANUEL BRITO, xx...
ROBERT B. BRYANT, xx...
MICHAEL W. BYERS, x...
DANIEL B. CALDWELL, xx...
JOHN M. CAPUANO, xx...
ADAM R. CAUDILL, xx...
TODMUND E. COLE, xx...
CHRISTOPHER R. COX, xx...
MARVIN W. CUNNINGHAM, xx...
STEVEN M. DUPONT, xx...
JAMES A. DUTTON, x...
DANIEL W. ETTLICH, xx...
KEVIN L. ETZKORN, xx...
JAMES R. FELTS, xx...
JAMES R. FINK, xx...
KYLE P. FREEMAN, xx...
DAVID C. GARCIA, x...
ROBERT C. GETTY, xx...
NOEL D. GONZALEZ, x...
PETER F. HECK, xx...
RYAN J. HEILMAN, xx...
CHAD F. HENNINGS, xx...
TRENTON D. HESSLINK, xx...
DOUGLAS M. JARRARD, xx...
LEE R., JOHNSON, JR., xx...
CHRISTOPHER K. KETEL, xx...
TODD M. KNAPP, xx...
JACK R. MASIH, xx...
ANDREW T. MILLER, xx...
MICHAEL R. MORELAND, xx...
CONSTANTIN C. MOWRY, xx...
KEVIN S. MOYER, xx...
MICHAEL P. MULCARE, xx...
ANDREW G. PETERSON, xx...
TODD M. PICHE, xx...
DAVID A. PRATHER, xx...
TIMOTHY M. RAGLIN, xx...
JON M. RICCITELLO, xx...
BARRY F. RODRIGUES, xx...
STEVEN E. RUMPH, xx...
ROBERT D. SANDERS, x...
JOHN M. SANDIDGE, x...
JASON E. SMALL, xx...
MICHAEL R. SOWA, x...
KEVIN J. SUH, xx...
CHUONG N. THAI, xx...
ANDREW W. VELO, x...
ANTHONY D. VENA, xx...
STEVEN R. VONHEEDER, xx...
WAYNE C. WALL, xx...
MARK C. WEBSTER, xx...
BRYAN D. WHITCOMB, xx...
MICHAEL L. WOODS, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be captain

WILLIAM A. LISTON, xx...

To be commander

FRANK A. CHAPMAN, xx...
DAVID W. FERGUSON, xx...
WARREN P. KLAM, xx...
ALAN R. ROWLEY, xx...

To be lieutenant commander

TIMOTHY P. COLLINS, xx...
ASHA S. V. DEVEREAUX, xx...
MICHAEL E. HOFFER, xx...
RANDALL N. HYER, xx...
DAVID M. LARSON, xx...
MICHAEL LEE, xx...
LYNN L. LEVENTIS, xx...
CRAIG T. MALLAK, xx...
MARTIN MCCAFFREY, xx...
TERENCE M. MCGEE, xx...
GEORGE J. MCKENNA, xx...
PATRICK T. NOONAN, xx...
WILLIAM B. POSS, xx...
ROBERT J. ROOKSTOOL, xx...
SCOTT SHAY, xx...
RICKY L. SNYDER, xx...
ANTOINE P. WASHINGTON, xx...
RICHARD B. WOLF, xx...
DANIEL J. ZINDER, xx...

To be lieutenant

ANTHONY G. BATTAGLIA, xx...
SHIUYUEH L. BAXTER, xx...
CHRISTOPHER E. DEVEREAUX, xx...
TIM B. HOPKINS, xx...
MICHAEL A. ILLOVSKY, xx...
LIONEL N. JACOB, xx...
CHRISTOPHER J. JANKOSKY, xx...
KATHLEEN C. LEONE, x...
RICHARD D. QUATTRONE, xx...
KIRBY J. SCOTT, xx...
WILLIAM A. SRAY, xx...

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTIONS 531 AND 5582(B) OF TITLE 10, UNITED STATES CODE.

SUPPLY CORPS

To be lieutenant

KEITH A. HOPSON, xx...
MARK TUELL, xx...

To be lieutenant (junior grade)

WILLIAM T. HOOVER, xx...
SEAN A. SCIARA, xx...
ROBERT W. YAROSZ, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

SUPPLY CORPS

To be lieutenant

SETH T. BURGESS, xx...
GARY B. CLARK, xx...
ROBERT CSORBA, xx...
DANIEL F. CUMMINGS, xx...
KENNETH DIXON, xx...
JOHN W. HANKFORTH, xx...
PAUL D. HANSON, x...
COREY D. KRAMER, xx...
RICKY A. KUSTURIN, xx...
BRIAN E. LOEFSTEDT, xx...
THOMAS R. MARSZALEK, xx...
MICHAEL L. PARKER, xx...
LISLE O. PICKFORD, xx...
JON H. STEEN, xx...
DAVID T. VEAL, x...

To be lieutenant (junior grade)

EDWARD C. AGU, x...
JARROD W. FLORES, xx...
OVELL HAMILTON, xx...
WILLIAM K. JAMES, xx...
DARRELL L. MATHIS, xx...
CLIFFORD R. SHEARER, xx...
RICARDO WILSON, xx...

THE FOLLOWING-NAMED LINE OFFICERS TO BE REAPPOINTED IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTIONS 531 AND 5582(B) OF TITLE 10, UNITED STATES CODE.

CIVIL ENGINEER CORPS

To be lieutenant

WILLIAM C. DUERDEN, xx...
MARTIN B. HARRISON, xx...
ROBERT S. HOUSE, xx...
CHAD H. LEE, x...
SHAUGN E. OSTROWSKI, xx...
DARREN D. PETRO, xx...
STEPHEN K. REVELAS, xx...
SEREATHA Y. STERN, xx...
SCOTTY W. WALTERMIRE, x...

To be lieutenant (junior grade)

TIMOTHY L. ALLEN, xx...
ERIC J. HAWN, xx...
WILLIAM B. SCALLY, xx...

To be ensign

COREY M. AVENS, xx...
JAMES L. HASAN, xx...
BRANNEN G. MCELMURRAY, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

CIVIL ENGINEER CORPS

To be lieutenant

STEVEN M. BECKER, x...
DAVID A. BELL, xx...
JAMES J. BOUDO, xx...
ALTON M. BRADLEY, xx...
FERNANDO CHAVEZ, xx...
BRIAN L. ERICKSON, x...
PHILIP M. GENT, xx...
DALE R. HARTMANN, x...
CHARLES E. MENDOZA, xx...
TIMOTHY J. ROGERS, xx...
GREGORY A. SCOTT, xx...
MICHAEL R. SPAULDING, xx...
CRAIG B. SPRAY, xx...
CHARLES R. WILSON, xx...

To be lieutenant (junior grade)

BRANDIE S. HAYDEN, xx...
FRANCIS S. KURY, xx...
HEATH K. POPE, xx...
MICHAEL R. SAUM, xx...
RUSSELL V. SEIGNIOUS, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant

LESLIE K. BURNETT, xx...
JEFFREY A. FISCHER, xx...
GEORGE M. FRUCHTERMAN, xx...
ELIZABETH K. FUGLESTAD, xx...
HOLIDAY HANNA, x...
DAVID M. HARRISON, xx...
ERROL D. HENRIQUES, xx...
MICHAEL R. HOGAN, xx...
MATTHEW R. HYDE, xx...
ANTHONY Z. KALAMS, xx...
ANN F. LAMB, xx...
JAMES M. RYAN, xx...
DARLENE S. SIMMONS, xx...
DAVID G. WILSON, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE DENTAL CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

DENTAL CORPS

To be lieutenant commander

JOANNE R. ADAMSKI, xx...
SPIROS APOSTOLAKIS, xx...
JOY MEADE, xx...

To be lieutenant

SMITH C. E. BARONE, x...
GLENDA M. CALEY, x...
MICHELE A. CARTER, xx...
PETER C. COLELLA, xx...
GEORGE A. GROW, xx...
WILLIAM R. K. DAVIDSON, xx...
MASOUD EGHTEDARI, xx...
KIMBERLY K. ERICKSON, xx...
TIMOTHY M. FRENCH, x...
GREGORY GANSER, xx...
KURT HUMMELDORF, x...
KARLA A. IYONMAHAN, xx...
JONATHAN B. JUNKIN, xx...
JOSEPH P. LUKASIEWICZ, xx...
RODERICK M. MACINTYRE, xx...
WILLIAM W. MAK, x...
KEVIN J. OTTE, xx...
CHARLES W. I. PADDOCK, xx...
VICTOR T. Y. PAK, xx...
CHARLES W. PATTERSON, xx...
PETER A. RUOCCO, xx...
SONIA Q. SCHEERER, xx...
HELEN N. SEMPIRA, xx...
ADAM P. STRIMER, xx...
TODD E. SUMNER, x...
TIMOTHY B. TINKER, xx...
PAUL R. YETTER, xx...

THE FOLLOWING-NAMED LINE OFFICERS, TO BE REAPPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant

JAMES R. CASSATA, xx...
TIMOTHY A. MEYER, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant

DAVID M. BARTHOLOMEW, x...
SIMON J. BARTLETT, xx...
SEAN BIGGERSTAFF, xx...
CYNTHIA A. CHARGOIS, xx...
ANDREW M. DAVIDSON, xx...
DANNY W. DENTON, xx...
TODD S. GIBSON, xx...
DANA P. GLASER, xx...
VINCENT T. HILL, xx...
BARBARA R. IDONE, xx...
SUSAN E. JACKSON, x...
CHRISTOPHER M. JACOBSON, xx...
KIMBERLY M. KAUFFMAN, xx...
LAURIE A. LEVY, xx...
JOHN D. NOGAN, xx...
SAMUEL T. OLAIYA, xx...
PAMELA A. O'LOUGHLIN, xx...
BYRON Y. OWENS, xx...
STEVEN D. PIGMAN, xx...
BRIAN D. POMIJE, xx...
GREGORY J. PRUNIER, xx...
JENNIFER S. RYDELL, xx...
MARY S. SEYMOUR, xx...
LILLIAN M. SHEPHERD, xx...
RUSSELL D. SHILLING, xx...
JOHN THOMAS, xx...
BRUCE A. THOMPSON, xx...
JEFFREY C. TROWBRIDGE, xx...
TIMOTHY H. WEBER, x...

To be lieutenant (junior grade)

PAUL D. ALLEN, xx...
PAUL R. CAUCHON, xx...
VALENTIN E.H. CONDE, xx...
JOHN E. HANNON IV, xx...
JAMES HERBST, xx...
BRIAN E. HUTCHISON, xx...
TINA M. JANGEL, xx...
BARBARA S. KANNEWURF, xx...
MICHAEL G. LUTTE, xx...

SCOTT A. MCKENZIE, xx...
ANDREW B. SEAL, xx...
BRIAN G. TOLBERT, xx...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE NURSE CORPS OF THE U.S. NAVY IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

NURSE CORPS

To be lieutenant

JAMES E., BABCOCK II, xx...
LINDA M. BLANKENBIJL, xx...
CHERYL W. BLANZOLA, xx...
ELISABETH J. BUCK, xx...
PATRICIA CORLEY, xx...
NATALIE K.M. FRENKEN, xx...
ROBIN D. GIBBS, xx...
DEBORAH A. GRISSINGER, xx...
PATRICIA A. HETRICK, xx...
WILLIAM J. HILL, JR., xx...
CLARISSA L. HO, xx...
CONSTANCE E. HYMAS, xx...
MARGARET A. JACOBSEN, xx...
SHARON W. KINGSBERRY, xx...
DAVID P. LEVAN, xx...
REBECCA A. MALARA, xx...
KENDRA A.T. MANNING, x...
JACQUELINE M. MENZIES, xx...
JULIE C. MOORE, xx...
JULIE Y. MOORE, xx...
LISA M. MORTENSEN, xx...
REBECCA A. OHLENBUSCH, xx...
CATHY J. OLSON, x...
PAMELA J. PORTER, xx...
KAREN S. PRUETT, xx...
SABRINA L. PUTNEY, xx...
MARY A. SMITH, xx...
DIANNE STANTONSANCHEZ, x...
AMY M. STEVENS, xx...
REGINA D. STMARK, xx...
DANA G. STUARTMAGDA, x...
TRACY B. SWANSON, xx...
NELIDA R. TOLEDO, xx...
DICK W. TURNER, xx...
DAVID W. WEEKS, xx...
LAURA A. WOLFGANG, xx...
MARY A. YONK, x...
MARIA A. YOUNG, xx...

To be lieutenant (junior grade)

JANINE D. ALLEN, xx...
PAUL B. ARP, xx...
JUSTIN M. BENNETT, xx...
MARK I. BISBEE, xx...
JEFFREY W. BLEDSOE, xx...
ANDREW M. CARTER, xx...
DANIEL J. CROSBY, xx...
EVE D. CURRIE, xx...
ERNEST E. DUNCAN, xx...
RHONDA R. DYER, xx...
DAVID C. FISHER, xx...
ANDREW A. GALVIN, x...
JAMES E. GOSS, xx...
DERRICK HERNANDEZ, xx...
MERCED HERNANDEZ, xx...
KATHY A. HUEY, xx...
MARY E. JACOBS, xx...
JEAN L. P. LORD, xx...
KATHY L. MATTHES, xx...
CATHERINE M. MCNEAL, xx...
MICHAEL L. NICK, xx...
DEBBIE O'HARE, xx...
FRANCES C. PERDUE, xx...
FRANCES C. RYAN, xx...
ASSANATU I. SAVAGE, xx...
RENEE M. SIDLEY, xx...
MICHAEL D. SIMONS, xx...
PATRICIA M. TAYLOR, x...
GENE D. TRUESDELL, xx...
DAVID J. WALKER, xx...
TERESA J. WATTERS, xx...
ALTON R. WIGGINS, x...
SHARI D. WOHL, xx...
GEORGE A. ZANGARO, xx...

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE AS LIMITED DUTY OFFICERS OF THE U.S. NAVY IN ACCORDANCE WITH SECTIONS 531 AND 5589(A) OF TITLE 10, UNITED STATES CODE.

LIMITED DUTY OFFICERS, LINE

To be lieutenant (junior grade)

RONALD E. FOUDRAY, x...
REBECCA L. KIRK, xx...

HOUSE OF REPRESENTATIVES—*Tuesday, January 7, 1997*

This being the day fixed by the 20th amendment of the Constitution of the United States, and Public Law 104–296 for the meeting of the Congress of the United States, the Members-elect of the 105th Congress met in their Hall, and at 12 noon were called to order by the Clerk of the House of Representatives, Hon. Robin H. Carle.

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

Oh, gracious God, from whom we have come and to whom we belong, we offer this prayer of thanksgiving and gratitude for all the blessings You have freely bestowed on us and the people of this Nation, and also for the responsibilities that You have entrusted to those who serve in this place.

On this first day of a new Congress, we speak with the words of the Psalmist: Oh, give thanks to the Lord for He is good, for His steadfast love endures forever. Grant us, oh God, a keen awareness of the areas of life where we can serve the people of the land, and, as the scripture says, let justice flow down as waters and righteousness like an ever flowing stream.

May we continue to build on the foundations laid down from the early days of the Nation, that in all things we may do justice, love mercy, and ever walk humbly with you.

May Your benediction, oh God, that is new every morning and is with us all the days of our lives, be upon all who serve in this place now and evermore, amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please rise and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

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

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 104–296 for the meeting of the 105th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 105th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—432

ALABAMA

Aderholt, Bachus, Callahan, Cramer, Everett, Hilliard, Riley

ALASKA

Young

ARIZONA

Hayworth, Kolbe, Pastor, Salmon, Shadegg, Stump

ARKANSAS

Berry, Dickey, Hutchinson, Snyder

CALIFORNIA

Becerra, Berman, Bilbray, Bono, Brown, Calvert, Campbell, Capps, Condit, Cox, Cunningham, Dellums, Dixon, Dooley, Doolittle, Dreier, Eshoo, Farr, Fazio, Filner, Gallegly, Harman, Herger, Horn, Hunter, Kim, Lantos, Lewis, Lofgren, Martinez, Matsui, McKeon, Millender-McDonald, Miller, Packard, Pelosi, Pombo, Radanovich, Riggs, Rogan, Rohrabacher, Roybal-Allard, Royce, Sanchez, Sherman, Stark, Tauscher, Thomas, Torres, Waters, Waxman, Woolsey

COLORADO

DeGette, Hefley, McInnis, Schaefer, Schaffer, Skaggs

CONNECTICUT

DeLauro, Gejdenson, Johnson, Kennelly, Maloney, Shays

DELAWARE

Castle

FLORIDA

Bilirakis, Boyd, Brown, Canady, Davis, Deutsch, Diaz-Balart, Foley, Fowler, Goss, Hastings, McCollum, Meek, Mica, Miller, Ros-Lehtinen, Scarborough, Shaw, Stearns, Thurman, Weldon, Wexler, Young

GEORGIA

Barr, Bishop, Chambliss, Collins, Deal, Gingrich, Kingston, Lewis, Linder, McKinney, Norwood

HAWAII

Abercrombie, Mink

IDAHO

Chenoweth, Crapo

ILLINOIS

Blagojevich, Costello, Crane, Davis, Evans, Ewing, Fawell, Gutierrez, Hastert, Hyde, Jackson, LaHood, Lipinski, Manzullo, Porter, Poshard, Rush, Shimkus, Weller, Yates

INDIANA

Burton, Buyer, Hamilton, Hostettler, McIntosh, Pease, Roemer, Souder, Visclosky

IOWA

Boswell, Ganske, Latham, Leach, Nussle

KANSAS

Moran, Ryun, Snowbarger, Tiahrt

KENTUCKY

Baesler, Bunning, Lewis, Northup, Rogers, Whitfield

LOUISIANA

Baker, Cooksey, Jefferson, John, Livingston, McCrery, Tauzin

MAINE

Allen, Baldacci

MARYLAND

Bartlett, Cardin, Cummings, Ehrlich, Gilchrest, Hoyer, Morella, Wynn

MASSACHUSETTS

Delahunt, Frank, Kennedy, Markey, McGovern, Meehan, Moakley, Neal, Olver, Tierney

MICHIGAN

Barcia, Bonior, Camp, Conyers, Dingell, Ehlers, Hoekstra, Kildee, Kilpatrick, Knollenberg, Levin, Rivers, Smith, Stabenow, Stupak, Upton

MINNESOTA

Gutknecht, Luther, Minge, Oberstar, Peterson, Ramstad, Sabo, Vento

MISSISSIPPI

Parker, Pickering, Taylor, Thompson, Wicker

MISSOURI

Blunt, Clay, Danner, Emerson, Gephardt, Hulshof, McCarthy, Skelton, Talent

MONTANA

Hill

NEBRASKA

Barrett	Bereuter	Christensen

NEVADA

Ensign	Gibbons

NEW HAMPSHIRE

Bass	Sununu

NEW JERSEY

Andrews	Pallone	Roukema
Franks	Pappas	Saxton
Frelinghuysen	Pascrell	Smith
LoBiondo	Payne	
Menendez	Rothman	

NEW MEXICO

Richardson	Schiff	Skeen

NEW YORK

Ackerman	Lazio	Quinn
Boehlert	Lowey	Rangel
Engel	Maloney	Schumer
Flake	Manton	Serrano
Forbes	McCarthy	Slaughter
Gilman	McHugh	Solomon
Hinchey	McNulty	Towns
Houghton	Molinari	Velázquez
Kelly	Nadler	Walsh
King	Owens	
LaFalce	Paxon	

NORTH CAROLINA

Ballenger	Etheridge	Myrick
Burr	Hefner	Price
Clayton	Jones	Taylor
Coble	McIntyre	Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner	Kasich	Regula
Brown	Kucinich	Sawyer
Chabot	LaTourette	Stokes
Gilmor	Ney	Strickland
Hall	Oxley	Traficant
Hobson	Portman	
Kaptur	Pryce	

OKLAHOMA

Coburn	Largent	Watkins
Istook	Lucas	Watts

OREGON

Blumenauer	Furse	Smith
DeFazio	Hooley	

PENNSYLVANIA

Borski	Gekas	McDade
Coyne	Goodling	McHale
Doyle	Greenwood	Murtha
English	Holden	Peterson
Fattah	Kanjorski	Pitts
Foglietta	Klink	Shuster
Fox	Mascara	Weldon

RHODE ISLAND

Kennedy	Weygand

SOUTH CAROLINA

Clyburn	Inglis	Spence
Graham	Sanford	Spratt

SOUTH DAKOTA

Thune

TENNESSEE

Bryant	Ford	Jenkins
Clement	Gordon	Tanner
Duncan	Hilleary	Wamp

TEXAS

Archer	Edwards	Ortiz
Armey	Frost	Paul
Barton	Gonzalez	Reyes
Bentsen	Granger	Sandlin
Bonilla	Green	Sessions
Brady	Hall	Smith
Combest	Hinojosa	Stenholm
DeLay	Jackson-Lee	Thornberry
Doggett	Lampson	Turner

UTAH

Cannon	Cook	Hansen

VERMONT

Sanders

VIRGINIA

Bateman	Goode	Scott
Bliley	Goodlatte	Sisisky
Boucher	Moran	Wolf
Davis	Pickett	

WASHINGTON

Dicks	McDermott	Smith, Adam
Dunn	Metcalf	Smith, Linda
Hastings	Nethercutt	White

WEST VIRGINIA

Mollohan	Rahall	Wise

WISCONSIN

Barrett	Kleczka	Obey
Johnson	Klug	Petri
Kind	Neumann	Sensenbrenner

WYOMING

Cubin

□ 1233

The CLERK. The quorum call discloses that 432 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable CARLOS ROMERO-BARCELÓ as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1997; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTIAN-GREEN as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable ROBERT A. UNDERWOOD as Delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 105th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Clerk, as chairman of the Republican Conference, I am honored and privileged to welcome my colleagues, their families, and the American people to this historic day.

Two years ago we began a new chapter in American history, one of faith in the strength, creativity and goodness of Americans; one where we humbly recognize that although the people sent us here to do their business, we cannot do our job without their consent and their support.

With their support, we began to change America by reforming Washington. And together, we will ensure our reforms improve Americans' quality of life. We will balance the budget, provide permanent tax relief, safer streets, better schools, a cleaner environment, and longer healthier lives with more affordable health care. It is an ambitious agenda, but it is what we were sent here to do. And we owe the American people nothing less.

With pride in what we have accomplished in the past and anticipation of what we can do together in the future, I am directed by a unanimous vote of the Republican Conference to present the name of the Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, for election to the office of Speaker of the House of Representatives for the 105th Congress.

QUESTION OF PRIVILEGE OFFERED BY MR. FAZIO OF CALIFORNIA

The CLERK. The Clerk now recognizes the gentleman from California [Mr. FAZIO] for a nomination.

Mr. FAZIO of California. Madam Clerk, I rise to a question of the highest constitutional privilege. I offer a resolution which calls for the postponement of the election of the Speaker of the House until the Committee on Standards of Official Conduct completes its work on the matters concerning Representative NEWT GINGRICH of Georgia. The resolution requires the House to proceed immediately to the election of an interim Speaker who will preside over the House until that time.

I ask for the immediate consideration of the resolution.

The CLERK. Section 30 of the Revised Statutes of the United States, which is codified in section 25 of title 2, United States Code, reads in part as follows:

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all Members and Delegates present, and to the Clerk, previous to entering on any other business.

This has been the law since June 1, 1789.

The precedent recorded in Hinds' Precedents of the House at volume 1, section 212, recites that, "at the organization of the House the motion to proceed to the election of a Speaker is of the highest privilege." On that occasion, the Clerk stated that "the duty of the House to organize itself is a duty devolved upon it by law, and any matter looking to the performance of that duty takes precedence in all parliamentary bodies of all minor questions."

The Clerk cites both the statute and the precedent as controlling her decision, consistent with the modern practice of the House, to recognize nominations for Speaker.

Mr. FAZIO of California. Madam Clerk, given the unprecedented nature of the circumstance, I urge that the Clerk permit the Representatives-elect a vote on the motion that I have submitted.

The CLERK. Is the gentleman from California appealing the ruling of the Clerk?

Mr. FAZIO of California. Madam Clerk, if the gentlewoman does not permit a vote under the extraordinary circumstance we face today, I would appeal the ruling of the Clerk.

The CLERK. The gentleman may appeal from the Clerk's ruling on the question of order as to the priority of business.

The question is, Shall the decision of the Clerk stand as the judgment of the House?

Mr. BOEHNER. Madam Clerk, I move to lay the appeal on the table.

Mr. FAZIO of California. Madam Clerk, on that I demand the yeas and nays on the motion to table made by the majority.

The CLERK. The question is on the motion offered by the gentleman from Ohio [Mr. BOEHNER] to lay the appeal on the table.

The question was taken; and the Clerk announced that the ayes appeared to have it.

Mr. FAZIO of California. Madam Clerk, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 210, not voting 0, as follows:

[Roll No. 2]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—210

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The CLERK. The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Madam Clerk, it was obviously the desire of the minority that we resolve our leadership issues in a different manner today given the unprecedented ethical problems that confront our last Speaker. We hope that over the next month the Committee on Standards of Official Conduct can bring us a resolution of the issues that are currently before it and allow us to resolve those issues here on the floor. And so given that hope that we will be able to work together to agree on a schedule to proceed to a conclusion of this phase, it would be then my privilege as chairman of the Democratic Caucus, directed by unanimous vote of that caucus, to present for election to the Office of the Speaker of the House of Representatives for the 105th Congress the name of the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri.

The CLERK. The Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, and the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from California [Mr. THOMAS], the gentleman from Connecticut [Mr. GEJDENSON], the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentlewoman from Connecticut [Mrs. KENNELLY].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 3]

GINGRICH—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

GEPHARDT—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (CA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

LEACH—2

Campbell
Forbes

MICHEL—1

Leach

WALKER—1

Smith, Linda

PRESENT—6

Gephardt
Hostettler
Klug
Morella
Neumann
Wolf

NOT VOTING—1

Gingrich

□ 1406

The CLERK. The tellers agree in their tallies that the total number of votes cast for a person by name is 425, of which the Honorable NEWT GINGRICH of the State of Georgia has received 216, the Honorable RICHARD A. GEPHARDT of the State of Missouri has received 205, the Honorable JAMES LEACH of the State of Iowa has received 2 votes, the Honorable ROBERT MICHEL has received 1 vote, and the Honorable ROBERT WALKER has received 1 vote, with 6 voting "present."

Therefore, the Honorable NEWT GINGRICH of the State of Georgia, having received a majority of all votes cast by name for a candidate, is duly elected Speaker of the House of Representatives for the 105th Congress.

PARLIAMENTARY INQUIRY

The CLERK. The gentleman from California.

Mr. FAZIO of California. Madam Clerk, a parliamentary inquiry. I simply wish to ask the Clerk at this point if the rules or the Constitution require the Speaker to receive the votes of a majority of all the Members, or is there some other rule that comes into play at a time like this?

The CLERK. The Clerk is guided by the precedent recorded in Cannon's Precedents of the House at volume 6, section 24. On that occasion in 1923, when the House also comprised 435 seats, Speaker Gillett was elected by the votes of 215 of the Members-elect present and voting by surname, a quorum being present.

The Clerk also cites Hinds' volume 1, section 216 for this principle.

Mr. FAZIO of California. Further inquiry, Madam Clerk. Had all those Members who voted present cast their vote for another Member, would that have prevented the election of the Speaker?

The CLERK. The Clerk will not respond to that inquiry.

Therefore, the Honorable NEWT GINGRICH, of the State of Georgia, is duly elected Speaker of the House of Representatives for the 105th Congress, having received a majority of all votes cast by name for a candidate.

The Clerk appoints the following committee to escort the Speaker-elect to the Chair: The gentleman from Missouri [Mr. GEPHARDT], the gentleman from Texas [Mr. ARMEY], the gentleman from Texas [Mr. DELAY], the gentleman from Ohio [Mr. BOEHNER], the gentleman from California [Mr. FAZIO], the gentleman from Georgia [Mr. COLLINS], the gentleman from Georgia [Mr. BISHOP], the gentleman from Georgia [Mr. DEAL], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Georgia [Mr. LINDER], the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from Georgia [Mr. BARR], the gentleman from Georgia [Mr. CHAMBLISS], and the gentleman from Georgia [Mr. NORWOOD].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 105th Congress, who was escorted to the chair by the Committee of Escort.

□ 1415

Mr. GEPHARDT. Ladies and gentlemen of the House, I will be brief. In that the Republicans have retained their majority in the House and I did not get enough votes, it is my responsibility to hand the gavel to the Speaker of the House, NEWT GINGRICH of Georgia.

Mr. GINGRICH. Thank you, DICK.

Let me say to those who voted for me, from the bottom of my heart, thank you; to those who voted for someone else, I hope that I can work with you in such a way that you feel that I am capable of being Speaker of the whole House and representing everyone.

To the freshmen and their families and all the young people who are here today, you are part of a wonderful experience. Just as in less than 2 weeks we will welcome the President for an inaugural, we here in the legislative branch also celebrate a remarkable moment which the entire world watches, a time when an entire Nation voluntarily decides how to govern itself, and does so in such a manner that there is a sense among the entire country that freedom is secure and that every citizen can participate.

This is the 105th time we have done this as a country. Every 2 years. The first one actually did not occur until April 1, 1789, because while everyone was supposed to show up in March for the brandnew Congress, they could not find a quorum. And then they all came together, and there are wonderful stories by people who were there written in their diaries and their letters about the fact that they were just folks from all over, of many different backgrounds.

Back then they would all have been male and they would all have been white and they would all have been property owners. Today we have extended democracy and freedom to levels that the Founding Fathers could not have imagined, and any citizen anywhere in the planet watching through C–SPAN and through the networks and seeing this room and its diversity can appreciate the degree to which America opens its doors and its hearts to all people of all backgrounds to have a better future.

In addition to the elected Members, we are very fortunate to have a professional staff on both sides of the aisle and a professional staff serving on a nonpartisan basis.

And let me say that I think that Robin Carle stood well as the Clerk of the House in representing all of us in establishing the dignity. And I thought that in the interchanges between her and Chairman FAZIO that the world could see legitimate partisanship engaged in legitimately exactly the way it should be, in a professional, in a courteous, in a firm way on both sides. And I think that is part of what we have to teach the world.

In just a few moments, my dear friend JOHN DINGELL, who represents a tradition in his district, who has fought all these years for all that he believes in, who in the last Congress served so ably in helping pass the telecommunications bill, is going to swear me in. And I am going to ask that I will then have a chance to swear him in.

But before that, if I might, I say to my dear friend, my wife is here and my mother and my relatives. And 2 years ago they were here with my father. He is not here today, as I think all of you know. He was an infantryman. He served this country. He believed in honor, duty, country.

Let me say to the entire House that 2 years ago when I became the first Republican Speaker in 40 years, to the degree I was too brash, too self-confident, or too pushy, I apologize. To whatever degree in any way that I have brought controversy or inappropriate attention to the House, I apologize.

It is my intention to do everything I can to work with every Member of this Congress, and I would just say, as with telecommunications in Congressman DINGELL's case, on welfare reform, on line-item veto, on telecommunications reform, on steps toward a balanced budget, again and again, we found a bipartisan majority willing to pass significant legislation, willing to work together.

There is much work to be done. I have asked Chairman HENRY HYDE of the Committee on the Judiciary to look at the issue of judicial activism. He has agreed to hold hearings looking at that issue.

I think all of us should focus on increasing American jobs through world sales, and I have asked Chairman ARCHER to look at the whole issue of taxation and how it affects American job creation.

I have also asked the Ways and Means Committee to look at oversight on NAFTA, on the World Trade Organization, because the fact is, we have to move the legislative branch into the information age. If there are going to be continuing bodies around the world, then Chairman GILMAN in International Relations and Chairman ARCHER and others have to get in the habit, I think, of a kind of aggressive oversight, reporting to the Nation on whether or not our interests are being protected.

I have also asked Chairman ARCHER to prepare a series of hearings looking at the entire issue of how we revise the entire Tax Code, whether we go toward a flat tax or whether we replace the income tax with a sales tax, or what we do, but to begin a process that, frankly, may take 4 to 6 years but is the right direction for the right reason.

Finally, I have asked Chairman SPENCE on the Committee on National Security both to look at the issue of national missile defense and to look at the question of military reform.

Let me say to all of my friends on both sides of the aisle, we have every opportunity through reform to shrink the Pentagon to a triangle. We have every opportunity to apply the lessons of downsizing, the lessons of the information age, and just because something is in uniform does not mean it has to be saluted. But instead, we should be getting every penny for our taxpayers, and we in the Congress should be looking at long-term contracting as one way to dramatically lower the cost of defense.

But I want to talk about one other area, and here I just want to say there is something more than legislation. Each of us is a leader back home, and I want to just talk very briefly about three topics, and it is about these children and their America, children on both sides of the aisle, children from all backgrounds and every State.

I think we have to ask the question, as leaders, beyond legislation: How do we continue to create one Nation under God, indivisible, with liberty and justice for all? I believe most Americans, whether native born or immigrant, still desire for us to be one Nation. So let me briefly talk about three areas that I think are vital.

I am going to talk just a second about race, drugs, and ignorance. First let me ask all of you, do we not need to rethink our whole approach to race? And let me draw the parallel to Dick Fosbury. He was a high jumper in the 1968 Olympics in Mexico City. He developed an entire new approach which is now used by everyone, yet for 6 years the U.S. Olympic Committee rejected it.

My point is very simple. I do not believe any rational American can be comfortable with where we are on the issue of race, and I think all of us ought to take on the challenge, as leaders, beyond legislation, beyond our normal jobs, of asking some new questions in some new ways.

After all, what does race mean when, if based on merit alone, ethnic Asians would make up a clear majority at the University of California at Berkeley?

What does race mean when colleges recruit minorities in the name of inclusiveness and diversity and then segregate them in their own dormitories?

What does race mean when many Americans cannot fill out their Census forms because they are an amalgam of races?

And furthermore, if those of us who are conservatives say that bureaucracy and compulsion is not the answer, then what are we going to say to a child born in a poor neighborhood with a broken home and no one to help them rise, who has no organic contact to prosperity and has no organic contact to a better future?

I mentioned this in passing 2 years ago, and one of the failures I would take some of the responsibility for, we did not follow up. But I want to put it right on the table today that every one of us, as a leader, has an obligation to

reach out beyond party and beyond ideology and as Americans to say one of the highest values we are going to spend the next 2 years on is openly dealing with the challenge of meaning that, when we say in our Declaration that we are endowed by our Creator with certain unalienable rights including life, liberty, and the pursuit of happiness, that every child in every neighborhood of every background is endowed by God, and every time America fails to meet that, we are failing to meet God's test for the country we should be.

Let me say second about drugs, I think we have to redefine and rethink our approach to drugs.

One of my close friends had her 19-year-old sister overdose, and her 19-year-old sister today is in a coma and celebrated her 20th birthday in that coma.

Drugs are not statistics. As CHARLIE RANGEL told me at breakfast just 2 years ago, drugs are real human beings being destroyed. Drugs are real violence. If we did not have drugs in this country, the amount of spouse abuse, the amount of child abuse, the amount of violence would drop dramatically. And so I want to suggest that we should take seriously reaching across all barriers in establishing an all-out effort.

The Columbia University Center for Addiction and Substance Abuse has done a fascinating study. The center found that one of the best predictors of whether a child will stay free of drugs is whether he or she practices a religion. Joe Califano, Lyndon Johnson's former advisor and Jimmy Carter's Secretary of Health and Human Services, says that religion is part of the solution to our drug problems and to drug treatment itself. Alcoholics Anonymous refers to a higher power.

I do not know what all the answers are, but I do know that if we love these children, in addition to fighting racism and reaching out to every child, we need to decide that we are prepared to have the equivalent of an abolitionist movement against drugs and to do what it takes so that none of these children ends up in a coma celebrating their birthday or end up dead.

□ 1430

Lastly, we need to pay closer attention to a word you do not hear much anymore: Ignorance. Traditionally ignorance ranked with pestilence, hunger, war as abominations upon humanity, but in recent years the word "ignorance" has been cleaned up and refined into some aspect of educational failure.

I mean by ignorance something deeper. It is not about geography in the third grade. It is about learning the work ethic, it is about learning to be a citizen, it is about learning to save, it is about all the things that make us functional. It is about the things that allow virtually everybody in this room to get up each morning and have a good life. There are too many places in America where people are born into dysfunction, educated into dysfunction and live in dysfunction, and we should find a way to reach out in this modern era and use every tool at our fingertips, from computers to television to radio to personal volunteerism, so that every family that today happens to be dysfunctional has a chance within the next few years to learn to be functional, and I think we should take ignorance as serious a problem as drugs or race.

We in the Congress have one place we have an obligation beyond any other, and that is this city, and I want to commend the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, for the leadership she has shown and the courage she has shown day after day and week after week. She and the gentleman from Virginia, TOM DAVIS, and the gentleman from New York, JIM WALSH, worked their hearts out over the last 2 years, and I believe it is fair to say that in some ways we have begun to make progress.

It is not easy, it has to be done carefully, it cannot violate the right of the citizens of this city. But let us be candid. First, this is our National Capital. We have a unique obligation on both sides of the aisle to care about Washington because we are today to Washington what a State government would be back home to your town. We have an unusual obligation to Washington.

Second, it is our National Capital, and people looked at me as though I lost my mind 1½ years ago when I met with Mayor Barry and I said, "You know, our vision ought to be the finest capital city in the world," and that ought to be our vision.

And furthermore, if we are going to talk honestly about race and we are going to talk honestly about drugs and we are going to talk honestly about ignorance, we owe it to every citizen of this District, every child in this District, to have a decent chance to grow up and to go to a school that succeeds in a neighborhood that is drug-free and safe, with an expectation of getting a job in a community that actually cares about them and provides a better future, and we should take on as a Congress all responsibilities to the District of Columbia, and we should do it proudly, and we should not be ashamed to go back home and say, "You're darn right we're helping our National Capital because we want you to visit it with pride, and we want you to know that you can say to anyone anywhere in the world come to America and visit Washington, it is a great city."

Let me close with this final thought, and I appreciate my friend, the gentleman from Michigan [Mr. DINGELL] standing there, and I apologize for having drawn him forward particularly since he is standing on one foot. But this has been a very difficult time, and to those who agonized and ended up voting for me, I thank them. Some of this difficulty frankly I brought on myself. We will deal with that in more detail later, and I apologize to the House and the country for having done so. Some of it is part of the natural process of partisan competition.

This morning a very dear friend of mine said that he was going to pray to God that I would win today and I asked him not to and I asked him to pray to God that whatever happens is what God wants, and then we would try to understand it and learn from it. Let me put that forward in the same thing for all of us as we approach the next 2 years.

I was really struck about a month ago when I walked down to the Lincoln Memorial and I read the Second Inaugural, which is short enough to be on the wall, and 12 times in that Inaugural Lincoln refers to God. I went back and read Washington's First Inaugural, which is replete with reference to America existing within God's framework. I read Jefferson's First Inaugural, since he is often described as a deist, which refers to the importance and the power of providence. All of my colleagues can visit the Jefferson Memorial where he says, around the top it is inscribed, "I have sworn upon the altar of God Almighty eternal hostility against all forms of tyranny over the minds of man."

We have much to be proud of as Americans. This is a great and a wonderful system. We have much to be ashamed of as Americans, from drug addiction to spouse and child abuse, to children living in ignorance and poverty surrounded by the greatest wealthiest nation in the world, to a political system that clearly has to be overhauled from the ground up if it is going to be worthy of the respect we want and cherish.

I would just suggest to all of my colleagues that until we learn in a nonsectarian way, not Baptist, not Catholic, not Jewish, in a nonsectarian way, until we learn to reestablish the authority that we are endowed by our Creator, that we owe it to our Creator and that we need to seek divine guidance in what we are doing, we are not going to solve this country's problems.

In that spirit, with my colleagues' prayers and help, I will seek to be worthy of being Speaker of the House, and I will seek to work with every Member sent by their constituents to represent them in the U.S. Congress.

And I now call on my dear friend, the senior Member of the House and wonderful person, the gentleman from Michigan [Mr. DINGELL]. I am ready to take the oath of office, and I ask the Dean of the House of Representatives, the honorable gentleman from Michigan [Mr. DINGELL] to administer the oath.

Mr. DINGELL then administered the oath of office to Mr. GINGRICH of Georgia, as follows:

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

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedents, the Chair will swear in all Members of the House at this time.

For what purpose does the gentleman from California rise?

PARLIAMENTARY INQUIRIES

Mr. HUNTER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HUNTER. Mr. Speaker, In lieu of requesting Representative-elect SANCHEZ to step aside, is it the fact that a notice of contest filed on behalf of Robert Dornan pursuant to the law is on file with the Clerk?

The SPEAKER. The Chair is advised by the Clerk that a notice of contest pursuant to the statute, section 382 of title 2, United States Code, has been filed with the Clerk. Under section 5 of article I of the Constitution and the statute, the House remains the judge of the elections of its Members. The seating of a Member-elect does not prejudice a contest over final right to the seat.

Mr. HOYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, am I correct that the gentlewoman from California [Ms. SANCHEZ], has been duly certified by the Secretary of State as duly elected from the 46th District of California?

The SPEAKER. That is the information that has been submitted to the Chair by the Clerk.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

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

The SPEAKER. Congratulations. You are all now Members of the U.S. Congress.

□ 1445

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Mr. Speaker, due to delayed airline flights, I missed a vote held earlier today to elect the Speaker of the House. Had I been present, I certainly would have voted for the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

MAJORITY LEADER

Mr. BOEHNER. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority leader the gentleman from Texas, the Honorable RICHARD K. ARMEY.

MINORITY LEADER

Mr. FAZIO of California. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority leader the gentleman from Missouri, the Honorable RICHARD A. GEPHARDT.

MAJORITY WHIP

Mr. BOEHNER. Mr. Speaker, as leader of the Republican Conference I am directed by that conference to notify the House officially that the Republican Members have selected as our majority whip the gentleman from Texas, the Honorable TOM DELAY.

MINORITY WHIP

Mr. FAZIO of California. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority whip the gentleman from Michigan, the Honorable DAVID E. BONIOR.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, AND CHAPLAIN

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Robin H. Carle, of the Commonwealth of Virginia, be, and she is hereby, chosen Clerk of the House of Representatives:

That Wilson S. Livingood, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. FAZIO of California. Mr. Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California:

That Marti Thomas, of the District of Columbia, be, and she is hereby, chosen Clerk of the House of Representatives;

That Sharon Daniels, of the State of Maryland, be, and she is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Steve Elmendorf, of the District of Columbia, be, and he is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The remainder of the resolution was agreed to.

The SPEAKER. Will the officers-elect present themselves in the well of the House?

The officers-elect presented themselves at the bar of the House and took the oath of office as follows:

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

The SPEAKER. Congratulations. You have been sworn in as officers of the House.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Newt Gingrich, a Representative from the State of Georgia, has been elected Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, has been elected Clerk of the House of Representatives of the One Hundred Fifth Congress.

The resolution was agreed to.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT].

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the One Hundred Fifth Congress.

The resolution was agreed to.

RULES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, by direction of the House Republican Conference, I call up a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Fourth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Fourth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Fifth Congress, with the following amendments:

SECTION 1. POSTPONEMENT OF CORRECTIONS VOTES.

In clause 5(b)(1) of rule I, strike subdivisions (E) and (F), and insert in lieu thereof the following:

"(E) the question of agreeing to a motion to recommit a bill considered pursuant to clause 4 of rule XIII;

"(F) the question of ordering the previous question on a question described in subdivision (A), (B), (C), (D), or (E);

"(G) the question of agreeing to an amendment to a bill considered pursuant to clause 4 of rule XIII; and

"(H) the question of agreeing to a motion to suspend the rules.".

SEC. 2. OBSOLETE REFERENCES TO "CONTINGENT FUND".

(a) In clause 8 of rule I—

(1) in the first sentence, strike "contingent fund of the House" and insert in lieu thereof "applicable accounts of the House described in clause 1(h)(1) of rule X"; and

(2) in the second sentence, strike "contingent fund" and insert in lieu thereof "applicable accounts of the House described in clause 1(h)(1) of rule X".

(b) In clause 1(c) of rule XI, strike "contingent fund of the House" and insert in lieu thereof "applicable accounts of the House described in clause 1(h)(1) of rule X".

(c) In clause 4(a) of rule XI, strike "contingent fund of the House" and insert in lieu thereof "applicable accounts of the House described in clause 1(h)(1) of rule X".

(d) In clause 6(f) of rule XI, strike "contingent fund" and insert in lieu thereof "applicable accounts of the House described in clause 1(h)(1) of rule X".

SEC. 3. DRUG TESTING IN THE HOUSE.

In rule I, add the following new clause at the end:

"13. The Speaker, in consultation with the Minority Leader, shall develop through an appropriate entity of the House a system for drug testing in the House of Representatives. The system may provide for the testing of any Member, officer, or employee of the House, and otherwise shall be comparable in scope to the system for drug testing in the executive branch pursuant to Executive Order 12564 (Sept. 15, 1986). The expenses of the system may be paid from applicable accounts of the House for official expenses.".

SEC. 4. POLICY DIRECTION AND OVERSIGHT OF CHIEF ADMINISTRATIVE OFFICER.

(a) In clause 1 of rule V, strike "the Speaker and" in both places it appears.

(b) In clause 2 of rule V, strike "the Speaker or".

SEC. 5. BUDGET JURISDICTION CHANGES.

(a) In clause 1(d)(3) of rule X (relating to the Committee on the Budget), strike "congressional budget process" and insert in lieu thereof "budget process."

(b) In clause 1(g)(4) of rule X (relating to the Committee on Government Reform and Oversight), strike "Budget and accounting measures, generally" and insert in lieu thereof "Government management and accounting measures, generally."

SEC. 6. DESIGNATING COMMITTEE ON EDUCATION AND THE WORKFORCE.

(a) In clause 1(f) of rule X, strike "Committee on Economic and Educational Opportunities" and insert in lieu thereof "Committee on Education and the Workforce".

(b) In clause 3(c) of rule X, strike "Committee on Economic and Educational Opportunities" and insert in lieu thereof "Committee on Education and the Workforce".

SEC. 7. REQUIREMENT OF APPROVAL FOR SETTLEMENT OF CERTAIN COMPLAINTS.

In clause 4(d) of rule X—

(a) strike "The Committee" and insert in lieu thereof "(1) The Committee";

(b) strike "(1) examining" and insert in lieu thereof "(A) examining";

(c) strike "(2) providing" and insert in lieu thereof "(B) providing";

(d) strike "(3) accepting" and insert in lieu thereof "(C) accepting"; and

(e) add the following new subparagraph at the end:

"(2) An employing office of the House of Representatives may enter a settlement of a complaint under the Congressional Accountability Act of 1995 that provides for the payment of funds only after receiving the joint approval of the chairman and the ranking minority party member of the Committee on House Oversight concerning the amount of such payment.".

SEC. 8. SPECIAL AUTHORITIES FOR CERTAIN REPORTS.

(a) In clause 1(b) of rule XI—

(1) designate the existing matter as subparagraph (1); and

(2) add the following new subparagraphs at the end:

"(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

"(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

"(4) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report may be filed with the Clerk at any time, provided that if a member gives timely notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.".

(b) In clause 1(d) of rule XI, add the following new subparagraph at the end:

"(4) After an adjournment of the last regular session of a Congress sine die, the chairman of a committee may file a report pursuant to subparagraph (1) with the Clerk at any time and without approval of the committee, provided that a copy of the report has been available to each member of the committee for at least seven calendar days and includes any supplemental, minority, or additional views submitted by a member of the committee."

SEC. 9. COMMITTEE DOCUMENTS ON INTERNET.

In clause 2(e) of rule XI, add the following new subparagraph at the end:

"(4) Each committee shall, to the maximum extent feasible, make its publications available in electronic form.".

SEC. 10. INFORMATION REQUIRED OF PUBLIC WITNESSES.

In clause 2(g) of rule XI, amend subparagraph (4) to read as follows:

"(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial oral presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.".

SEC. 11. COMMITTEES' SITTINGS.

In clause 2(i) of rule XI, strike subparagraph (1) and the designation "(2)".

SEC. 12. EXCEPTIONS TO FIVE-MINUTE RULE IN HEARINGS.

In clause 2(j)(2) of rule XI—

(a) strike "Each" and insert in lieu thereof "(A) Subject to subdivisions (B) and (C), each"; and

(b) add the following new subdivisions at the end:

"(B) A committee may adopt a rule or motion permitting an equal number of its majority and minority party members each to question a witness for a specified period not longer than 30 minutes.

"(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods.".

SEC. 13. REPEAL OF INFLATION IMPACT STATEMENT REQUIREMENT; ESTABLISHMENT OF CONSTITUTIONAL AUTHORITY STATEMENT REQUIREMENT.

In clause 2(l) of rule XI, amend subparagraph (4) to read as follows:

"(4) Each report of a committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.".

SEC. 14. FILING OF REPORTS AFTER TIME FOR VIEWS.

In clause 2(l)(5) of rule XI—

(a) in the first sentence, strike "three calendar days" and insert "two additional calendar days after the day of such notice"; and

(b) after the second sentence, insert the following new sentence: "When time guaranteed by this subparagraph has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time.".

SEC. 15. COMMITTEE RESERVE FUND.

In clause 5(a) of rule XI, strike "Any such primary expense resolution" and insert in lieu thereof the following: "A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Oversight. A primary expense resolution".

SEC. 16. CORRECTIONS CALENDAR CHANGES.

In clause 4(a) of rule XIII—

(a) strike "On" and insert in lieu thereof "At any time on";

(b) strike "after the Pledge of Allegiance,"; and

(c) strike "the bills in numerical order which have" and insert in lieu thereof "any bill that has";

SEC. 17. DYNAMIC ESTIMATION OF EFFECTS OF MAJOR TAX LEGISLATION.

In clause 7 of rule XIII, add the following new paragraph at the end:

"(e)(1) A report from the Committee on Ways and Means on a bill or joint resolution designated by the Majority Leader (after consultation with the Minority Leader) as major tax legislation may include a dynamic estimate of the changes in Federal revenues expected to result from enactment of the legislation. The Joint Committee on Taxation shall render a dynamic estimate of such legislation only in response to a timely request from the chairman of the Committee on Ways and Means (after consultation with the ranking minority member of the committee). A dynamic estimate pursuant to this paragraph may be used only for informational purposes.

"(2) In this paragraph 'dynamic estimate' means a projection based in any part on assumptions concerning probable effects of macroeconomic feedback. A dynamic estimate shall include a statement identifying all such assumptions.".

SEC. 18. APPROPRIATIONS PROCESS CHANGES.

In clause 2 of rule XXI—

(a) in paragraph (a), strike "in any" and insert in lieu thereof "in a";

(b) amend paragraph (b) to read as follows:

"(b) No provision changing existing law shall be reported in a general appropriation bill, including a provision making the availability of funds contingent on the receipt or possession of information not required by existing law for the period of the appropriation, except germane provisions that retrench expenditures by the reduction of amounts of money covered by the bill, which may include those recommended to the Committee on Appropriations by direction of a legislative committee having jurisdiction over the subject matter thereof, and except rescissions of appropriations contained in appropriation Acts.";

(c) amend paragraph (c) to read as follows:

"(c) No amendment to a general appropriation bill shall be in order if changing existing law, including an amendment making the availability of funds contingent on the receipt or possession of information not required by existing law for the period of the appropriation. Except as provided in paragraph (d), no amendment shall be in order during consideration of a general appropriation bill proposing a limitation not specifically contained or authorized in existing law for the period of the limitation."; and

(d) in paragraph (d), strike "and amendments not precluded by paragraphs (a) or (c) of this clause have been considered".

SEC. 19. CLARIFYING DEFINITION OF INCOME TAX RATE INCREASE.

(a) In clause 5(c) of rule XXI, add the following new sentence at the end: "For purposes of the preceding sentence, the term 'Federal income tax rate increase' means any amendment to subsection (a), (b), (c) (d), or (e) of section 1, or to section 11(b) or 55(b) of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.".

(b) In clause 5(d) of rule XXI, amend the second sentence to read as follows: "For purposes of the preceding sentence—

"(1) the term 'Federal income tax rate increase' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

"(2) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.".

SEC. 20. UNFUNDED MANDATE CLARIFICATION.

In clause 5 or rule XXIII, amend paragraph (c) to read as follows:

"(c)(1) In the Committee of the Whole, an amendment proposing only to strike an unfunded mandate from the portion of the bill then open to amendment, if otherwise in order, may be precluded from consideration only by specific terms of a special order of the House.

"(2) In this paragraph, 'unfunded mandate' means a Federal intergovernmental mandate the direct costs of which exceed the threshold otherwise specified for a reported bill or joint resolution in section 424(a)(1) of the Congressional Budget Act of 1974.".

SEC. 21. DISCHARGE PETITION CLARIFICATION

In clause 3 of rule XXVII—

(a) strike "either a special order of business, or";

(b) strike "any public bill or resolution favorably reported" and insert in lieu thereof "a public bill or resolution reported";

(c) Strike "*Provided*" the first place it appears and insert in lieu thereof the following: "*Provided*, That a Member may not file a motion to discharge the Committee on Rules from consideration of a resolution providing for the consideration of more than one public bill or resolution, or admitting or effecting a nongermane amendment to a public bill or resolution: *Provided further*".

SEC. 22. PROHIBITING THE DISTRIBUTION OF CAMPAIGN CONTRIBUTIONS IN THE HALL OF THE HOUSE.

In rule XXXII, add the following new clause at the end:

"5. No Member, officer, or employee of the House of Representatives, or any other person entitled to admission to the Hall of the House or rooms leading thereto by this rule, shall knowingly distribute any political campaign contribution in the Hall of the House or rooms leading thereto.".

SEC. 23. REPEAL OF OBSOLETE EMPLOYMENT PRACTICES RULE.

(a) Rule LI (Employment Practices) is repealed.

(b) Rule LII (Gift Rule) is redesignated as rule LI.

SEC. 24. TECHNICAL AMENDMENTS.

(a) In clause 5(a) of rule I, insert before the last sentence the following: "A recorded vote taken pursuant to this paragraph shall be considered a vote by the yeas and nays.".

(b) In clause 1(h)(1) of rule X, strike "House Information Systems" and insert in lieu thereof "House Information Resources."

(c) In clause 2(g)(3) of rule XI, strike "the House Information Systems" and insert in lieu thereof "House Information Resources".

(d) In clause 2(k)(5)(B) of rule XI—

(1) strike "a majority of the members of"; and

(2) strike "determine" and insert "determines".

(e) In clause 2(l)(6) of rule XI, insert after "concurrent resolution on the budget" the

following: "(except that a Saturday, Sunday, or legal holiday on which the House is in session shall not be excluded under such section)".

(f) In clause 4(a) of rule XXII, strike "indorsed" and insert in lieu thereof "endorsed".

(g) In clause 6 of rule XXIII, strike "after the reporting of the bill by the committee but".

(h) In clause 4 of rule XLIII—

(1) In clause "excepted" and insert in lieu thereof "except"; and

(2) strike "rule LII" and insert in lieu thereof "rule LI".

(i) In clause 13 of rule XLIII, strike "by House" and insert in lieu thereof "by the House".

SEC. 25. SELECT COMMITTEE ON ETHICS.

In clause 4(e) of rule X, add the following new subparagraph at the end:

"(3) Effective as of noon on January 3, 1997, there is hereby established in the One Hundred Fifth Congress a Select Committee on Ethics. Effective as of noon on January 3, 1997, each Member who served as a member of the Standing Committee on Standards of Official Conduct at the expiration of the One Hundred Fourth Congress is hereby appointed as a member of the select committee. A resignation from the select committee shall be deemed effective upon notice to the House. A vacancy on the select committee shall be filled by appointment by the Leader of the party concerned. The select committee shall have jurisdiction only to resolve the Statement issued by the Investigative Subcommittee of the standing Committee on Standards of Official Conduct in the One Hundred Fourth Congress relating to the official conduct of Representative Gingrich of Georgia and otherwise report to the House on the activities of that investigative subcommittee. In the exercise of that jurisdiction, the select committee shall possess the same authority as, and shall conduct its proceedings under the same rules, terms, and conditions (including extension of the service and authority of the staff and of the outside counsel commissioned by the investigative subcommittee under the same terms and conditions as in the One Hundred Fourth Congress and effective as of noon on January 3, 1997) as those applicable to the standing Committee on Standards of Official Conduct in the One Hundred Fourth Congress, except that the select committee may file reports in separate volumes with the Clerk when the House is not in session and the time otherwise guaranteed by clause 2(1)(5) of rule XI for submission of separate views shall be computed as two calendar days after the day on which the report is ordered. Expenses of the select committee may be paid from applicable accounts of the House. The select committee shall cease to exist upon final disposition by the House of a report designated by the select committee as its final report on the matter, or at the expiration of January 21, 1997, whichever is earlier.".

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

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

There was no objection.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT], or his designee, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

Mr. Speaker, I ask unanimous consent that the time allocated to me under this previous unanimous consent request be conceded to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

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

There was no objection.

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

Mr. Speaker, the resolution before us today adopts the Rules of the House from the 104th Congress as the Rules of the House for the 105th Congress together with some 25 amendments thereto.

Mr. Speaker, I will be the first to concede that the House rules package certainly is not as bold and as innovative as the package of 31 House Rules changes we offered at the beginning of the 104th Congress, January 4, 1995. My colleagues will recall that historic day consumed over 14 hours as we provided for an extended debate and separate votes on major changes in how this House was going to operate. Among other things, we provided in that package for the elimination of three committees and 32 subcommittees, thereby shrinking the size of this Congress and setting an example for the rest of Government, the Federal Government down to local levels; a one-third reduction in committee staff and funding; the elimination of proxy voting in committees; a three-fifths vote on income tax rate increases; the first ever comprehensive audit of House finances; term limits on the Speaker and committee and subcommittee chairmen, like myself, who no longer can serve more than 6 years as chairman of the Committee on Rules; new sunshine rules to open committee hearings and meetings to the public, and to the broadcast media; an overhaul of the administrative operations of this House.

Mr. Speaker, today's rules package is indeed modest by comparison, and that is as it should be. We should not have to reinvent the wheel every 2 years, though we certainly should be willing to realign and to balance those wheels to ensure that they continue to turn smoothly and efficiently.

Mr. Speaker and Members of the House, the 104th Congress was the innovative Congress. The 105th Congress will be the implementation Congress, both legislatively and procedurally. As chairman of the Committee on Rules, I made clear from the outset of my chairmanship that congressional reform is a dynamic, evolutionary and incremental process, and that we should never become complacent and rest on the reform laurels of the past. For that reason, we conducted a series of four hearings in our Committee on Rules last summer entitled, "Building on Change, Preparing for the 105th Congress", which now is starting today.

We sent a questionnaire to all House committee chairmen and to ranking minority members on that side of the aisle, assessing our past reforms and soliciting opinions on new reform proposals. We invited all House Members to testify before the Committee on Rules on their reform ideas, and some 47 House Members from both sides and both parties respond today to that invitation with both written and oral testimony before our committee.

We also heard from outside students of the Congress, from major think tanks around this country on the basis of our survey and hearings and further discussions within our Republican Conference and leadership. We bring this resolution to the House today for your consideration and your approval.

For the most part, this resolution consists of numerous minor and technical changes from the rules of the last Congress, but it nevertheless contains some significant changes which I would like to briefly summarize at this time.

I will be placing a more detailed section by section summary and analysis in the RECORD following my remarks to make a more complete legislative history. So briefly, let me just say that first we have proposed a number of rules changes that affect our committees. Committees may adopt rules or motions to permit extended questioning of witnesses beyond the usual 5-minute rule, by both Members or staff with equal time for the majority and the minority parties. Nongovernmental witnesses at committee hearings will be required to submit with their written testimony in advance their academic and professional credentials, and a disclosure by source and amount of Federal grants and contracts over the last 3 years. The prohibition on committees sitting while the House is considering amendments would be repealed.

As my colleagues know, we waived that time after time which took up a great deal of time in this body. So we feel, since both parties agreed to it last year, that we would repeal it entirely. Inflation impact statement requirement for committee reports would be repealed, but replaced by a constitutional authority statement requirement to cite the specific powers granted to Congress on which the legislation is based. Dynamic scoring estimates on major tax legislation, designated by the majority leader, could be included

in Committee on Ways and Means reports for informational purposes only. Committees would be permitted to file joint reports on investigations or studies jointly conducted.

Investigation and oversight reports would be considered as read if available to committee members at least 24 hours in advance of their consideration.

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Such reports, properly approved, could be filed after the sine die adjournment of a Congress, provided at least 7 calendar days are allowed for filing those views.

The time for filing views on the committee reports during a session would be shortened from 3 to 2 days, excluding Saturdays, Sundays, and legal holidays, and committees would have the automatic right to file 1 hour after the deadline for such views.

This is a proposal made by the chairman, the gentleman from Massachusetts, [Mr. MOAKLEY], before the Joint Committee on Congressional Reform in the 103rd Congress and included in his chairman's substitute for that bill.

It was a good idea then, JOE, and it is a good idea today.

We did not object to Chairman MOAKLEY'S proposal at that time when we were in the minority, and we certainly are going to offer it today in the spirit of bipartisanship.

Committees would be required, to the maximum extent feasible, to put their publications on the Internet. By publications, we intend this to include written committee materials that are otherwise made available to the public. That information ought to appear on the Internet.

The omnibus committee funding resolution could include a reserve fund for unanticipated contingencies that would not be allocated without the approval of the Committee on House Oversight. Since we are now on a 2-year committee funding cycle, this only makes good sense. It is not always possible to project committee needs 2 years in advance.

The name of the Committee on Economic and Educational Opportunities would be changed to the Committee on Education and the Workforce, and the jurisdiction over the presidential budget process would be shifted from the Committee on Government Reform and Oversight to the Committee on the Budget.

Mr. Speaker, beyond these changes that affect committees, this resolution contains a few other provisions that should be noted here today. The distribution of campaign contributions on the House floor in the Speaker's lobby and in the cloakrooms would be prohibited by rules of the House.

The Speaker, in consultation with the minority leader, shall develop, and this is very important and speaks to the point that our Speaker GINGRICH made earlier this afternoon, that we shall develop a system for drug testing in the House that is comparable in scope to the system that is applied in the executive branch since 1986. What this means, in effect, is that the Speaker may require mandatory or random drug testing of we Members, officers or employees of the House of Representatives, which means our staff and anyone employed by the House, but he shall implement a system at the very least comparable in scope to the program in effect in the executive branch pursuant to Ronald Reagan's executive order 12564.

Those tests would be paid for from official expense allowances of either the Members, the committees or the officers, the departments that they run.

Mr. Speaker, let me just say, the random drug testing has been so extremely effective in the executive branch, particularly in the military where illegal drug use dropped, and Members ought to listen to this, dropped from an average of 25 percent back in the early 1980's—25 percent of the enlisted personnel were using illegal drugs in one form or another—it dropped it down to less than 5 percent in just 4 years. I have no doubt that we will accomplish the same results here in the House.

Mr. Speaker, this rule does not prejudge what means of testing may be used; that is, whether it should be urine specimen or hair sample. That will be worked out by the designated entity of the Speaker in developing this system. This is a natural follow-on to the Congressional Accountability Act, in which the Congress has applied to itself the same workplace standards that apply to the executive branch and the private sector. We should be no different than others when it comes to ensuring a drug-free workplace, and this is going to help us do that.

The definition of income tax rate increases for purpose of the three-fifths vote rule and the prohibition on retroactive tax rate increases would be confined to specified sections of the Internal Revenue Code; namely, those sections dealing with individual, corporate, and alternative minimum tax rates.

More flexibility would be allowed for considering Correction Day bills out of order on the second and fourth Tuesdays of the month, and for postponing demands for rollcall votes on any amendments or motions to recommit.

Approval by the chairman and ranking minority member of the Committee on Government Reform and Oversight of proposed financial settlements in Congressional Accountability Act employee complaints would be codified in House rules. That means there is going to have to be a bipartisan agreement as to those settlements. That is the way it should be, to make sure we stick within our budgetary allocations.

The right of the majority leader to offer a motion to rise and report on appropriation bills, once the final lines have been read, would have priority over other motions to amend, and so-called made-known limitation amendments would be prohibited under the new rules.

Finally, the membership and authority of the Ethics Committee of the 104th Congress with respect to matters concerning the gentleman from Georgia [Mr. GINGRICH] would be extended through January 21 of this year to permit it to report any recommendations to the House.

Mr. Speaker, that completes my summary of the substantial provisions of this resolution. There are other minor and technical changes that have been recommended by the Parliamentarian that are included in this resolution.

Mr. Speaker, I include for the RECORD the following document titled "Highlights of Provisions in Proposed House Rules Package for the 105th Congress."

The material referred to is as follows:

HIGHLIGHTS OF PROVISIONS IN PROPOSED HOUSE RULES PACKAGE FOR THE 105TH CONGRESS

Committees could adopt rules or motions to permit designated majority and minority members to question witnesses for more than five-minutes (but not more than 30-minutes per side, per witness), and to permit questioning of witnesses by majority and minority staff on an equal time basis.

Non-governmental witnesses would be required to submit in advance, as part of their written testimony, a curriculum vitae and a disclosure by source and amount of Federal grants and contracts received by them and the organizations they represent for the current and preceding two fiscal years.

The inflation impact statement requirement for committee reports would be repealed and replaced by a required "Constitutional Authority Statement" citing the specific powers granted to Congress on which the legislation is based.

Dynamic scoring estimates could be included in Ways and Means Committee reports on major tax legislation designated by the majority leader, for informational purposes.

Committees would have automatic leave until an hour after midnight on the second day after approving a measure or matter to file their report with the Clerk if notice has been given of intention to file views.

Committees would be authorized to file joint investigative and oversight reports with other committees, and to file properly approved investigative and oversight reports after a Congress has adjourned provided at least 7 calendar days are allowed for the filing of additional and minority views.

Omnibus committee expense resolutions could include a "reserve fund" for unanticipated committee expenses, with specific allocations subject to approval.

Committees would be required to put their publications on the Internet to the maximum extent feasible.

The definition of "income tax rate increases" would be tied to specific tax rates in the IRS Code (or higher new tax rates) for purposes of the three-fifths vote rule on such increases and the prohibition on retroactive tax rate increases.

The distribution of campaign contributions on the House floor and rooms leading thereto (cloak rooms and Speaker's Lobby) would be prohibited.

The Speaker, in consultation with the Minority Leader, would develop through an appropriate House entity a system for drug testing that may include any Member, officer or employee and that is otherwise comparable in scope to the present system for drug testing in the Executive Branch.

The Ethics Committee of the 104th Congress would be extended through Jan. 21, 1997, as a select committee to complete action on its subcommittee's report on Representative GINGRICH.

SECTION-BY-SECTION SUMMARY OF DRAFT RESOLUTION ADOPTING HOUSE RULES FOR THE 105TH CONGRESS

Sec. 1. Postponement of Corrections Votes: The Speaker's current authority to postpone votes on final passage of a measure would be extended to any manager's amendment, and any motion to recommit a bill (or any previous question thereon), considered under the Corrections Day process. (Rule I, clause 5(b)(1))

Sec. 2. Obsolete References to "Contingent Fund": Five obsolete references to the House "contingent fund" would be changed to "applicable accounts of the House". (Rule I, clause 8, in two instances; Rule XI, clauses 1(c), 4(a), and 6(f))

*Sec. 3. Drug Testing in the House: The Speaker, in consultation with the Minority Leader, shall develop through an appropriate entity of the House a system for drug testing that may include any Member, officer or employee of the House and that is otherwise comparable in scope to the present system for drug testing in the Executive Branch. (Rule 1, clause 13).

Sec. 4. Policy Direction, and Oversight of Chief Administrative Officer: The Speaker's authority over the assignment of functions, policy direction and oversight of the CAO would be eliminated, leaving such authority exclusively with the House Oversight Committee, as it now is with respect to other House officers. (Rule V, clause 1)

Sec. 5. Budget Jurisdiction Changes: The Budget Committee would have jurisdiction over "budget process, generally" (and not just "congressional budget process"). The Committee on Government Reform and Oversight's jurisdiction over "budget and accounting measures, generally," would be changed to "government management and accounting measures, generally." (Rule X, clauses 1(d)(3) and 1(g)(4))

*Sec. 6. Designating Committee on Education and the Workforce.—The name of the Committee on Economic and Educational Opportunities would be changed to the Committee on Education and the Workforce. (Rule X, clauses 1(f) and 3(c))

Sec. 7. Requirement of Approval for Settlement of Certain Complaints: The provisions of section 2 of H. Res. 401 adopted by the House in the 104th Congress (April 16, 1996) would be extended to the 105th Congress. The provisions require the joint approval of the chairman and ranking minority member of the House Oversight Committee of the amount of a proposed settlement of a complaint under the Congressional Accountability Act before the employing House office can enter a settlement. (Rule X, clause 4(d))

Sec. 8. Special Authorities for Certain Reports: (a) proposed investigative or oversight reports would be considered as read if available to committee members at least 24 hours in advance of their consideration; (b) committees would be authorized to file joint investigative or oversight reports with other committees on matters on which they had conducted joint studies or investigations; (c) committees would be authorized to file investigative or oversight reports after the final adjournment of a second session if they were properly approved and at least 7 calendar days are permitted for filing views; and (d) committee final activity reports could be filed after an adjournment without formal approval if at least 7 calendar days are permitted for filing views. (Rule XI, clauses 1(b) and (d))

Sec. 9. Committee Publications on Internet: Committees would be required, to the maximum extent feasible, to make all committee publications available in electronic form. (Rule XI, clause 2(e))

Sec. 10. Information Required of Public Witnesses: Each committee shall require, to the greatest extent practicable, witnesses appearing in a non-governmental capacity to include with their advance written testimony a curriculum vitae and disclosure by source and amount of Federal government grants and contracts received by them and any entity they represent for the current and preceding two fiscal years. (Rule XI, clause 2(g))

Sec. 11. Committees' Sittings: The current prohibition on committees sitting while the House is considering legislation under the five-minute rule (except by leave of the House), would be repealed. (Rule XI, clause 2(I))

Sec. 12. Exceptions to Five-Minute Rule in Hearings: Committees would be authorized to adopt a special rule or motion (a) to permit selected majority and minority members (in equal numbers) to take more than 5-minutes in questioning witnesses, but not more than 30 minutes per side, per witness; and (b) to permit the questioning of witnesses by staff provided that staff for the minority is given equal time and opportunity to do so. (Rule XI, clause 2(j)(2))

Sec. 13. Repeal of Inflation Impact Statement Requirement; Establishment of Constitutional Authority Statement Requirement: The current requirement for inflation impact statement in committee reports on bills would be repealed. A new "Constitutional Authority Statement" would be required in committee reports citing the specific powers granted to Congress by the Constitution on which the proposed enactment is based. (Rule XI, clause 2(l)(4))

Sec. 14. Filing of Reports After Time for Views: The period for filing views on reports would be changed from three full days after the day on which a bill or matter is ordered reported to three days counting the day on which the matter is ordered reported. Moreover, a committee would have the automatic right to arrange to have until an hour after midnight on the third day to file its report with the Clerk if intention to file views is announced. (Rule XI, clause 2(l)(5))

Sec. 15. Committee Reserve Fund: Committee primary expense resolutions reported by the House Oversight Committee may include a reserve fund for unanticipated expenses provided that any allocation from such fund to a committee is approved by the House Oversight Committee. (Rule XI, clause 5(a))

Sec. 16. Corrections Calendar Changes: The Corrections Day rule would be amended to permit consideration of Corrections bills at any time on a Corrections Day (as opposed to immediately after the Pledge), and to permit bills to be called up in any order from the Calendar (as opposed to only in the numerical order in which they appear on the Calendar). (Rule XIII, clause 4(a))

Sec. 17. Dynamic Estimation of Effects of Major Tax Legislation: A report by the Ways and Means Committee on major tax legislation (as designated by the majority leader in consultation with the minority leader) may include an estimate of the change in revenues resulting from the enactment of the legislation on the basis of assumptions that estimate the probable dynamic macroeconomic feedback effects of such legislation. The Joint Tax Committee would be required to produce such an estimate if requested by the chairman of the Ways and Means Committee. Such estimates shall be for informational purposes only. (Rule XIII, clause 7)

Sec. 18. Appropriations Process Changes: No provision could be reported in a general appropriations bill, or considered as an amendment thereto, making the availability of funds contingent on the receipt or possession of information not required by existing law except germane provisions that retrench expenditures. The current right of the Majority Leader or a designee to offer the motion to rise and report at the end of the reading of appropriations bills for amendment would be clarified to ensure that the motion could not be preempted by the offering of regular amendments. (Rule XXI, clause 2 (a), (b), (c), and (d))

Sec. 19. Clarifying the Definition of Income Tax Rate Increase: The definition of Federal income tax rate increases for purposes of the rules requiring a three-fifths vote on such increases and prohibiting retroactive income tax rate increases would be narrowed to include only increases in existing specific statutory Federal income tax rates in the Internal Revenue Code of 1986 (sec. 1 (a)–(e), sec. 11(b), or sec. 55(b)) or adding new income tax rates to the highest of such specific income tax rates. (Rule XXI, clause 5 (c) and (d))

Sec. 20. Unfunded Mandate Clarification: The current rule permitting an amendment to strike an unfunded mandate from a bill unless otherwise precluded by a special order of the House would be clarified by specifying that the reference to section 424(a)(1) of the Budget Act is to a "Federal intergovernmental mandate" whose direct costs exceed the threshold amounts specified in that section of the Budget Act. (Rule XXIII, clause 5(c))

Sec. 21. Discharge Petition Clarification: The existing discharge rule would be amended to clarify that petitions may be filed on resolutions from the Rules Committee providing for the consideration of any unreported or any reported measure (not just those reported "favorably"), that such special rules may provide for the consideration of only one measure, and that the special rule may not provide for the consideration of non-germane amendments to such a measure. (Rule XXVII, clause 3)

Sec. 22. Prohibiting the Distribution of Campaign Contributions in the Hall of the House: No Member, officer, or employee of the House could knowingly distribute campaign contributions on the House floor or rooms leading thereto. (Rule XXXII, clause 5)

Sec. 23. Repeal Obsolete Employment Practices Rule: The House "Employment Practices" rule, which has been replaced by the Congressional Accountability Act, would be repealed, and Rule LII (Gift Rule) would be redesignated as rule LI. (Rule LI)

Sec. 24. Technical Amendments: (a) A recorded vote taken pursuant to clause 5(a) of rule I (postponement of certain votes) shall be considered a vote by the yeas and nays; (b) and (c) Obsolete references to the "House Information Systems" would be changed to the "House Information Resources"; (d) The procedures for a committee vote on whether to close an investigatory hearing because testimony might tend to defame, degrade or incriminate any person would be changed to clarify that the hearing would not be closed if a majority of those voting (a committee majority being present)—instead of a majority of committee members—determine that the evidence or testimony would not tend to defame, degrade or incriminate any person. (Rule XI, clause 2(k)(5)(B); (e) The layover requirement for budget committee reports on budget resolutions would be conformed to those for other committee reports to the extent that Saturdays, Sundays or legal holidays on which the House is in session would be counted as days of availability of the report. (Rule XI, clause 2(1)(6)); (f) The spelling of "endorsed" would be corrected in rule XXII, clause 4(a); (g) The rule giving special protections to Members who have pre-printed their amendments in the Congressional Record would apply to any measure under consideration and not just to those reported by a committee. (Rule XXIII, clause 6); (h) The word "excepted" would be changed to "except" before "as provided in rule LI (Gift Rule)" in clause 4 of rule XLIII; and (I) the words "by House" would be changed to "by the House" in clause 13 of rule XLIII (relating to the non-disclosure oath or affirmation required for access to classified information).

*Sec. 25. Select Committee on Ethics: The Committee on Standards of Official Conduct of the 104th Congress would be re-established in the 105th Congress as a select committee for a period ending on January 21, 1997, for the purpose of completing its work on the report isued by its subcommittee involving the official conduct of Representative NEWT GINGRICH.

*Denotes changes from summary and GPO "Committee Print" of resolution released on Friday, January 3, 1997.

SECTION-BY-SECTION ANALYSIS OF RESOLUTION ADOPTING HOUSE RULES FOR THE 105TH CONGRESS

Introduction: As in the past, the introductory paragraph of the resolution adopts the rules of the previous Congress, in this case the 104th Congress, together with applicable provisions of law or concurrent resolution that constituted House Rules in the previous Congress, as the Rules of the House of the new Congress (the 105th Congress), together with the amendments listed in the resolution. In the case of this resolution, following this introductory paragraph are 25 sections containing direct amendments to the Rules of the 104th Congress, listed generally in the order in which the Rules are amended, from Rule I through Rule II.

Section 1. Postponement of Corrections Votes: Clause 5(b)(1) of House Rule I ("Duties of the Speaker") currently lists those matters on which the Speaker may postpone a demand for a rollcall vote until later in the same day or for up to two legislative days. These include votes on the previous question and on passing a bill. On January 20, 1995, the House adopted H. Res. 168, abolishing the Consent Calendar and replacing it with a new Corrections Calendar on which the Speaker could place bills that had been reported from committees and placed on the Union Calendar. The Corrections Calendar is called on the second and fourth Mondays of each month, and bills called from it are subject to one hour of debate, are not subject to amendments except committee amendments or amendments offered by the chairman of the primary committee or a designee, are subject to one motion to recommit with or without instructions, and require a three-fifths vote for passage. The amendment proposed by this section would extend the Speaker's right to postpone votes to amendments offered to Corrections bills and to the motion to recommit. (See section 16 below for other Corrections Calendar changes.)

Section 2. Obsolete References to the "Contingent Fund:" When the Rules of the 104th Congress were adopted, the term "contingent fund" of the House was generally replaced by the term "applicable accounts of the House." However, some instances of the use of the term "contingent fund" were overlooked at that time. The purpose of this section is to replace the remaining for obsolete references to the contingent fund.

Section 3. Drug Testing in the House: This section would amend House Rule I ("Duties of the Speaker") by adding a new clause 13 that requires the Speaker, in consultation with the Minority Leader, to develop a system for drug testing in the House that may include testing of any Member, officer or employee and that is otherwise comparable in scope to the system for drug testing in the Executive Branch pursuant to Executive Order 12564. Moreover, it authorizes expenses for the new drug testing system to be paid from the applicable accounts of the House as official expenses. The policy of the Drug-free Workplace Program in the Executive Branch is to test applicants for certain positions classified as "sensitive," relating to national security, law enforcement, public health or safety, etc. Periodic random testing is also required for incumbents of these positions. The Executive Branch system authorizes the head of each agency to designate such other employees as the employer deems appropriate for such testing according to specific criteria. The Executive system does not require testing of elected officials (the President and Vice President), but cabinet officers and most sub-cabinet, Senate-confirmable officials are "preferred" for testing (except where impractical). In the case of the Executive Office of the President, which includes the White House, all applicants for employment are pre-tested, and most employees are designated for periodic, random testing. Nothing in this section should be construed as pre-determining or precluding what means of testing may be chosen by the House (whether by hair sample or urine specimen). The standard of comparability with the Executive system refers only to the scope of persons to be tested.

Section 4. Policy Direction and Oversight of Chief Administrative Officers: This section strikes the Speaker as one of two entities providing policy direction and oversight of the Chief Administrative Officer, thereby leaving this responsibility exclusively with the House Oversight Committee, as it now is with respect to other House officers.

Section 5. Budget Jurisdiction Changes: The jurisdiction of the Budget Committee is changed by striking "congressional budget process" and inserting in lieu, "budget process." The jurisdiction of the Government Reform and Oversight Committee is changed by striking "budget and accounting measures, generally," and replacing it with "Government management and accounting measures, generally." The intent of this is to give the Budget Committee jurisdiction over the President's budget process as well as the congressional budget process, and thereby to avoid duplication with the Government Reform and Oversight Committee in this area. This change will not alter Government Reform and Oversight's existing legislative jurisdiction over such matters as government management and reorganization, the Office of Management and Budget's management, regulatory, and other coordinating functions, or the General Accounting Office.

Section 6. Designating Committee on Education and the Workforce: The name of the Committee on Economic and Educational Opportunities would be changed to the Committee on Education and the Workforce.

Section 7. Requirement of Approval for Settlement of Certain Complaints: This section incorporates the language of section 2 of H. Res. 401, 104th Congress, adopted by the House on a voice vote on April 16, 1996. Since a simple House resolution loses its force and effect at the end of a Congress, it was decided in this instance to incorporate its provisions in the standing Rules of the House for the 105th Congress. The section requires that before any financial settlement can be entered into by an employing office of the House with an employee under the Congressional Accountability Act, the amount of the proposed settlement must be jointly approved by the chairman and ranking minority member of the House Oversight Committee which has responsibility for monitoring House expenditures from various accounts to ensure they remain within amounts budgeted.

Section 8. Special Authorities for Certain Reports: (a) The first subsection provides that if a proposed investigative or oversight report has been made available to the members of a committee at least 24 hours prior to its consideration (excluding Saturdays, Sundays, and legal holidays except when the House is in session), it shall be considered as read. The purpose of this provision is to both encourage the advance distribution of such reports and to avoid prolonged delays that could result if any member demanded that the report be read in full. Since such reports, unlike bills, are not read by section or paragraph for amendment, this in no way affects the right of members to offer amendments to any portion of the report once it has been considered as read. (b) A report on an investigation or study conducted jointly by two or more committees could be filed jointly with the House. This in no way alters the requirement that each committee must act individually in compliance with House rules, including a majority quorum to approve the report and the opportunity and time for filing supplemental, minority, or additional views by members of each committee if requested at the time of the report's approval. (c) An investigative or oversight report could be filed by a committee with the Clerk after the sine die adjournment of the last regular session of the Congress, and members would have seven calendar days in which to file their views to be included with the report if timely notice is given of the intention to file views. "Timely notice" is the same as required under existing House rules: the notice must be given at the time of approval of the report. Such authority to file in the past has been secured by unanimous consent of the

House or special resolution. This will obviate the need for special leave of the House for filing a report when the House is not in session. Moreover, this extends to seven calendar days time for filing views in recognition of the fact that it will probably take longer for members of the committee to develop and submit their views if the Congress had adjourned and they are away from their Washington offices. (d) The final activity reports of committees may be filed after the adjournment sine die of the last regular session of a Congress without approval of the committee, provided seven calendar days are allowed for the filing of views. The current rule for activity reports is an anomaly in that it does not technically allow for filing an unapproved reports. However, the practice of filing such reports has long been recognized as a practical matter since such reports usually are not drafted until after a Congress has finally adjourned. The right to file views with such reports has always existed, though only recognized and utilized in the last several congresses. This only changes that right to the extent that it expands to seven calendar days the time in which such views may be submitted, dating from the day on which the report is made available to the members.

Section 9. Committee Documents on the Internet: This section requires House committees, "to the maximum extent feasible," to make their "publications" available in electronic form. The purpose of this section is to encourage committees to make every effort practicable to ensure that what is available to the public in printed form also be made available electronically. It is expected that, early in the 105th Congress, further guidelines will be developed between the Committee on House Oversight, House Information Resources, and various committees, outlining what materials should be made available and on what web sites. As a general rule of thumb, the term "publications" should be interpreted to mean printed materials of the committee which are generally made available for distribution to the public.

Section 10. Information Required of Public Witnesses: Committees shall require, to the greatest extent practicable, that non-governmental witnesses include as part of their written testimony that is already required by House Rules to be submitted in advance, both a curriculum vitae and a disclosure by source and amount of federal grants and contracts received by them and any organizations they represent at that hearing in the current and preceding two fiscal years, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, that hearing. The purpose of these new requirements is to give committee members, the public, and the press a more detailed context in which to consider a witness' testimony in terms of their education, experience, and the extent to which they or the organizations being represented have benefited from Federal grants and contracts related to their appearance. It is not the intention of this section, for instance, to require individuals to disclose the amounts of Federal entitlements they have received, such as from Medicare or Social Security or other income support payments or individual benefits, or to require farmers to disclose amounts received in crop or commodity price support payments. Instead, the disclosure requirement is designed to elicit information from those who have received Federal grants or contracts for the purpose of providing the government or other individuals or entities with specified goods, services, or information. While failure to comply fully with this requirement would not give rise to a point of order against the witness' testifying, it could result in an objection to including the witness' written testimony the hearing record in the absence of such disclosure.

Section 11. Committees' Sittings: The prohibition on committees' sitting while the House is considering amendments under the five-minute rule is repealed. This provision had originally been repealed at the beginning of the 103rd Congress, but was reinstituted with the adoption of House Rules at the beginning of the 104th Congress. Because the requirement was waived by the House almost daily given the realities of committee and House floor scheduling, it was found to be impractical and impossible to enforce. This repeal should in no way be construed as authorizing committees to sit while the House is conducting a rollcall vote with the limited, 15-minutes in which to respond. The current prohibition on committees' sitting while there is a joint, House-Senate session or meeting would be retained.

Section 12. Exceptions to Five-Minute Rule in Hearings: Committees would be given the discretion, either by committee rule or motion, to provide an exception to the current 5-minute rule limitation on members' questioning of witnesses. The rule or motion could permit designated majority and minority party members or staff to question witnesses for a period longer than their usual, 5-minute entitlement. It is the clear intent of this rule that any such time be equally divided between the majority and minority parties. In the case of member questioning, not more than 30 minutes per party of such extended questioning could be used for any witness. A motion under this House rule would not be privileged for any member of a committee to offer. Instead, it would be at the discretion of the chair to recognize a member to offer such a motion. While the rule does not specifically limit staff questioning to 30 minutes per side, it is not expected that committees would grant a longer period for staff questioning unless all committee members present have first had an opportunity to question the witness.

Section 13. Repeal of Inflation Impact Statement Requirement; Establishment of Constitutional Authority Statement Requirement: The current House Rule requirement that committee reports on public measures include a detailed, analytical statement on whether the legislation would have an inflationary impact on prices and costs in the operation of the national economy, would be repealed. The provision would be replaced by a requirement that committees include in their reports on public bills and joint resolutions a "constitutional authority statement" citing the specific powers granted to the Congress by the Constitution to enact the proposed law. It is expected that committees will not rely only on the so-called "elastic" or "necessary and proper" clause and that they will not cite the preamble to the Constitution as a specific power granted to the Congress by the Constitution. A point of order would not lie against consideration of a bill so long as the report on the measure includes a "constitutional authority statement" that cites specific powers in the Constitution granted to the Congress on which the committee claims measure is based. A point of order would not lie on grounds that the authority statement is otherwise inadequate, inaccurate, or constitutionally unsound, since it is not within the province of the Chair, by House precedent and practice, to rule on questions of constitutionality.

Section 14. Filing of Reports After Time for Views: The current three-day time-frame for filing views on committee reports would be reduced to two days after the day on which the measure or matter is ordered reported. Moreover, committees would have the automatic right to file their reports with the Clerk up to one-hour after the expiration of this time period, provided that a request had been made to file views. Two things should be noted: first, the right for late filing of a report is not automatic if no opportunity to file views has been requested; and, second, the rule requires that committees "arrange" with the Clerk for late filing when views have been requested. They should not expect that the Clerk's office will be open late every night to receive filed reports. Finally, committees may file sooner than the expiration of the second day if they know that all views have been received. They should therefore advise committee members to notify them by a time certain (preferably later on the day of approval) if they intend to file views since a request made by any member protects the right of all members to file views.

Section 15. Committee Reserve Fund: This section authorizes the Committee on House Oversight to include with its biennial, primary expense resolution for committees a "reserve fund" for unanticipated committee expenses. The actual allocation of any money from the reserve fund would be subject to approval by the House Oversight Committee. This is similar to a provision contained in the Senate's biennial committee funding resolution. Since it is sometimes difficult to accurately project total expenses for a two-year period given unexpected developments and demands on a committee over the course of a Congress, this reserve fund is designed to be used in such extraordinary circumstances without the need for a supplemental expense resolution. Committees should not expect that this reserve fund will be readily available for all committees to tap at any time. Instead, it is anticipated that it will be relatively limited in amount for use only in extraordinary, emergency or high priority circumstances, and that any proposals for its allocation will be carefully scrutinized and coordinated at the highest levels before it is put to a vote by the House Oversight Committee. Other committee requests beyond their initial, biennial budget authorization will still require a supplemental expense resolution to be approved by the House.

Section 16. Corrections Calendar Changes: This section would make two changes in the order of consideration of bills from the Corrections Calendar. (See section 1 above for an explanation of the Corrections Calendar and changes made in the postponement of certain votes on Corrections bills.) First, it would no longer be required that the Corrections Calendar be called immediately after the Pledge of Allegiance on a Corrections Day (the second and fourth Tuesdays of each month). It could be called at any time on a Corrections Day. Second, it would no longer be required that bills on the Corrections Calendar be called in the numerical order in which they appear on the Corrections Calendar. They could be called in any order, so long as they have been on the Calendar for at least three legislative days. The main purpose of these changes is to permit the Leadership, in working with committee chairmen, to have the maximum flexibility possible in scheduling both Corrections bills and Suspension bills on such days.

Section 17. Dynamic Estimation of Effects of Major Tax Legislation: This section would permit the House majority leader, after consultation with the minority leader, to designate certain legislation as "major tax legislation." It is anticipated that the designation would be in the form of a publicly-released letter from the majority leader to the chairman of the Ways and Means Committee. The designation in turn would authorize the Committee on Ways and Means to include in its report on the legislation a dynamic estimate of changes in Federal revenues expected to result from enactment. The Joint Committee on Taxation shall only provide such an estimate to the Ways and Means Committee in response to a timely request from its chairman (after consultation with the ranking minority member). Such estimates shall be for informational purposes only. This means that in no way are they to be depended upon or looked to for purposes of enforcement or scorekeeping under the terms of the Congressional Budget Act. "Dynamic estimate" is defined as meaning a projection based in any part on assumptions concerning the probable effects of macroeconomic feedback resulting from the enactment of the legislation. The estimate shall include a statement identifying all such assumptions.

Section 18. Appropriations Process Changes: This section makes two changes regarding the consideration of appropriations bills. First, it would make clear that the Appropriations Committee could not report, nor could an amendment be considered by the House, that makes the availability of funds contingent upon the receipt or possession of information by the funding authority if such information is not required by existing law. This is designed to prohibit the consideration of so-called "made known" provisions and amendments which in the past have been used as a technical loophole to circumvent the prohibition on legislating in an appropriations measure. The second provision would make clear that, once the final lines of a bill have been read for amendment, and it is in order to consider so-called limitation amendments, other amendments could not be offered as a means of preempting the right of the majority leader or a designee to offer the privileged motion that the Committee of the Whole rise and report the bill to the House. This simply makes clear that the right granted to the majority leader to offer the motion to rise and report during the limitation amendment process has precedence over any motion to amend.

Section 19. Clarifying Definition of Income Tax Rate Increase: This section clarifies the definition of "income tax rate increases" for the purposes of clauses 5(c) and (d) of House Rule XXI which require a three-fifths vote on any amendment or bill containing such an increase, and prohibits the consideration of any amendment or bill containing a retroactive income tax rate increase, respectively. A "federal income tax rate increase" is any amendment to subsection (a), (b), (c), (d), or (e) of section 1 (the individual income tax rates), to subsection (b) of section 11 (the corporate income tax rates), or to subsection (b) of section 55 (the alternative minimum tax rates) of the Internal Revenue Code of 1986 which (1) imposes a new percentage as a rate of tax and (2) thereby increases the amount of tax imposed by any such section.

Thus, paragraphs (c) and (d) of Rule XXI clause 5 would apply only to specific amendments to the explicitly stated income tax rate percentages of Internal Revenue Code sections 1(a), 1(b), 1(c), 1(d), 1(e), 11(b) and 55(b). The rules are not intended to apply to provisions in a bill, joint resolution, amendment, or conference report merely because those provisions increase revenues or effective tax rates. Rather, the rules are intended to be an impediment to attempts to increase the existing income tax rates. The rules would not apply, for example, to modifications to tax rate brackets (including those contained in the specified subsections), filing status, deductions, exclusions, exemptions, credits, or similar aspects of the Federal income tax system and mere extensions of an expiring or expired income tax provision. In addition, to be subject to the rule, the amendment to Internal Revenue Code section 1(a), 1(b), 1(c), 1(d), 1(e), 11(b), or 55(b) must increase the amount of tax imposed by the section. Accordingly, a modification to the income tax rate percentages in those sections that results in a reduction in the amount of tax imposed would not be subject to the rule.

Section 20. Unfunded Mandate Clarification: This section clarifies that the right to offer a motion to strike an unfunded mandate provision from a bill, unless precluded by special order of the House, applies to unfunded Federal intergovernmental mandates that exceed the threshold contained in section 424(a)(1) of the Budget Act. The clause being amended (clause 5(c) of rule XXIII) merely referenced the applicable section of the Budget Act and did not make clear that its reference is to intergovernmental mandates as opposed to private section mandates.

Section 21. Discharge Petition Clarification: This section makes clear the original intent of permitting discharge petitions on resolutions from the Rules Committee was for the purpose of a resolution making in order the consideration of a single measure that has been introduced for at least 30 legislative days (and not multiple measures), and that such a resolution may only make in order germane amendments to such a measure. Without this clarification, the intent of allowing discharge petitions on resolutions from the Rules Committee could completely distort the purposes of the discharge rule by making in order completely unrelated matters. Members should be fully aware when signing a discharge petition that it is being confined to the subject matter of the bill being made in order for consideration by the resolution they are being asked to discharge from the Rules Committee.

Sec. 22. Prohibiting the Distribution of Campaign Contributions in the Hall of the House: House Rule XXXII ("Of Admission to the Floor") would be amended by adding a new clause 5 prohibiting the knowing distribution of campaign contributions in the Hall of the House or rooms leading thereto by any Member, officer, employee or other person having floor privileges. The "rooms leading thereto" are commonly understood under the rule as being the majority and minority cloakrooms and the Speaker's Lobby.

Section 23. Repeal of Obsolete Employment Practice Rule: House Rule LI, relating to House Employment Practices, is repealed as obsolete because it has been replaced by the provisions of the Congressional Accountability Act (Public Law 104-1). House Rule LII, the Gift Rule, is consequently redesignated as Rule LI.

Section 24. Technical Amendments: This section makes nine technical amendments to the Rules of the 104th Congress for purposes of the Rules of the 105th Congress, as follows:

(a) A recorded vote taken pursuant to clause 5(a) of rule I shall be considered a vote by the yeas and nays. This in no way changes the existing threshold for demanding a recorded vote, but simply avoids a possible second vote on the same question if someone should demand the Yeas and Nays.

(b) and (c) Two references to the "House Information Systems" are replaced by its redesignated name, "House Information Resources."

(d) This subsection clarifies the provisions for closing investigative hearings if it is asserted that any information to be disclosed may tend to defame, degrade or incriminate any person. Whereas a quorum for taking testimony (which may be as few as two of the members) is required to vote on closing an investigative hearing for such purposes, the current rule goes on to read that the hearing may only be kept open if a majority of members of the committee, a majority being present, determine that it would not tend to defame, degrade or incriminate any person. The proposed amendment strikes "a majority of the members of," leaving the subsection to read: "only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person." In short, this would restore the concept of majority, rather than super-majority rule by requiring that a majority of those voting (rather than a majority of the total membership of the committee), a majority being present, are sufficient to keep the hearing open.

(e) This subsection clarifies that the layover period for reports on budget resolutions shall include days on which the House is in session (including any Saturday, Sunday, or legal holiday), thereby conforming it to the language that applies to the layover period for other committee reports.

(f) This subsection corrects the spelling of the word "endorsed" in clause 4(a) of rule XXIII.

(g) This subsection would amend clause 6 of rule XXIII to ensure that certain rights of Members to offer amendments in the Committee of the Whole if they have been preprinted in the Congressional Record would apply to unreported as well as reported bills.

(h) This subsection amends clause 4 of rule XLIII (Code of Official Conduct) in two ways: first, by changing the word "excepted" to "except," and secondly, by changing the reference to the "Gift Rule" from rule LII to rule LI (see section 22 above).

(i) This subsection would replace the term "by House" to "by the House" in clause 13 of rule XLIII (Code of Official Conduct)

Sec. 25. Select Committee on Ethics: This section would extend until January 21, 1997, the membership and authority of the Committee on Standard of Official Conduct of the 104th Congress as a select committee of the 105th Congress for the purpose of taking final action on its subcommittee report on the conduct of Representative Gingrich. Any vacancies would be filled by the majority or minority leaders concerned.

The provision is necessary since the Committee of the 104th Congress officially expired at noon on January 3rd, 1997, and thus has no authority in the new Congress to make any recommendations or report to the House on the pending case. The new select committee will be considered to have been created at noon on January 3rd to ensure continuity.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1997.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my understanding of the proposed change to clause 5 (c) and (d) of Rule XXI of the Rules of the House, regarding the definition of income tax rate increase.

Specifically, subsections (c) and (d) of Rule XXI clause 5 are clarified by defining "Federal income tax rate increase." A "federal income tax rate increase" is any amendment to subsection (a), (b), (c), (d), or (e) of section 1 (the individual income tax rates), to subsection (b) of section 11 (the corporate income tax rates), or to subsection (b) of section 55 (the alternative minimum tax rates) of the Internal Revenue Code of 1986 which (1) imposes a new percentage as a rate of tax and (2) thereby increases the amount of tax imposed by any such section.

Thus, subsections (c) and (d) of Rule XXI clause 5 would apply only to specific amendments to the explicitly stated income tax rate percentages of Internal Revenue Code sections 1(a), 1(b), 1(c), 1(d), 1(e), 11(b) and 55(b). The rules are not intended to apply to provisions in a bill, joint resolution, amendment, or conference report merely because those provisions increase revenues or effective tax rates. Rather, the rules are intended to be an impediment to attempts to increase the existing income tax rates. The rules would not apply, for example, to modifications to tax rate brackets (including those contained in the specified subsections), filing status, deductions, exclusions, exemptions, credits, or similar aspects of the Federal income tax system and mere extensions of an expiring or expired income tax provision.

In addition, to be subject to the rule, the amendment to Internal Revenue Code section 1(a), 1(b), 1(c), 1(d), 1(e), 11(b), or 55(b) must increase the amount of tax imposed by the section. Accordingly, a modification to the income tax rate percentages in those sections that results in a reduction in the amount of tax imposed would not be subject to the rule.

These rules are designed as a barrier to attempts to increase the existing income tax rates. Had the House rules included subsections (c) and (d) since 1989, they would have applied to the creation of the 36% and 39.6% income tax rates and 26% and 28% alternative minimum tax rates in the Omnibus Budget Reconciliation Act of 1993. They would also have applied to the proposed creation of a 36% income tax rate in H.R. 4210, as passed by the Congress in 1992 and vetoed by President Bush. Subsection (c) would have applied as well to the creation of the 31% income tax rate and 24% alternative minimum tax rate in the Omnibus Budget Reconciliation Act of 1990.

I would appreciate your confirmation of this understanding. Thank you again for your and your staff's ongoing assistance to the Committee on Ways and Means. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

HOUSE RULES COMMITTEE

SOLOMON RELEASES COMPARATIVE LEGISLATIVE DATA FOR 103RD & 104TH CONGRESSES

WASHINGTON, D.C.—Rules Committee Chairman Gerald B. Solomon (R–NY) today released comparative legislative data for the 103rd and 104th Congresses that, in his words, "demonstrate that the new Republican Congress has been both more open and more deliberative than the Democrat-controlled 103rd Congress."

Solomon observed, "While we enacted fewer laws than the previous Congress, most objective observers agree that this has been the most productive Congress in at least a generation. Obviously, the productivity of a Congress cannot and should not be measured by the number of laws enacted but rather by their thrust and direction. The laws we enacted in the 104th Congress have set a dramatic new course for the government. Moreover, the data show that we spent more time considering legislation in the 104th Congress under a more open and deliberative process."

The data, compiled by the Rules Committee staff, show that the 104th Congress enacted 333 measures into law compared to 465 in the 103rd Congress. However, when non-substantive commemoratives enacted in the 103rd Congress (like "National Clown Week"), which were banned in the 104th Congress, are subtracted from total public laws, the number of substantive enactments is much closer—384 laws in the 103rd Congress compared to 333 in the 104th Congress.

The more open process in the 104th Congress is borne out in the data compiled by the Rules Committee staff. While the House passed 611 bills in the 104th Congress, using 4 hours of session per bill, in the 103rd Congress the House passed 757 bills with 2.5 hours of floor time per bill.

Recorded votes per bill passed were also up in the 104th Congress—with 2.2 votes per bill passed compared to 1.4 votes per bill passed in the 103rd Congress.

A further indication that the House was more deliberative in the 104th Congress is reflected in the percentage of unreported measures passed by the House. While 29% of the measures passed by the House in the 104th Congress had not been reported by a committee, 39% of the measures passed in the 103rd Congress were never reported.

Further enhancing House deliberations was the amendment process provided by special rules reported from the Rules Committee. Open or modified open rules for amendments in the 104th Congress comprised 57% of total rules compared with 46% open or modified open rules in the 103rd Congress.

According to Solomon, "The House was able to produce its impressive track record of legislative accomplishments in the historic 104th Congress more because of, rather than in spite of, the substantial streamlining and down-sizing in its structure, resources and operations at the beginning of the new Congress." The opening day House reforms in the 104th Congress resulted in the reduction of 3 committees and 32 subcommittees, a reduction of 684 committee staff (−34%), and a reduction in overall appropriations for the House in the two-year cycle of $122.9 million from the 103rd Congress.

Solomon concluded, "I think we have demonstrated that the Republicans have been able to legislate and govern with common sense while at the same time setting an example for the rest of the government that down-sizing and economizing on operations can enhance rather than hinder the ability to provide more effective and efficient government for the American taxpayer."

COMPARATIVE LEGISLATIVE DATA FOR THE HOUSE IN THE 103RD AND 104TH CONGRESSES

[Compiled by House Rules Committee Staff]

Item	103rd Congress	104th Congress
Days in Session	265	289
Hours in Session	1,887	2,445
Average Hours Per Day	7.1	8.5
Total Public Measures Reported	544	518
Total Public Measures Passed	757	611
Reported Measures Passed	462	437
Unreported Measures Passed	295	174
Unreported Measures as Percent of Total	39%	29%
Total Public Laws Enacted	465	333
Commemorative Measures Enacted	81	0
Commemoratives as Percent of Total Laws	17%	0%
Substantive Laws (Total Laws Minus Commemoratives)	384	333
Total Roll Call Votes	1,094	1,321
Roll Call Votes Per Measure Passed	1.4	2.2
Congressional Record Pages	22,575	24,495
Record Pages Per Measures Passed	29.8	40.1
Session Hours Per Measure Passed	2.5	4
Open/Modified Open Rules	46 (44%)	86 (57%)
Structured/Modified Closed Rules	49 (47%)	43 (28%)
Closed Rules	9 (9%)	22 (15%)
Committees/Subcommittees	23/118	20/86
Committee Staff	2,001	1,317
Appropriations for House (in millions)	$1,477,945	$1,355,025

Note: The public measures referred to above are public bills and joint resolutions. Four reported public measures were defeated in each Congress; 78 reported public measures remained on the Calendars of the House at the end of the 103rd Congress; 77 at the end of the 104th.

Sources: "Resume of Congressional Activity," Daily Digest, Congressional Record; "Survey of Activities," Committee on Rules; Congressional Research Service reports on "Committee Numbers, Sizes, Assignments and Staff," and "Legislative Branch Appropriations;" House Calendars.

ADOPTING HOUSE RULES FOR A NEW CONGRESS: THE TURN OF THE CENTURY TURN FROM OPEN, RULES COMMITTEE PROPOSALS TO CLOSED, MAJORITY CAUCUS RECOMMENDATIONS

(By Don Wolfensberger)

Introduction: George Galloway, in his History of the United States House of Representatives, observes that, "the customary practice in *post bellum* days, when a new House met was to proceed under general parliamentary law, often for several days, with unlimited debate, until a satisfactory revision of former rules had been effected." (p. 48)

Galloway goes on to cite examples of such extended debate on the rules for a new Congress, for instance, that after the revision of the 1880 general rules (which included making the Rules Committee a permanent standing committee of the House): "Two days were consumed at the beginning of the 48th Congress (1883), 4 days at the 49th (1885), 6 days at the 51st (1889), 9 days at the 52d (1891), and 6 days at the opening of the 53rd Congress (1893)." (Id.)

And Galloway concludes this discussion as follows: On three of these occasions 2 months or more elapsed before the amended code was finally adopted, in striking contrast to the celerity with which the old rules have been rushed through in recent times. (Id.)

Prior to 1880, rules revisions were reported from the Select Committee on Rules (if one had been appointed for that Congress), and these proposed changes were debated under an open amendment process. Even after the Rules Committee became a standing committee in 1880, this practice apparently continued for well over a decade. However, neither the available histories of the House and the Rules Committee or the precedents pinpoint the exact Congress in which this practice was abandoned in favor of considering House Rules recommended by the majority party caucus under a closed amendment process.

The first hint we get of a change is in A History of the Committee on Rules, a 1983 Rules Committee print, in which it is noted

that, "The rules of the House were not substantially altered between 1895 and 1910, when the rules were amended directly on the House floor to strip Speaker Cannon of his membership, chairmanship and appointment authority of the Rules Committee and the committee was enlarged from 5 to 10 members, elected by the House. (p. 81)

A few pages later, in discussing the Democrats' retaking of the House and pounding the final nail in the coffin of "Czar Speaker," by providing for the election of all committees by the House, the book notes that the rules resolution making that and other changes had been "agreed upon in the Caucus." (p. 99) And the footnote to that observation states the following: It was customary at this time for the majority party's candidate for the chairmanship of the Rules Committee to introduce changes in the House rules, agreed upon by the Caucus. (Id.)

But nowhere in any of the commentary of Galloway or the Rules Committee History covering the years between 1895 and 1911 is the origin of this custom identified. To better pin this down, a search was made of the House Journals between the 53rd Congress (1893–94) and the 60th Congress (1907–08). Below is a running account of the adoption of House Rules at the beginning of each of those Congresses.

The 53rd Congress (1893–95): On August 8, 1893, the House adopted a resolution authorizing the Speaker to appoint a Committee on Rules and the temporary adoption of House rules from the preceding Congress which were referred to the Rules Committee for recommendations for any further changes in the new Congress. On August 29, 1892, Representative Catchings (D-Miss.), the second ranking majority member on the Rules Committee (Speaker Crisp was the chairman), reported back a resolution making 14 recommended changes the rules of the previous Congress. Catchings offered a motion, by unanimous consent, to proceed to consider the rules resolution by paragraph for amendment, with 5 minutes of debate allowed for and against each amendment. He then moved the previous question on his resolution. Representative Thomas Brackett Reed (R–ME), the ranking Republican on the Rules Committee (and its former chairman and House Speaker from 1889–91), made the point of order that is was not in order to move the previous question on the resolution. The Speaker (Crisp) overruled the point of order saying the previous question was in order. Catchings nevertheless withdrew his order of business resolution and the House proceeded to debate the resolution containing the rules changes recommended by the Rules Committee.

On August 30th, Catchings propounded a unanimous consent request to close debate on the rules resolution at 2 p.m. that day and to then proceed to consider amendments to the resolution by paragraph under the five-minute rule. There was no objection, and the House proceeded to consider amendments on August 31, and September 1, 2, and 6. It is apparent from the Journal's summary of amendments that the entire body of House Rules was open to amendment, and not just the 14 changes recommended by the Rules Committee. On September 6, Rep. Burrows (R–MI), the second-ranking minority member of the 5-member Rules Committee, offered a final substitute to in effect adopt the Rules of the 51st Congress with one change. The substitute was rejected, 65 to 149, and the House subsequently adopted the rules package as amended by voice vote.

The 54th Congress (1895–97): On December 2, 1895, when Republicans had retake control of the House, the House adopted H. Res. 5, adopting the rules of the 51st Congress (the last Republican Congress) as the rules of the 54th Congress, "until otherwise ordered." On January 10, 1896, Rep. Henderson (R–IA), the second-ranking Republican on the Rules Committee, called-up the first of two reports (Nos. 29, 120) reported by the Rules Committee to amend House Rules. Henderson asked unanimous consent that, after consideration of the proposed amendments was completed for amendment, the House then proceeded to consider amendments to the rules, beginning with Rule, I. Numerous amendments were considered on January 10th and 11th. On January 23rd, the House took up the second of the Rules Committee reports (No. 120), considering of three additional amendments. It too was subject to numerous amendments, one of the final of which was an amendment by the minority to substitute the rules of the 53rd Congress (when the Democrats were last in control). It was rejected. Because the various amendments recommended by the Rules Committee was considered and disposed of individually, as with the January 10th report, there was no vote on final adoption.

55th Congress (1897–99): On March 15, 1897, Rep. Henderson (R–IA), the second-ranking Republican on the Rules Committee, called-up a resolution adopting the rules of the 54th Congress as the rules of the 55th Congress "until further notice." The resolution was debated but not opened to amendment. Rep. Henderson moved the previous question, at which point an attempt was made to offer an amendment on grounds that the previous question does not exist when the House is operating under general parliamentary law. The Speaker overruled the point of order saying the previous question does exist under general parliamentary law of the House. The previous question was then adopted, 182–154, and the resolution was subsequently adopted by voice vote. That is no indication of any subsequent Rules Committee action on reporting a further revision in the rules.

56th Congress (1899–1901): On December 4, 1899, Rep. John Dalzell (R–PA), the second-ranking Republican on the Rules Committee (with Speaker Reed's retirement, Rep. Henderson had become the new Speaker and chairman of the Rules Committee), called up a resolution adopting the rules of the 55th Congress as the rules of the 56th Congress. This time the resolution carried no phrases ("until otherwise ordered" or "until further notice) holding out the expectation of further recommendations from the Rules Committee. The resolution was debated without amendments being entertained, after which Rep. Dalzell moved the previous question. The previous question was adopted by voice vote, after which the resolution was adopted, 178 to 159.

57th Congress (1901–03): On December 2, 1901, Rep. Dalzell called up H. Res. 2, adopting the rules of the 56th Congress as the rules of the 57th Congress with four modifications: (1) carrying forward the special orders of 1900 regarding the consideration of pension, claims and private bills: (2) converting a Select Committee on the Census into a standing committee; (3) creating a Select Committee on Industrial Arts and Exhibitions; and (4) continuing a Select Committee on Documents. After debate on the resolution, Rep. Dalzell moved the previous question which was adopted, 180–143. Rep. Richardson (D–TN) then offered a motion to commit the resolution to the Committee on Rules when it was appointed. The motion was rejected, 143 to 186. A demand was then made to divide the question on the resolution and both parts were adopted by voice vote.

58th Congress (1903–05): On November 9, 1903, Rep. Dalzell, still the second ranking Republican on the Rules Committee (Rep. Joe Cannon had been elected Speaker and thus chairman of the Rules Committee) offered H. Res. 1, adopting the rules of the 57th Congress as the rules of the 58th Congress together with two modifications: (1) carrying forward the special orders of 1900 on the consideration of pension, claims and private bills; and (2) converting the Select Committee on Industrial Arts and Exhibitions into a standing committee. After debate, the previous question was ordered by voice vote and the resolution was adopted, 193 to 167.

59th Congress (1905–1907): On December 4, 1905, Rep. Dalzell called up H. Res. 8 adopting the rules of the 58th Congress as the rules of the 59th Congress with one modification, carrying forward the special orders of 1900 on the consideration of pension and claims bills. After debate, the previous question was ordered, 228 to 196, and the resolution was subsequently adopted by voice vote.

60th Congress (1907–1909): On December 2, 1907, Rep. Dalzell called up H. Res. 28, adopting the rules of the 59th Congress as the rules of the 60th Congress. After debate, the previous question was ordered, 199 to 164, after which the resolution was adopted, 198 to 160.

61st Congress (1909–1911): Notwithstanding Galloway's claim that no significant rules changes were adopted between 1895 and 1910, the facts indicate otherwise with respect to the opening day of the 61st Congress. The beginning of this Congress marked the opening round in the revolt against Speaker Cannon by Republican insurgents and the minority Democrats. On opening day of the 61st Congress, March 16, 1909, when the usual resolution adopting the rules of the previous Congress as the rules of the new Congress was offered, the Republican insurgents joined with the Democratic minority to defeat the previous question in order to offer their own substitute rules package offered by Minority Leader Champ Clark (D–MO). The Clark substitute would have limited the powers of the Speaker to appoint committees and also would have enlarged the Rules Committee. Clark immediately moved the previous question on his substitute. But Cannon, anticipating this action, had conspired with a junior Democrat, Rep. John Fitzgerald of New York, who protested being gagged and urged defeat of the previous question on the Clark substitute so that he could offer his own amendments to the rules. Fitzgerald prevailed by defeating the previous question, 180 to 203. He then offered his amendments that then provided for a new, unanimous consent calendar, strengthened the Calendar Wednesday rule, and permitted the motion to recommit to be offered by the opponents to a measure (previously the right to recommit was exercised by the bill's manager), and prohibited the Rules Committee from issuing a rule denying this right. The Fitzgerald substitute was adopted when 23 Democrats joined with him and the regular Republicans.

Conclusions: While it appears from the above study that the Rules Committee discontinued its role of reporting revisions in House Rules at the beginning of a Congress after the 54th Congress (1895–97), and the House thereafter began to simply adopt the rules of the new Congress on opening day under the hour-rule, with no amendments allowed, it was not until the 61st Congress that

any serious effort was made to defeat the previous to provide for the consideration of substantial changes in the rules resolution offered by the majority. But even then, the effort was a bipartisan one, forged between the minority Democrats and the insurgent Republicans, and it was defeated by a further bipartisan compromise offered by a few minority Democrats and the regular Republicans.

It was not until 1911, when "King Caucus" emerged to replace "Czar Speaker," that the Caucus fully assumed the role of reporting significant rules changes on opening day. And the precedent had already been set with the previous question fight of 1909 to use the attempted defeat of that procedural motion to highlight the minority's rules alternative rules package.

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

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

Mr. Speaker, this is the 11th time I have been sworn in as a Member of Congress. To this day, I still get chills when I approach the Capitol or if I move onto the floor of the House. Every single day we go to work in a Chamber where America pushed the frontier and rebuilt the Nation, they put the GI bill through for college education, a place where we paid to land a man on the Moon. From the podium behind me Franklin Roosevelt spoke of a day which will live in infamy, and from this Chamber democracy has given ordinary men and women more rights and more dignity than this world has ever known.

So, Mr. Speaker, this is a special place. All of us are privileged to serve here. But with that privilege comes responsibility, a responsibility to hold this House and this Nation to the highest possible standards. We are not defined simply by the laws we pass, but by the example we set.

If we want an America where laws are respected, where the rights of the minority are protected, and where the voices of all are heard, we have got to have a House that respects the law, that protects the minority and allows those voices to be heard; because, Mr. Speaker, every time we look the other way when somebody breaks the rules, we just do not damage the integrity of this House, we send a message to every child in Michigan, in California, in Georgia, that lying pays, that cheating works, that wrongdoing goes unpunished. Sometimes saying we are sorry just is not enough.

We are here this afternoon to decide the rules of this House, but the rules have no meaning if they are ignored and betrayed. If we want an America that rewards virtue and punishes wrongdoing, we need to have a Congress that rewards virtue and punishes wrongdoing.

I am afraid we have taken a tremendous step backward here today. There is an ethical cloud hanging over this House that will only get darker in the days to come. We could have postponed today's vote for Speaker, but the majority voted against it. Soon this tragedy will move from the Halls of Congress to the court of public opinion. Sometime in the next few weeks, the nonpartisan outside counsel will present the facts to the American people in an open public hearing. Finally the American people will be able to decide for themselves who is right and who is wrong.

This case goes to the heart of our constitutional system. At issue is the ethical character of the man second in line to the Presidency. These are serious charges, and the Ethics Committee must be allowed adequate time to spell out the truth.

In recent days some in the Republican leadership have tried to force a rush to judgment, but today the outside counsel himself requested the committee be given additional time to consider this case. Subsequently we will be offering a motion today that gives the Ethics Committee adequate time to fully resolve this case. I urge my colleagues to support it.

We have heard a lot of talk about freedom and democracy here today, but sadly we moved away from those principles in the last Congress. Instead of open public hearings we saw closed-door meetings. Instead of free speech we saw closed rules that shut down debate. Instead of freedom of expression we saw one case after another when voices were shut down in this House. We even saw the Government shut down twice to force an opinion through.

But this rules package before us today makes the problem worse, not better. We cannot build a foundation of trust by giving House committees slush funds to conduct sham investigations, by rolling back minority rights, or by completely ignoring the other side. But that is what in many respects this rules package does. It is shameful and it is wrong. Let us turn good words into good deeds. Let us work together on something that really matters.

We all know that the current campaign finance system is completely undermining our democracy. We believe it is time to get money out of politics and return power to the people. That is why, Mr. Speaker, I urge my colleagues to vote no on the previous question.

If the previous question is defeated, we will offer a Democratic reform package that strikes seven sections in the proposed Republican House rules package. It requires that sufficient time be provided for the Ethics Committee to complete its investigation of the Speaker's pending ethics violation and it requires the House to consider substantive campaign finance legislation within the next 100 days.

Mr. Speaker, I include for the RECORD the text of the amendment.

The motion to commit referred to is as follows:

MOTION TO COMMIT

Mr. _____ moves to commit the resolution H. Res. ___ to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendments:

In section 25, after "standing Committee on Standards of Official Conduct in the One Hundred and Fourth Congress" insert the following "and related matters brought forth by the Investigative Subcommittee".

In the last sentence of section 25, strike ", or at the expiration of January 21, 1997, whichever is earlier".

Again, Mr. Speaker, I urge my colleagues to vote no on the previous question. Then I urge my colleagues to support the request of the outside counsel and support the motion to make sure the Ethics Committee is not railroaded, is not pressured, and has the time to spell out the truth.

Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN], the distinguished ranking member of the subcommittee of the Committee on Standards of Official Conduct.

Mr. CARDIN. Mr. Speaker, I thank my friend, the gentleman from Michigan, for yielding me this time.

Mr. Speaker, I rise as the ranking member of the executive subcommittee that is charged with the investigation of the gentleman from Georgia [Mr. GINGRICH]. Our subcommittee has worked in a professional, bipartisan manner. We are proud of the product that we have brought forward to the full Ethics Committee and to this House. We want to make sure that the process continues in a professional, bipartisan manner.

On behalf of all four members of the committee, two Democrats and two Republicans, we are disappointed by one provision in the rules package that puts a limit on the remaining time in which we can work, which is unrealistic. The special counsel has told us that that limit could very much impact the manner in which we carry out our work and prevent us from continuing in a professional, bipartisan manner.

I want to stress the point: We come as two Democrats and two Republicans, in a bipartisan manner, and ask the Members to change one provision in the rules package.

I am very disappointed. A month ago the gentleman from Florida [Mr. GOSS], and myself met with the gentleman from Texas [Mr. ARMEY], and the gentleman from Missouri [Mr. GEPHARDT], in an effort to avoid this day, when we are on the floor without a rule on which we are in agreement in carrying out the work of our committee.

We recognized at that time that there may be a need for us to continue our work into the new Congress. We were assured that we would have bipartisan cooperation. Unfortunately, that broke down today. I regret that.

We understand that putting January 21 as the deadline for our subcommittee jeopardizes our work. Let me quote, if I might, from Mr. Cole, our special counsel, a person who is far more objective than, I would say, anyone else in this Chamber:

In analyzing the time necessary for a sanction hearing and a vote on the House floor, I have recommended a schedule that will allow this to be accomplished in a fair and orderly fashion. In doing that, however, it will be necessary for the vote on the House floor to occur after January 21, 1997. Each member of the subcommittee has carefully considered the recommended schedule and agrees it is the best course in which to proceed. This schedule has been communicated to leaderships of both parties and unanimously recommended by the subcommittee and the special counsel that it be adopted.

If we keep this time limit in, let me just explain some of the problems we are going to run into. We do not have adequate time to prepare for the public sanction hearing. In the last several days and weeks we have been totally consumed, because of what has happened out there, with partisan attacks by both Democrats and Republicans. We have tried to keep this on a bipartisan basis. Give us the time to complete it in a bipartisan fashion.

□ 1515

It forecloses certain options that the full committee may need to do. Now, let me tell you, we know more, the four of us, than any of the other Members of the House as to what is involved in this investigation. It may be necessary for us to call additional witnesses. The schedule makes it impossible for us even to consider that. It is wrong for the full House to deny the ethics committee those options. It is wrong for the full House to say that we cannot have adequate time to prepare our report so you know what you are doing when we vote.

I want to thank the Democratic leadership because they are going to give us a motion to commit that will give us a chance to return to a bipartisan understanding on bringing this matter to a successful conclusion. I will urge my colleagues to vote "yes" on that motion to commit. The only change, the only change is to remove that January 21 deadline so that we have adequate time in order to do our work in a bipartisan basis.

Let me just tell my colleagues one other thing: Some people say, why could we not get it done earlier, why have we not done things quicker. Special counsel has also referred to that in his report where he is very clear about the work of the four members of our subcommittee. We have worked every day on this issue. We have met with Members. We have talked among ourselves. And we have worked in what we think is the best interests of this House.

We think that we deserve the respect of this House to give us the time that we say that we need. This is not coming from the two Democrats, this is coming from the two Democrats and the two Republicans. For the life of me, I do not understand how this House can deny the ethics committee the time that it needs in order to complete this work. I urge my colleagues to support the motion to commit.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes and 30 seconds to the gentlewoman from Connecticut [Mrs. JOHNSON], distinguished chair of the Committee on Standards of Official Conduct, someone who has done yeoman work that we are all so proud of in this body.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the rules package, and I regret that we must discuss this on the floor of the House. But it is because the Ethics Committee has two responsibilities. One is to the completion of the work before it, and the other is to the Members of the House.

I would just like to comment on this issue of timetable. Between Christmas and New Year's the subcommittee members and the counsel and the full committee members spent many, many hours discussing this issue on the phone. We spent 3 days specifically negotiating a time schedule that then was issued under my name, the name of my ranking member and of our counsel. It was bipartisan, supported by Democrats and Republicans and the special counsel alike, and it was a good-faith effort.

At the time we were negotiating it, I wanted desperately to have the hearings before today's opening, and I felt it was possible. I also have great respect for the other members of the committee and particularly for the members of the subcommittee and yielded to their desire not to try to do it before the 9th. Our early discussions, since they involved also extending the membership on this committee of a number of Members who had announced they were not going to serve, focused on the date of January 14. We knew that was tight, but that was our focus as a result of my interest.

When I learned that the leadership was comfortable with the 21st, we all agreed on the 21st. I reluctantly, and some others reluctantly, but at that time we all said, this gives us ample time; and so we gave the House notice. Members made their plans, and we issued the schedule.

Now, there is concern at this time about two things, one is the ability and the right of the subcommittee to prepare itself for the hearings. I have talked at length with the special counsel, and that problem can be dealt with. We are going to be able to give the subcommittee and the special counsel time, the time they request before the hearings. It does leave us a little pressed in terms of writing the report.

During our discussions, it was never brought up that we might need 6 days to write the report. I regret that. I do understand that. This is not a matter of malice. This is a matter, this is the kind of thing that sometimes happens. But it does give us some significant time to write that report, and in fact much of that report is already written.

I understand it has to be brought together, different umbrella language, and so on and so forth, but I believe the report can be issued. I commit to the Members that as soon as the hearings are complete, which I think will be at least a week before the vote, once those hearings are complete, I will commit to every Member of this body that they can call the ethics committee and we will provide the transcripts of the two counsels' full statement. They will have plenty of time to read and understand the basis on which the allegations were brought forward. That will mean that they will only need to read and understand the package of sanctions offered by the committee and that is a much smaller body of reading.

I believe because we will honor the 3-day layover that they will have the time they need and we will have the opportunity to vote knowingly after an orderly process by sticking to the additional timetable. I do appreciate the pressure this puts on the counsel and his staff in terms of writing the report. We discussed that even 2 days after Christmas. A lot of writing has been in progress, a lot of writing has been done. We will work together as we always have and, if we feel we face, at the end, an insurmountable barrier, we will try to deal with that, too. But in fairness to the Members of the House and the schedules they have laid and to our responsibility to conclude this matter, I urge support of the rules package today.

Mr. BONIOR. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Washington, [Mr. McDERMOTT], distinguished ranking member of the Committee on Standards of Official Conduct.

Mr. McDERMOTT. Mr. Speaker, I rise today to offer an amendment, a motion to commit because I believe the committee must have an orderly process, one that is fair and allows sufficient time for both the Members and

the American people to understand the importance of these proceedings. Special counsel, as you heard from my colleague from Maryland, has proposed to the subcommittee, which by unanimous vote has accepted and supported the counsel's recommendation, for a process that will allow the House and this process to go in an orderly and fair way.

I am sure that, if the chair of the committee were to bring this motion to the committee, there would be a majority of the committee that would support this proposed schedule because the counsel has been fair, evenhanded, and has done a very professional job and we respect his work.

Yet for some reason the Republican leadership seems bent on forcing this process to be concluded by inauguration day. What is proposed is that this will, this process will begin on the 13th, with hearings in the House in open session for the American public; how many days that takes, no one knows. And then there will be a couple of days or a day or however long to discuss what the sanctions should be. Then a report must be written, and it must lay on the desk for 3 days before we vote on the 20th.

That means from the 13th to the 20th, you have 8 days. If you are going to have hearings and people able to think, you are not going to have 3 days for it to lay on the desk so that the Members of this House can read and know what they are voting on.

I suspect there will be an effort to waiver that rule when we come back here or some way to get around it so that people do not have the time to actually look at it.

Now, it is in my view very sad, it has been said, that what has been a very professional job is now being forced into a schedule which is designed for political damage control. Demanding that that vote occur on inauguration day, we are going to come in here at 9:00 in the morning, called to order. This issue will be laid before the House. We will have an hour's discussion or whatever. We will vote on it and go around the building and inaugurate the President. That is not an orderly, thoughtful process. People will arrive here on Monday and with no reading of this, it will have been 3 days, Saturday, Sunday, Monday; and they will be expected to vote on it out here in a sensible way. That is not orderly. It is not a good process.

Now, you can only guess why they wanted that. The House deserves better than this. After 2 years of an incredibly slow process, the House can take a few extra days to do the job right. I urge the Members to support this motion to commit this back and have an orderly process date set in it.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], majority leader.

Mr. ARMEY. Mr. Speaker, I would like to address this issue not as a member of the committee, the ethics committee, not even as a Member who deigns to presume that he knows what is going on in the ethics committee with respect to this case, in fact, as a Member who has purposely kept himself as uninformed as is possible out of respect for the committee, its jurisdictional rights and its obligations for confidence, but as a Member that has said on this floor on several occasions and in public on several occasions, the committee must be respected for its professionalism, for its ability, and for its objectivity. We are lost if we cannot find a way to do that with the committee. We have no place to put our confidence in the search for justice and fair evaluation.

Indeed, the special counsel is a person whom I have acknowledged must be a person of ability, competence, and objectivity.

Now, then, when I learned on December 21 that the committee, the subcommittee, with the advice and the assistance of the special counsel, had come to a conclusion of the case and was willing to put a result before the Speaker, I concluded in my mind, they must have concluded their work. They must have heard all they needed to hear, had all the witnesses they needed to hear from, considered all the documents and the reports. Why would I conclude that they would have done anything less than the full and complete evaluation of the material needed to have come to a conclusion and put a bill of alleged violations before the Speaker?

I then later subsequently understood that the Speaker had accepted the conclusions. There must be technical language. I am sorry I cannot say what that is. But in any event, that there was some chance that the full committee might be able to operate and conclude their work even before this day. And then I was informed, and this is an important point, that one of the reasons it was impossible for the full committee to do that was that the ranking member, the gentleman from Washington [Mr. McDermott], was in Europe on vacation with his family and that he felt, and justly so, that those plans that he and his family made ought to be respected in the scheduling of time.

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

Mr. ARMEY. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to correct the record on that because the subcommittee was in constant contact with the ranking member and chairman since December 21 to deal with the schedule, and at no time was there any delay caused because of someone being out of town. Mr. Cole, in his public statement today, has reaffirmed the position that there has been absolutely no delay in this case and in fact every day our committee met on conference calls.

Mr. ARMEY. Mr. Speaker, forgive me, I did not mean for the gentleman to think that I am being accusatory. I am only going by what I read in the papers. Of course, we all realize that the newspapers are not always reliable. But I believe I read that the gentleman from Washington [Mr. MCDERMOTT] had been reported in the papers as saying, I do not want to interrupt my vacation.

I do not want to quarrel with the gentleman about that. I just want to say that, as I had that understanding, perhaps imperfectly so, I felt, yes, the Member who works and toils long and hard and finally has an opportunity to fulfill the obligation and the commitment and the opportunity they had to vacation with their family should have respect in the process. I will return to that point later.

□ 1530

Now, again, if the gentleman will let me complete my statement, I do not wish to quarrel about this. I wish to clarify a few points.

Then I understood that the committee, even long-distance phone calls and conference calls and so forth, came to some negotiations regarding a timetable that would require this part of the rules package that is before us today, the existence of a select committee that reinstates the life of the Committee on Standards of Official Conduct as we have known it, with jurisdiction over this case as its continues into this Congress. This is what we have done.

I was sitting at home with my wife looking at different colors of green and finally trying to come to the conclusion of which drapes I would in fact perhaps get hung when my fax announced a message. The message I received over my fax as I too struggled to have some time, in conformity with the announced schedule of the House, to tend to my life, says the chairwoman and the ranking member of the committee, along with Special Counsel Cole, announced the following schedule.

They had come to a conclusion. These people that I believed to be able, competent, professional, objective, fair people, thorough in their proceedings, who had sat down and talked among themselves in what I assumed would be in full cognizance of what was required in time and effort to complete their work, announced a schedule. Came over my fax.

And then as I responded to that schedule and examined what would

need be done now by the body as a whole and all the Members scattered all over the country dealing with their commitments, I said I must see about scheduling floor action, completing the work and scheduling floor action.

I had at least one phone call from a member of the committee in which it was suggested to me that perhaps we could do this by the 14th of January. The committee suggestion to me was perhaps by the 14th of January.

I was the one who had said the 14th of January would be disruptive to preexisting, already undertaken travel plans of a large number of Members about which I knew, and would be inconvenient to them. Could the committee please go with the 21st instead of the 14th? When the committee said that we could do that, I assumed that a committee of professional people, with a special counsel capable and able of understanding what needs be done to complete their work, who was given—if the gentleman will let me complete my statement, I will complete. A person under those circumstances would say if these groups of professional people have said, yes, we agree to accept a week later than that which we proposed, what reason would I not have to conclude that they could do so?

Now, just last night, just last night, as we were preparing these rules, I was asked to consider a different date, after I had done what? I had announced the schedule to the Members of this Congress, Republican and Democrat alike, to all the staff of this Congress. And I had made specific commitments on my own word to two people in particular, in order to obtain their service on the committee through the agreed-upon times suggested to me by the committee itself, that they would not have to do this service beyond the 21st.

I have not set dates arbitrarily. I have no agenda here except an orderly, respectful addressing of the needs of all the Members of the House, within the context of what I believe to be the conclusion that any reasonable person would have made about the competent ability of professionals thus respected to have suggested properly and with some degree of full necessity and accuracy what they thought were their time needs.

So if the time that my colleagues requested and announced in their announcement is now not acceptable to them, I find a very difficult problem understanding then why I should then therefore continue to hold to my clinging belief that they are professional, competent, able people that can assess what their needs are and make a request of them.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington, [Mr. MCDERMOTT] the distinguished ranking member of the committee.

Mr. MCDERMOTT. Mr. Speaker, with all due respect to the majority leader, sometimes things change. We made that decision on the best information available to us. None of us, not a single person said they would not come back if it made sense, but the bipartisan subcommittee said it could not be done. So that is why we set the timetable we did.

Within the last 3 days, I received, in December, a letter from the Speaker's attorney saying, "We want an expedited hearing. We are ready to go. We want this thing to go just right now." And suddenly yesterday they call us and say they want us to delay this to begin on the 13th.

Now, what happened between December when they said they were ready to go and then suddenly they say, yesterday they call Mr. Cole and say, "We are not ready to go. Do not have any hearings until the 13th. We need time to prepare."

Now if the gentleman cannot respond to things changing, it seems to me he is terribly rigid in setting a date. In this place we find over and over again, we set a date, it may not work just the way we thought. I think that when we have the subcommittee come together, with the special counsel—if it was just Democrats begging for this, that would be one thing, but we are talking about two Republicans and two Democrats and the special counsel saying this is a reasonable schedule.

Now, for the gentleman not to respond to that in a positive way seems to me to suggest he has some other agenda. I do not know what it is, but, clearly, it is not in preserving the orderly process of the Committee on Standards of Official Conduct.

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

Mr. BONIOR. I would ask the Speaker to let us know how much time is available to each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan [Mr. BONIOR] has 14 minutes remaining, the gentleman from New York Mr. [SOLOMON] has 5 minutes remaining, and the gentleman from Michigan [Mr. BONIOR] is recognized.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I know that the goal that all of us share is to do justice, and over the last 8 months an extraordinary thing has happened. A bipartisan subcommittee of the Committee on Standards of Official Conduct has come together and acted in a careful, deliberate and responsible way to come forward with a finding that produced two miracles: It was both unanimous and it operated within the confidentiality that meets the highest standards that this House could expect.

It took 8 months to do that; 8 months of careful work. Does the full committee and, if needed, the full House, require 8 months to do that? I do not believe so. Does it require 8 weeks to do that? I do not think so. But can that same measure, that same quality of work be done in 8 days, from the 13th to the 21st? I do not think so, and we should not plan on it.

I have seen the room that is the repository of the work of this subcommittee. It is filled with shelf after shelf of indexed, loose-leaf notebooks that represent the work, the documents and the testimony that they have poured over over those 8 months, and the packing crates, the dozens and dozens of packing crates, that represent even further work.

I have read the 22 pages of the statement of alleged violations. I have read through several hundred pages of draft discussion documents that represent the work that the committee reported on, and I have looked through the hundreds of pages of selected primary documents that serve as the underpinnings of those documents.

I have read not only the selected examples of violations and sanctions that the Ethics staff has prepared, but I have read the full CRS analysis of the summaries of violations deep into the last century and the way this Congress has handled them. Others not on the subcommittee but on the full committee may have done as much, but I can suggest to my colleagues that no one has done more, and I am not done.

But I have reached one clear conclusion in this matter, and that is that to do justice to the work of the subcommittee, we cannot be rushed. To do justice, even more importantly, to the respondent in this case, the man we just elected Speaker, we cannot be rushed. And most importantly of all, to do justice to this House demands not only a higher standard of ethical behavior but a higher standard of work in rendering that justice. It cannot be done in 8 days. It may not take 8 months, or it may not take 8 weeks, but it cannot be done in 8 days.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. RON PAUL, my former classmate from 1978.

Mr. PAUL. Mr. Speaker, I wish to express my concern about some of the rule changes.

DRUG TESTING

We are now being asked to support rule changes that will require random drug testing of all Members and staff. Drug usage in this country, both legal and illegal, is a major problem and deserves serious attention. However, the proposal to test randomly individuals as a method to cut down on drug usage is ill-advised and should not be done without serious thought.

The real issue here is not drugs, but rather the issues of privacy, due process, probable cause, and the fourth amendment. We are dealing with a constitutional issue of the utmost importance. It raises the question of

whether or not we understand the overriding principle of the 4th amendment.

A broader, but related question is whether or not it's the Government's role to mold behavior any more than it's the Government's role to mold, regulate, tax, impede the voluntarism of economic contractual arrangements. No one advocates prior restraint to regulate journalistic expression even though great harm has come over the centuries from the promotion of authoritian ideas. Likewise, we do not advocate the regulation of political expression and religious beliefs however bizarre and potentially harmful they may seem. And yet we casually assume that it's the role of government to regulate personal behavior to make one act more responsibly.

A large number of us do not call for the regulation or banning of guns because someone might use a gun in an illegal fashion. We argue that it's the criminal that needs regulated and refuse to call for diminishing the freedom of law-abiding citizens because some individual might commit a crime with a gun. Random drug testing is based on the same assumption made by anti-gun proponents. Unreasonable effort at identifying the occasional and improbable drug user should not replace respect to our privacy. Its not worth it.

While some are more interested in regulating economic transactions in order to make a "fairer" society, others are more anxious to regulate personal behavior to make a "good" society. But both cling to the failed notion that governments, politicians, and bureaucrats know that is best for everyone. If we casually allow our persons to be searched, why is it less important that our conversations, our papers and our telephones not be monitored as well. Vital information regarding drugs might be obtained in this manner. We who champion the cause of limited government ought not be promoters of the revolving eye of big brother.

If we embark on this course to check randomly all Congressional personnel for possible drug usage, it must be noted that the two most dangerous and destructive drugs in this country are alcohol and nicotine. To not include these in the efforts to do good, is inconsistent—to say the least.

I have one question. If we have so little respect for our own privacy, our own liberty, and our own innocence, how can we be expected to protect the liberties, the privacy and the innocence of our constituents for which we have just sworn an oath to do?

This legislation is well motivated, as is all economic welfare legislation. The good intentions in solving social problems—when violence is absent—perversely uses government power, which inevitably hurts innocent people while rarely doing anything to prevent the anticipated destructive behavior of a few.

The only answer to solving problems like this is to encourage purely voluntary testing programs whereby each individual and member makes the information available to those who are worried about issues like this.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time, and I ask that the RECORD reflect my support of the rules and particularly in its maintaining its prohibition of proxy voting.

Mr. BONIOR. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time. I rise as a member of the special investigative committee of the Ethics Subcommittee on this unfortunate case that we are looking into, and I rise in support of the motion to recommit.

There are many areas where I might have some disagreement with the rules package, but I am very pleased that the Democratic leadership has given us an opportunity to present the motion to recommit around the timetable.

With all respect in the world for our colleagues, and that means every single colleague in this House of Representatives, I believe that we need to heed the request of the special counsel for an additional amount of time for a few reasons.

First of all, and I say this without questioning the motivation of anyone on either side of the aisle about why the rules are in the package the way they are, the simple fact is that the special counsel, and by unanimous vote of the subcommittee, two Democrats and two Republicans, supporting the timetable that the special counsel has put forth, are making this request. And I believe that the burden is on those who would deny the special counsel that extended time.

Why do we need more time? Several things have happened that have not been addressed here yet, or forgive me if I have not heard them. I would like to associate myself with those remarks.

First of all, one of the members of the Committee on Standards of Official Conduct has decided to leave the committee, so it required the appointment of a new committee member who has to become familiarized with the facts in the case, because this is a facts-driven, facts-based case.

And without going into any of the material aspects of it or any of the substance of this case, but only to process and only to time, I thought I would never see the day when the chair of the Committee on Standards of Official Conduct would come to the floor and say that she would turn down the request of the special counsel to the committee for a couple more weeks to complete the work of the committee. I say that very regrettably.

On our subcommittee, chaired by the gentleman from Florida, Mr. PORTER GOSS, and with two Democrats and two Republicans, we have worked in a very bipartisan fashion all along and continue to in supporting the request of the special counsel.

I do not and never did think it was appropriate to have a vote on this important matter on Inauguration Day. Do my colleagues think that vote is going to take place without any debate? That would not be right.

So I say to my colleagues in the House of Representatives, and I say this with the highest regard for the distinguished majority leader, not impugning any of his motives in this or anyone else on either side of the aisle, whatever we think about the resolution of the case, I think we must agree that if the special counsel says he needs a couple more weeks, we must give him those weeks unless we can prove why that should not happen. The burden of proof is with those who would vote against the special counsel.

□ 1545

Mr. Speaker, I also want to make another point as to why more time is necessary. Because of a flurry of accusations and representations about the confidential work of the subcommittee that came out, it required us to go down another tangent to deal with that, and it necessitated a statement by the special counsel that the reports that were floating out there were inaccurate.

So in 1 week the special counsel has had to deem those rumors inaccurate and come out with his own statement asking for more time, in which he says each member of the subcommittee has carefully considered this recommended schedule and agrees it is the best course on which to proceed.

I urge my colleagues to vote for the motion to commit.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Rules Committee.

Mr. MOAKLEY. Mr. Speaker, I thank the distinguished leader for the time.

Mr. Speaker, I had hoped to speak today about the Republican rules package as it pertains to the rules of the House. But unfortunately the rules package has been changed very dramatically and now addresses the issue of the ethics investigation of the Speaker.

I believe, Mr. Speaker, that it helps no one, neither Democrats nor Republicans, for unresolved investigations to drag on and on. But I also believe that we do have a responsibility to all the people who sent us here to make sure that absolutely every Member of Congress, no matter how powerful, abides by the rules of this House and that the House rules are applied fairly and consistently to every one of us.

Mr. Speaker, I have here a letter from the nonpartisan independent counsel for the Ethics Committee in which he and the entire subcommittee ask for more time, ask for more time, to complete their investigation. But the rules package prevents them from

having that time and in doing so, Mr. Speaker, further compromises the honor of this institution.

Mr. Speaker, I urge my colleagues to oppose this rules package and to support the motion to commit. We must give the ethics members and the independent counsel enough time to finish the job that they started.

The SPEAKER pro tempore [Mr. LAHOOD]. The gentleman from Michigan [Mr. BONIOR] has 6½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 1¾ minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, today our Republican colleagues have told us and told America that NEWT GINGRICH represents the most ethical person that they could find to lead this House of Representatives, and now by this rules resolution they also tell America how little confidence they have in their judgment.

Once again the Republican leadership, through this rules package, is trying to pervert the ethics process, to afford special treatment to Speaker GINGRICH that he does not deserve. He once said on the floor of this House that the Speaker should be held to a higher standard of ethical conduct. Today we move in the opposite direction with this rules package, because he is going to be assured a lesser standard of conduct that would not be available to any ordinary American citizen anywhere in this country.

What is happening? The investigative subcommittee, Republicans and Democrats alike, and the special counsel, who was finally appointed after month upon month of delay, come forward and say, "We can't do our job fairly and thoroughly if we are rushed into doing all this before January 21. Please give us the time to do our job fairly."

And the Republican leadership, the gentleman from Texas [Mr. ARMEY] standing right here, says no, we are not going to give you the time to do your job the way the American people would want that job done and the way any American prosecutor would want to have the opportunity to do that job.

I would say this rules package, just like the misconduct of Speaker GINGRICH itself, is a discredit, a dishonor, and a disgrace to this House and it should be rejected.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. I thank the chairman for yielding me this time.

Mr. Speaker, I simply want to state that my comments are in connection with section 9 of the resolution dealing with the proposal that each committee shall, to the maximum extent feasible, make its publications available in an electronic form. I strongly support this.

Mr. Speaker, I rise to indicate my strong support for section 9 of the resolution, which adds the following sub-paragraph at the end of clause 2(e) of rule XI, as follows:

(4) Each Committee shall, to the maximum extent feasible, make its publications available in electronic form.

I strongly support this addition to the rules, but also want to clarify how I interpret this.

I am committed to making all House documents available over the Internet as rapidly as possible. There are still many technical problems involved, as well as political issues to be dealt with. However, I believe that this statement is an excellent guiding principle, and I believe this proposed rule change should be interpreted as a means of achieving that objective.

In particular, I believe it absolutely essential that every document available in hard copy also be made available on the Internet at the same time or earlier than the hard copy is available. The Congress owes the public at least that much and preferably more.

I furthermore hope that, through the years, all House committees will develop the standard practice of making many documents available on the Internet which are currently not available, and that committees will continue to make progress in that direction.

From my activities in the computerization of the House, and in my service as a member of the Committee on House Oversight, I will seek to achieve these objectives, while recognizing the authority and responsibilities that each committee chairman has in dealing with business before his or her committee.

Thank you for the opportunity to make these comments. Once again, I wish to indicate my strong support for this proposed rule change. I only wish it went further.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. MILLER], the ranking minority member of the Resources Committee.

Mr. MILLER of California. I thank the gentleman for yielding me this time, and I would just encourage my colleagues to vote against the previous question so that we would have an opportunity in the rules of this House to have a deadline set on the consideration of campaign finance reform by the House of Representatives.

Those who are new to the House of Representatives will soon see that usually the party in power deals with campaign finance reform through delay and dilatory tactics until we can get it at such a time that we pass it to the Senate in the last moments of the first session, and then it falls prey to a filibuster in the Senate, and then at some point the leader in the Senate will announce that the Senate must get on with the important business of the Nation, and campaign finance reform will have to be withdrawn from the calendar. That is why we do not get campaign finance reform.

Unfortunately, in this session of the Congress, the 100th legislative day falls sometime late in September. If we deal with campaign finance reform late in September, there will be no finance reform and the argument will be made that it certainly cannot take effect in the next campaign, it will have to be 2 years later. So we are talking about 4 years from now to have campaign finance reform.

It is too important to the people of this country. The system we have now is a cesspool. It has got to be corrected. It permeates every decision made in this body, it permeates every decision made in the executive branch, and it permeates every decision made in the Senate, and that has got to stop. It dictates what we bring up, what we do not bring up, amendments that are offered and amendments that are not offered. That has got to stop, and we have got to return the business of this country back to the people of this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado [Mr. SKAGGS], a member of the Appropriations Committee.

Mr. SKAGGS. I thank the gentleman for yielding me the time.

Mr. Speaker, we should be concerned here today, as well, with the first amendment's guarantee of the rights of all Americans to petition their government. We ought to welcome their participation in our own committee work.

But what are we doing in these rules? We are creating a new and absurd barrier to public participation in House hearings by saying that any nongovernmental witness testifying in committee will have to file, as a precondition, a full report of all contracts, subcontracts, grants, subgrants received by that individual, his organization, or anyone he is representing.

What in the world are we trying to do here? I think erect a barrier a la the old Istook amendment to discourage and intimidate citizens from around the country in coming to talk to us about the public's business.

What will this mean? What unworkable prospect can we look forward to under this crazy proposal? Well, the head of the Farm Bureau, wanting to testify about agricultural policy, will have to disclose every Federal agricultural aid, grant, or contract received by every member of the Farm Bureau. That is nuts.

The chairman of the board of regents of the University of New York, if he wishes to testify before a committee of this House, will have to file as a precondition of that testimony a full report of every contract, subcontract, grant, and subgrant received by any member of the faculty at any campus at any institution run by the regents of the State of New York.

Either this provision will be observed largely in the breach, or only selectively (preferentially?) applied in which case we should reject

it. Or, it will actually be uniformly enforced to create a mountain of paper and a real impediment to public participation, in which case we should reject it even more emphatically.

What are we inflicting on ourselves in this provision of this rules package? It is yet another reason, along with the many others that have been suggested, why it should be rejected.

Mr. SOLOMON. Mr. Speaker, I yield myself 20 seconds just to respond.

The gentleman is absolutely wrong. Farmers would not have to report any of their subsidies.

Let me tell you who is interested in this: the Heritage Foundation, the National Taxpayers Union, the Wall Street Journal; and, more than that, the taxpayers of my district want to know who is coming here testifying for more handouts, and they want to know where that money is coming from. They want them to be accountable.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], the distinguished chairwoman of the Ethics Committee.

Mrs. JOHNSON of Connecticut. I thank the chairman for yielding me the time.

Mr. Speaker, I have enormous respect for the members of the Ethics Committee who served on the subcommittee. I have great respect for the other members of the Ethics Committee that have worked hard together over 2 years, and I regret as deeply as you do that we are discussing this matter on the floor of the House. It is unfortunate that it came to us 10 minutes before the Republicans were convening a very important conference that went on very late. By the time I finished discussing the matter with my leadership, working on compliance, frankly, everyone was gone.

I have studied carefully your proposal. I talked with Mr. Cole about it extensively this morning. Your proposal is no different than the old timetable in terms of the amount of time for public hearing and the amount of time for committee deliberation. It is distinctly different in the amount of time for preparation, and I felt that was a very important point, that the subcommittee has some request for participating in presentation.

We can give you 4½ of the 5 days you are requesting for preparation if we meet this evening instead of tomorrow morning, so tomorrow morning will be a better work space, either for Mr. Cole, who needs a day to work by himself, or for everyone. We can accommodate 4½ of the 5 days.

What we cannot accommodate is the report writing time. He had asked 2 days to complete the report. We can accommodate that. We cannot accommodate the 4 additional days that he had asked for members to review. Now, that means we have to work with him and be part of that review. We know what a lot of the material is about.

As to the concern of the gentlewoman from California [Ms. PELOSI] about voting on Inauguration Day, this was slipped to the next day. That was originally the plan, but it has been moved, and members will stay over.

But we simply, when I look at what we can accommodate, we can truly accommodate everything important because remember, your proposal only asked till the 25th, not the 21st, so we only had a 4-day problem. We can slip 1 day. That brings it down to 3 days and so on and so forth. This is a manageable problem.

The time for hearings and committee deliberations will be identical. Even though I am going to oppose your motion to commit, I am absolutely ready to honor the concerns that lay behind your proposal, and I regret that we were unable to work it out beforehand.

But my leadership felt, with, I think, some good reason, that they had made a commitment to the members that they trusted our timetable, which was also supported by all the members and Mr. Cole, and it is just unfortunate but not irreconcilable, not irreparable and does not need to interfere with the quality either of our deliberations or our work.

Mr. CARDIN. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Maryland.

Mr. CARDIN. I thank the gentlewoman for yielding.

Let me just point out one thing. Although we requested about 30 days ago what the transition rule would look like, we got our first draft of it yesterday morning. So we just got the transition rule yesterday morning.

The second point I would point out is that Mr. Cole and the subcommittee, they are very familiar with the voluminous documents. We do not have enough time to get a quality report to the House under this time schedule.

Mrs. JOHNSON of Connecticut. The transition rule could not be worked out until we were done, and so we are here. I hope we will work well together to complete the work on this important case.

Mr. MOAKLEY. Mr. Speaker, I yield 45 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, in the very brief time I have, I regret that this package of rule changes has come down to debate on just one of those changes. Overall it is a pretty good rules change, but there is one that is grossly inadequate.

As we meet right now on the floor of the House of Representatives, the Transportation Committee, of which I am a member, is meeting in the Rayburn Building. I cannot be in two places at once. We should have a House rule that prohibits the committees meeting while the House is in session. Instead, you are offering a rules change that would remove the last prohibition against the committees meeting while the House is in session. That is a gross mistake. And because we have a mistake, I will vote against your package.

Mr. Speaker, I would hope that the gentleman from New York [Mr. SOLOMON] would be good enough to allow the Members to vote on some of these changes individually, because overall it is a good package and I would like to help pass your package. But I cannot let the terrible wrong of one change make up for some of the good of the others.

□ 1600

Mr. MOAKLEY. Mr. Speaker, I yield 45 seconds to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I rise today in support of the minority rules package, specifically the rule requiring prompt House action on campaign finance reform. As my colleagues know, we have heard a lot around here about the 1996 campaign and how it proves once and for all that our electoral system is out of control. But it is only the minority package, the Democratic rules package, that requires the House to deal with campaign finance reform.

Today make no mistake about it. The minority plan being offered by the Democrats would require this House to act on campaign finance reform because as we get down the road here there are going to be efforts to get around this one way or the other like that we had in the last session.

We have a chance right now to set the record straight and debate campaign finance reform and require it. However, the majority has offered a rules package that does not make that requirement.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 15 seconds.

Mr. MOAKLEY. Mr. Speaker, I urge a "no" vote on the previous question, and I include for the RECORD the amendment I would offer if the previous question is defeated, as follows:

DEMOCRATIC REFORM PACKAGE TO BE OFFERED IF THE PREVIOUS QUESTION IS DEFEATED

AMENDMENT TO BE OFFERED TO H. RES. ——

(1) In section 8(a)(2), strike the proposed new subparagraph (2) [providing that investigative and oversight reports will be considered as read under certain circumstances] and redesignate accordingly.

(2) Strike section 10 [placing information burdens on certain public witnesses],

(3) Strike section 12 [making exceptions to the five-minute rule in hearings],

(4) Strike section 14 [reducing the time for Members to file supplemental, minority, or additional views]

(5) Strike section 15 [creating a slush fund for committees]

(6) Strike section 17 [permitting dynamic estimates in certain instances]

(7) Strike section 18 [making changes in the appropriations process]

(8) in the last sentence of section 25, strike ", or at the expiration of January 21, 1997, whichever is earlier".

(9) At the end of the resolution, add the following new section:

"SECTION ____. SUBSTANTIVE CAMPAIGN FINANCE REFORM.

(a) The Committee on House Oversight is directed to report to the House not later than April 7, 1997, a bill to provide for substantive campaign finance reform.

(b) Not later than ten calendar days after the Committee on House Oversight has reported a bill pursuant to subparagraph (a), the Committee on Rules shall report a resolution providing for the consideration of such bill in the Committee of the Whole House on the State of the Union under an open amendment process. If the Committee on House Oversight has not reported a bill as required by the date specified in subparagraph (a), the Committee on Rules shall report not later than ten calendar days after such date a resolution providing for consideration in the Committee of the Whole of the first bill introduced in the 105th Congress providing for substantive campaign finance reform under an open amendment process.

(c) if the Committee on Rules has not reported a resolution pursuant to subparagraph (b) by the date specified, it shall be in order for any Member, as a matter of highest privilege, on any day thereafter, to move that the House resolve into the Committee of the Whole House on the State of the Union for the consideration of the first bill introduced in the 105th Congress providing for substantive campaign finance reform, the bill shall be subject to two hours of general debate to be equally divided between the proponents and opponents of the bill, and shall then be considered for amendment under the five-minute rule.".

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

Mr. SOLOMON. Mr. Speaker, I yield the remainder of the time, 1 minute and 45 seconds, to the gentleman from Claremont, CA [Mr. DREIER], the vice chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Glens Falls, and with that I yield briefly to my friend, the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I had planned to speak longer, but I do not have time. But the only thing I would like to point out is I oppose this because there is not a date certain for ending this committee. We had an agreement that it would be in writing on the 21st. This merely just takes out the 21st date and leaves an open end so this committee can go on forever and ever, and therefore I oppose this motion.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution and, Mr. Speaker, I rise in strong support of this rules package and strong support in passage of the previous question.

This is a very thoughtful package that builds on what we did in the beginning of the 104th Congress. My colleague from Pennsylvania, Mr. GEKAS, stood up and praised the fact that we did away with proxy voting. He appreciated the fact that we reaffirmed our commitment, the elimination of proxy voting, so Members would show up for work. We also have had Congress comply with laws imposed on every other American. These are the kinds of commonsense reforms that the American people want us to have.

Now my colleagues on the other side of the aisle are trying with what they would offer if they were to defeat the previous question, they want to eliminate disclosure. They do not want witnesses to provide information to committees when they come forward to testify. If we defeat the previous question, they would be able to make that in order and it would be wrong if they were to proceed with that.

With that I would say also that I am very pleased with another item in this package, Mr. Speaker, and that is the provision which calls for dynamic scoring. Today I introduced H.R. 14 with my colleagues the gentleman from Virginia [Mr. MORAN], the gentleman from Pennsylvania [Mr. ENGLISH], and the gentleman from Texas [Mr. HALL], a bipartisan package to take the top rate on capital gains from 28 percent down to 14 percent to encourage economic growth. This is a very important package which will allow us to move ahead with that, and with that I urge a "yes" vote on the previous question.

Mr. DINGELL. Mr. Speaker, tucked away in the package of rules changes being proposed by the Republican majority is a reduction in the time permitted for the minority to file its views on legislation reported by a committee. The change would reduce the number of days for filing these views from 3 days to 2 days.

I find it ironic indeed that during the 40 years of control by the Democratic Party, we never considered limiting this fundamental right of the minority to file views on legislation. Yet after just 2 years in control of the House, the Republicans now have found the granting of 3 whole days to the minority to file its views as somehow being too onerous.

What is the motivation of this change? Was there some important business we failed to complete in the 104th Congress because of the 3 day filing period? Of course not. Certainly there appears to be no rush to pass legislation in this Congress. If that were the case we would be in session for more than the proposed 10 days over the next 2 months.

The reason seems pretty obvious. The majority wants to make it harder for Members to hear the arguments being made by the minority. They know that the logistics of drafting dissenting views and circulating them for signatures takes time, and if they can limit the time, they hope they can limit the debate.

It is truly shameful that a party which served in the minority for 40 years would be so quick to trample on one of the most important minority rights—namely, the right to express your views.

Mr. GOSS. Mr. Speaker, I thank the gentleman, the distinguished chairman of our Rules Committee Mr. SOLOMON, for all his diligent work on behalf of the rules of this House. I wish all of my colleagues a happy new year and look forward to working with all of you for a productive session.

As Members know, this time 2 years ago the new Republican majority brought forward a bold and comprehensive package of rules changes geared toward creating a more open, more responsive and more effective House. With those landmark changes we began a new era of management of this institution—one that fostered greater deliberation and public accountability. Today we bring forth a second installment, by design more moderate in scope and targeted toward refining the major improvements we made in 1995.

I was proud to have assisted in crafting this package, working with our chairman and my colleague DAVID DREIER in holding unprecedented public hearings to solicit suggestions from our colleagues and outside witnesses. Those four hearings—held in the late summer and early fall—greatly assisted our efforts to design this targeted package of rules changes. It is my hope that this exercise becomes standard procedure. Mr. SOLOMON has already described the details of this package, which all Members by now have had the opportunity to scrutinize and review. I would just like to point out three specific changes that I think are particularly important. The first is the incorporation of dynamic scoring—in effect providing official recognition of what many of us have known for some time: that legislation does affect the way people act. It's about time we became more accurate and sophisticated in our budget scoring efforts and began attempting to remove some of the institutional bias towards profligate spending.

Second, I am pleased that we were able to provide for the establishment of a suitable drug testing policy for this House. This is a matter on which the private sector and even the executive branch have moved while this House has lagged behind. It's time we brought ourselves into line with the times and this rules package paves the way for that to happen. Finally, we are continuing our important efforts to modernize Congress and open the legislative process to the sunshine of public scrutiny by asking our committees, to the maximum extent feasible, to put their publications on the Internet. We are all committed to expanding public access to and understanding of the workings of this Congress—and clearly opening up the committee process is integral to that effort. One last note on a topic that has received considerable attention recently—this rules package does temporarily reconstitute the Committee on Standards of Official Conduct from the previous Congress, to allow it to complete its pending business.

All in all, Mr. Speaker, I think this is a practical and workable package of rules changes, one that builds on the enormous success of the rules rewrite we conducted in 1995—making technical adjustments where the past 2 years' experiences have suggested modifications are needed, and taking additional steps to enhance the openness, deliberation, and accountability of this body.

Mr. BARTON of Texas. Mr. Speaker, I would like to thank Chairman Solomon for allowing me the time to express my support for

the provision in the 105th Congress House Rules Package which requires that the Speaker of the House, in consultation with the minority leader, develop a system for drug testing the Members, staff and officers of the House of Representatives. I appreciate Chairman Solomon's commitment to ensuring that this provision is a part of the package.

In the past several Congresses, I have introduced a bill that would require Members of Congress to be mandatorily drug tested. Since 1989, I have followed this practice myself, by paying out of my own pocket to have both my staff and myself randomly drug tested. However, I have continued to work hard to see that mandatory drug testing be implemented in the entire House of Representatives.

I believe that Members of Congress should be mandatorily drug tested, just as our constituents working in federal agencies and private industry are tested. We should not hold ourselves to a different standard than those we represent. As Members of Congress, we have an obligation to not only set policy, but to set an example for those we represent, and show them that we are held accountable for our actions, just as they are asked to be accountable in their jobs.

Furthermore, considering the recent rise of drug use among teens in this country, we must send a message to young people that drug abuse is dangerous and wrong, by taking action to institute mandatory drug testing for Members of Congress.

I am greatly encouraged by this language in the House Rules Package for the 105th Congress. With this provision, we have the opportunity to institute a tough policy on drug testing for Members and staff in the House of Representatives. I urge my colleagues to support this House Rules Package, which I know the chairman himself and the staff of the House Rules Committee has put a lot of work into.

I appreciate Chairman Solomon's willingness to work with me personally on an issue I feel strongly about, especially for the language specifying that the system of drug testing may provide for testing of any Member, officer, or employee of the House.

I would especially like to recommend that the drug testing system developed for the House contain a provision that Members of the House of Representatives, in particular, be required to submit to mandatory, random drug tests. Although the traditional method of drug testing is urinalysis, I would like to see the final regulations leave the options open so that Members may have the choice of other methods of testing in addition to urinalysis.

Again, I thank the chairman for the time and commend him for his long-standing championship of drug testing so that we may fight the war against drugs and make the Congress more accountable to those we represent.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 202, not voting 10, as follows:

[Roll No. 4]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Barrett (NE)
Blagojevich
Brady
Brown (FL)
Condit
Cooksey
Peterson (PA)
Sanford
Torres
Weller

□ 1615

Mr. CONYERS changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO COMMIT OFFERED BY MR. MCDERMOTT

Mr. McDERMOTT. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McDERMOTT moves to commit the resolution (H. Res. 5), to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

In the last sentence of section 25, strike ", or at the expiration of January 21, 1997, whichever is earlier".

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, due to the noise, I did not hear the Clerk read and I have three different motions to commit.

The SPEAKER pro tempore. The Clerk will re-report the motion.

The Clerk re-reported the motion.

□ 1630

Mr. SOLOMON. So there is no date at all in what the gentleman just read.

Mr. DOGGETT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. DOGGETT. Mr. Speaker, is this the vote to accept the independent counsel's recommendations for the orderly——

Mr. SOLOMON. Regular order, Mr. Speaker.

Mr. DOGGETT. Consideration of the Gingrich ethics complaint requested——

Mr. SOLOMON. Regular order.

Mr. DOGGETT. By both the Republicans and Democrat members of the——

Mr. SOLOMON. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

The motion to commit is not debatable under general parliamentary procedure applicable to the House.

Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit offered by the gentleman from Washington [Mr. MCDERMOTT].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 223, not voting 4, as follows:

[Roll No. 5]

YEAS—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Goss
Green
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Condit
Gutierrez
Sanford
Torres

□ 1645

Mr. GREENWOOD and Mr. ROBERT SCHAFFER of Colorado changed their vote from "yea" to "nay."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 4, as follows:

[Roll No. 6]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly

Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—4

McInnis
Richardson
Stabenow
Torres

□ 1705

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 5.

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

There was no objection.

MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed resolutions and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. RES. 1

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 2

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 6

Resolved, That the House of Representatives be notified of the election of Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

S. CON. RES. 1

Concurrent resolution to provide for the counting on January 9, 1997, of the electoral votes for President and Vice President of the United States.

S. CON. RES. 2

Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 48.

S. CON. RES. 3

Concurrent resolution providing for a recess or adjournment of the Senate from January 9, 1997 to January 21, 1997, and an adjournment of the House from January 9, 1997 to January 20, 1997, from January 20, 1997 to January 21, 1997, and from January 21, 1997 to February 4, 1997.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. GEPHARDT. Mr. Speaker, I offer a resolution (H. Res. 6) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1997, until otherwise ordered by the House, to wit: Steve Elmendorf, George Kundanis, Marti Thomas, Sharon Daniels, Dan Turton, and Laura Nichols, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING THE CORRECTIONS CALENDAR OFFICE

Mr. BOEHNER. Mr. Speaker, I offer a resolution (H. Res. 7) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 7

Resolved,

SECTION 1. CORRECTIONS CALENDAR OFFICE.

There is established in the House of Representatives an office to be known as the Corrections Calendar Office, which shall have the responsibility of assisting the Speaker in the management of the Corrections Calendar under the Rules of the House of Representatives. The Office shall have not more than five employees—

(1) who shall be appointed by the Speaker, in consultation with the minority leader; and

(2) whose annual rate of pay shall be establish by the Speaker, but may not exceed 75 percent of the maximum annual rate under the general limitation specified by the order of the Speaker in effect under section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a 2a).

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR RECESS OR ADJOURNMENT OF THE SENATE FROM JANUARY 9, 1997, TO JANUARY 21, 1997; AND FOR ADJOURNMENT OF THE HOUSE FROM JANUARY 9, 1997, TO JANUARY 20, 1997, AND FROM JANUARY 21, 1997 TO FEBRUARY 4, 1997

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 3) to provide for a recess or adjournment of the Senate from January 9, 1997, to January 21, 1997; and for adjournment of the House from January 9, 1997, to January 20, 1997, and from January 21, 1997, to February 4, 1997

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, January 9, 1997, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, January 21, 1997, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the House adjourns on Thursday, January 9, 1997, it stand adjourned until 10:00 a.m. on Monday, January 20, 1997; that when the House adjourns on Monday, January 20, 1997, it stand adjourned until 12:00 noon on Tuesday, January 21, 1997; and that when the House adjourns on Tuesday, January 21, 1997, it stand adjourned until 12:30 p.m. on Tuesday, February 4, 1997, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FAZIO of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 12, as follows:

[Roll No. 7]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—12

Hoekstra
McInnis
Rangel
Richardson
Ros-Lehtinen
Smith (NJ)
Smith (OR)
Stokes
Torres
Weldon (PA)
Yates
Young (FL)

□ 1729

Mr. METCALF changed his vote from "nay" to "yea."

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR A JOINT SESSION TO COUNT ELECTORAL VOTES

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 1) to provide for the counting on January 9, 1997, of the electoral votes for the President and Vice President of the United States.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 9th day of January 1997, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of the President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUATION OF JOINT COMMITTEE TO MAKE INAUGURATION ARRANGEMENTS

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of Senate Concurrent Resolution 48 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1997, the joint committee created by Senate Concurrent Resolution 47 of the One Hundred Fourth Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority.

SEC. 2. That effective from January 3, 1997, the provisions of Senate Concurrent Resolution 48 of the One Hundred Fourth Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President of the United States, and for other purposes, are hereby continued with the same power and authority.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO MAKE NECESSARY ARRANGEMENTS FOR THE INAUGURATION ON JANUARY 20, 1997

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 2, 105th Congress, the Chair announces the Speaker's appointment as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January 1997, the following Members of the House: Mr. GEPHARDT of Missouri, Mr. GINGRICH of Georgia, and Mr. ARMEY of Texas.

PROVIDING FOR ATTENDANCE AT INAUGURAL CEREMONIES ON JANUARY 20, 1997

Mr. SOLOMON. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 8

Resolved, That at 10:30 a.m. on Monday, January 20, 1997, the House shall proceed to the West Front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stands adjourned until noon on Tuesday, January 21, 1997.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. SOLOMON. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 9

Resolved, that unless otherwise ordered, before Monday, May 12, 1997, the daily meetings of the House shall be at 2 p.m. on Mondays; at 11 a.m. on Tuesdays and Wednesdays; and at 10 a.m. on all other days of the week; and that from Monday, May 12, 1997, until the end of the first session, the daily meeting of the House shall be at noon on Mondays; at 10 a.m. on Tuesdays, Wednesdays and Thursdays; and at 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER OR HIS DEPUTY TO ADMINISTER THE OATH OF OFFICE TO THE HONORABLE FRANK TEJEDA

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Whereas, Frank Tejeda, a Representative-elect from the 28th District of the State of Texas, has been unable from illness to appear in person to be sworn as a Member of the House, and there being no contest or question as to his election: Now, therefore, be it

Resolved, That the Speaker, or deputy named by him, is hereby authorized to administer the oath of office to the Honorable Frank Tejeda at San Antonio, Texas, and that such oath be accepted and received by the House as the oath of office of the Honorable Frank Tejeda.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF THE HONORABLE ORLANDO GARCIA TO ADMINISTER OATH OF OFFICE TO THE HONORABLE FRANK TEJEDA

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 10, 105th Congress, the Chair announces the Speaker's appointment of the Honorable Orlando Garcia, Federal District Court Judge, to administer the oath of office to the Honorable FRANK TEJEDA.

AUTHORIZING THE SPEAKER OR HIS DEPUTY TO ADMINISTER THE OATH OF OFFICE TO THE HONORABLE JULIA CARSON

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

Whereas, Julia Carson, a Representative-elect from the Tenth District of the State of Indiana, has been unable from illness to appear in person to be sworn as a Member of the House, and there being no contest or question as to her election: Now, therefore, be it

Resolved, That the Speaker, or deputy named by him, is hereby authorized to administer the oath of office to the Honorable Julia Carson at Indianapolis, Indiana, and that such oath be accepted and received by the House as the oath of office of the Honorable Julia Carson.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF THE HONORABLE S. HUGH DILLON TO ADMINISTER OATH OF THE OFFICE OF THE HONORABLE JULIA CARSON

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 11, 105th Congress, the Chair announces the Speaker's appointment of the Honorable S. Hugh Dillon, Federal District Court Judge, to administer the oath of office to the Honorable JULIA CARSON.

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

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

The Clerk read the resolution, as follows:

H. RES. 12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

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

The Clerk read the resolution, as follows:

H. RES. 13

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

COMMITTEE ON AGRICULTURE

Charles Stenholm, Texas; George Brown, Jr., California; Gary Condit, California; Collin Peterson, Minnesota; Calvin Dooley, California; Eva Clayton, North Carolina; David Minge, Minnesota; Earl Hilliard, Alabama; Earl Pomeroy, North Dakota; Tim Holden, Pennsylvania; Scotty Baesler, Kentucky; Sanford Bishop, Jr., Georgia; Bennie Thompson, Mississippi; Sam Farr, California; John Baldacci, Maine; Marion Berry,

Arkansas; Virgil Goode, Virginia; Mike McIntyre, North Carolina; Debbie Stabenow, Michigan; Bobby Etheridge, North Carolina; Chris John, Louisiana.

COMMITTEE ON APPROPRIATIONS

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

COMMITTEE ON BANKING AND FINANCIAL SERVICES

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

COMMITTEE ON THE BUDGET

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

COMMITTEE ON COMMERCE

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

COMMITTEE ON EDUCATION AND THE WORKFORCE

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

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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

COMMITTEE ON HOUSE OVERSIGHT

Sam Gejdenson, Connecticut.

COMMITTEE ON INTERNATIONAL RELATIONS

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

COMMITTEE ON THE JUDICIARY

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

COMMITTEE ON NATIONAL SECURITY

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

COMMITTEE ON RESOURCES

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

COMMITTEE ON RULES

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

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

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

COMMITTEE ON WAYS AND MEANS

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

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

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer an additional privileged resolution (H. Res. 14) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 14

Resolved, That the following named Member be and is hereby elected to the following standing committees:

Committee on Banking and Financial Services: Bernard Sanders of Vermont.

Committee on Government Reform and Oversight: Bernard Sanders of Vermont.

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

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to enunciate an essential rule of decorum.

It is an essential rule of decorum in debate that Members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House by way of a report from the Committee on Standards of Official Conduct or by way of any question of the privileges of the House. The principle is documented on pages 168 and 226 of the House Rules and Manual and reflects the consistent rulings of the Chair in prior Congresses and applies to one-minutes and special-order speeches.

Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the conduct of investigations in prior Congresses, nor the publication in another forum of charges that are personally critical of another Member, justify references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to Members of the Committee on Standards of Official Conduct.

Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article I, section 5 of the Constitution, which authorizes each House to make its own rules and to punish its Members for disorderly behavior and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning in any other place.

On January 27, 1909, the House adopted a report that stated the following, which is recorded in Cannon's Precedents, volume 8, at section 2497:

"It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members."

This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in prior Congresses, both Republican and Democratic, have held to be equally applicable to Members' remarks in debate toward each other.

The Chair asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House and respects proper rulings of the Chair.

PARLIAMENTARY INQUIRIES

Mr. FAZIO of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FAZIO of California. Is it the Speaker's contention that he is stating what has been the rules of the House for many years?

The SPEAKER pro tempore. The purpose of reading this is that we have adopted the rules, and this follows the precedents that have been set previously by previous Congresses, both Democrat and Republican, and the Chair wanted to reiterate it for all Members, particularly new Members.

Mr. FAZIO of California. Mr. Speaker, further inquiry. Does it require a Member to rise on the floor to ask for the enforcement of the rule, or is that at the discretion of the Speaker or his designee?

The SPEAKER pro tempore. Either the Chair or a Member may initiate points of order.

Mr. FAZIO of California. So if it is not the position of a Member who perhaps hears a rule being violated and brings it to the Speaker's attention, the Speaker would be in a position to enforce it from the Chair. Would the Speaker therefore be required to do it under all circumstances and show no discretion?

The SPEAKER pro tempore. The Chair normally uses its initiative to enforce the rule with respect to references to the President and Members of the Senate.

Mr. FAZIO of California. Members of the House, I infer, would need to have the rule applied to them by an objection arising from among the membership?

The SPEAKER pro tempore. That has generally been the practice of the Chair.

Mr. FAZIO of California. I appreciate that.

The SPEAKER pro tempore. Not invariably.

ADJOURNMENT TO THURSDAY, JANUARY 9, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Thursday, January 9, 1997.

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

There was no objection.

AUTHORIZING SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE NOT WITHSTANDING ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 4, 1997, the Speaker and the Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 5, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday Rule be dispensed with on Wednesday, February 5, 1997.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE ON PROCEDURES FOR THE 105TH CONGRESS

The SPEAKER pro tempore. Policies of the Chair, January 7, 1997:

The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning, first, privileges of the floor; second, the introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; fourth, recognition for 1-minute speeches, morning hour debate and special orders; fifth, decorum in debate; sixth, the conduct of votes by electronic device and, seventh, the distribution of written material on the House floor.

These announcements where appropriate will reiterate the origins of the stated policies. The Speaker intends to continue in the 105th Congress the policies reflected in these statements. The policy announced in the 102d Congress with respect to judicial concepts related to clause 5(b) of rule XXI, tax and tariff measures, will continue to govern but need not be reiterated as it is adequately documented as precedent in the House Rules and Manual.

The announcements referred to follow:

1. PRIVILEGES OF THE FLOOR

The Speaker's instructions to the former Doorkeeper and the Sergeant-at-arms announced on January 25, 1983, and on January 21, 1986, regarding floor privileges of staff will apply during the 105th Congress. The Speaker's policy announced on August 1, 1996, regarding floor privileges of former Members will also apply during the 105th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on

the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the five-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed [the Doorkeeper] and the Sergeant-at-arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to members' personal staff except when a member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the [Doorkeeper] Sergeant-at-arms a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a "committee staff" badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the [Doorkeeper and] Sergeant-at-arms to assure proper enforcement of rule XXXII.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 1, 1996

The SPEAKER. The Chair will make a statement. On May 25, 1995, the Chair took the opportunity to reiterate guidelines on the prohibition against former Members exercising floor privileges during the consideration of a matter in which they have a personal or pecuniary interest or are employed or retained as a lobbyist.

Clause 3 of House rule XXXII and the subsequent guidelines issued by previous Speakers on this matter make it clear that consideration of legislative measures is not limited solely to those pending before the House. Consideration also includes all bills and resolutions either which have been called up by a full committee or subcommittee or on which hearings have been held by a full committee or subcommittee of the House.

Former Members can be prohibited from privileges of the floor, the Speaker's lobby and respective Cloakrooms should it be ascertained they have direct interests in legislation that is before a subcommittee, full committee, or the House. Not only do those circumstances prohibit former Members but the fact that a former Member is employed or retained by a lobbying organization attempting to directly or indirectly influence pending legislation is cause for prohibiting access to the House Chamber.

First announced by Speaker O'Neill on January 6, 1977, again on June 7, 1978, and by Speaker Foley in 1994, the guidelines were intended to prohibit former Members from using their floor privileges under the restrictions laid out in this rule. This restriction extends not only to the House floor but adjacent rooms, the Cloakrooms, and the Speaker's lobby.

Members who have reason to know that a former Member is on the floor inconsistent with clause 3, rule XXXII, should notify the Sergeant-at-arms promptly.

2. INTRODUCTION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 3, 1983, will continue to apply in the 105th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the Record as of today will be included in the next day's Record and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92nd Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF BILLS AND RESOLUTIONS

The Speaker will continue to follow the guidelines recorded in section 757 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills and resolutions only when assured that the majority and minority floor leadership and committee and subcommittee Chairmen and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7 of rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. In addition to unanimous-consent requests for the consideration of bills and resolutions, section 757 of the House Rules Manual also chronicles examples where the Speaker applied this policy on recognition to other related unanimous-consent requests, such as requests to consider a motion to suspend the rules on a nonsuspension day and requests to permit consideration of nongermane amendments to bills. Such applications of the Speaker's guidelines will continue in the 105th Congress.

As announced by the Speaker, April 26, 1984, the Chair will entertain unanimous-consent requests to dispose of Senate amendments to House bills on the Speaker's table if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. RECOGNITION FOR ONE-MINUTE SPEECHES AND SPECIAL ORDERS

The Speaker's policy announced on January 25, 1984, with respect to recognition for one-minute speeches will apply during the 105th Congress with the continued understanding that the Chair reserves the authority to restrict one-minute speeches at the beginning the legislative day. The Speaker's following policies announced in the 104th Congress will also continue through the 105th Congress: (1) the Speaker's residual policy for the recognition of special-order speeches absent an agreement between the leaderships to the contrary; and (2) the Speaker's policy for recognition for "morning hour" debate and restricted special-order speeches, announced on May 12, 1995, with the further clarification that reallocations of time within each leadership special-order period will be permitted with notice to the Chair.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1984, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The SPEAKER. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for "one-minute" speeches and for special order requests. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995, RELATIVE TO "RESIDUAL" POLICY FOR RECOGNITION FOR SPECIAL-ORDER SPEECHES

The SPEAKER. Absent an agreement between the leaderships regarding recognition for requests to address the House for "special-order speeches" at the end of legislative

business, the Chair will decline recognition for permission to address the House for any period extending more than one week in advance of the request. In accordance with the Speaker's policy as enunciated on August 8, 1984, the Chair will first recognize Members who wish to address the House for five minutes or less, alternating between majority and minority Members in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize Members who wish to address the House for longer than five minutes up to one hour, again alternating between majority and minority Members in the order in which those permissions were granted by the House. However, unlike the Speaker's policy of August 8, 1984, the Chair will alternate daily between parties recognition for the first special order longer than five minutes regardless of the order in which permissions were granted.

ANNOUNCEMENT BY THE SPEAKER JANUARY 4, 1995, RELATIVE TO SPECIAL-ORDER SPEECHES AND MORNING-HOUR DEBATE

The SPEAKER. Upon consultation with the Minority Leader, the Chair announces that the format for recognition for "morning-hour" debate and restricted special-order speeches, which began on February 23, 1994, will continue [through the 105th Congress], as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special-order speeches up to four hours after the conclusion of five-minute special-order speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for five-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's two-hour period (or shorter period if prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up for any special-order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the Chamber, but a "crawl" indicating morning hour or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

5. DECORUM IN DEBATE

The Speaker's policies with respect to decorum in debate announced on January 3, 1991, and January 4, 1995, will apply during the 105th Congress as supplemented by an announcement made by the Speaker earlier today.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The SPEAKER. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third; to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's announcement of January 4, 1995, will continue to apply in the 105th Congress as follows:

The Chair would like all Members to be on notice that the Chair intends to strictly enforce the limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XIV by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

6. CONDUCT OF VOTES BY ELECTRONIC DEVICE

The Speaker's policy announced on January 4, 1995, will continue through 105th Congress.

The SPEAKER. The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by rollcalls. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chamber would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

7. USE OF HANDOUTS ON HOUSE FLOOR

The Speaker's policy announced on September 27, 1995, will continue through 105th Congress.

The SPEAKER. A recent misuse of handouts on the floor of the House has been called to the attention of the Chair and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Chair announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the Record. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that pursuant to clause 4, rule XXXII, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

APPOINTMENT AS MEMBERS OF THE HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces the Speaker's appointment, pursuant to the provisions of 40 United States Code 175 and 176, the Chair appoints the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT] as Members of the House Office Building Commission to serve with himself.

APPOINTMENT OF INSPECTOR GENERAL FOR THE HOUSE OF REPRESENTATIVES FOR THE 105TH CONGRESS

The Chair announces, pursuant to the provisions of section 2 of rule VI, the Speaker, majority leader, and minority leader jointly appoint Mr. John W. Lainhart IV, to the position of inspector general for the House of Representatives for the 105th Congress.

A FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BIENNIAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION FOR CALENDAR YEARS 1994–95—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure.

To the Congress of the United States:

In accordance with Public Law 103–272, as amended (49 U.S.C. 5121(e)), I transmit herewith the Biennial Report on Hazardous Materials Transportation for Calendar Years 1994–1995 of the Department of Transportation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 31st Annual Report of the Department of Housing and Urban Development, which covers calendar year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

ANNUAL REPORT OF THE DEPARTMENT OF ENERGY, 1994 AND 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

In accordance with the requirements of section 657 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7267), I transmit herewith the Annual Report of the Department of Energy, which covers the years 1994 and 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

WAIVER FROM CERTAIN PROVISIONS RELATING TO THE APPOINTMENT OF UNITED STATES TRADE REPRESENTATIVE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. DREIER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered printed.

To the Congress of the United States:

I am pleased to transmit herewith for your immediate consideration and enactment legislation to provide a waiver from certain provisions relating to the appointment of the United States Trade Representative.

This draft bill would authorize the President, acting by and with the advice and consent of the Senate, to appoint Charlene Barshefsky as the United States Trade Representative, notwithstanding any limitations imposed by certain provisions of law. The Lobbying Disclosure Act of 1995 amended the provisions of the Trade Act of 1974 regarding the appointment of the United States Trade Representative and the Deputy United States Trade Representatives by imposing certain limitations on their appointment. These limitations only became effective with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives on January 1, 1996, and do not apply to individuals who were serving in one of those positions on that date and continue to serve in them. Because Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, and has continued to serve in that position since then, the limitations in the Lobbying Disclosure Act, which became effective on January 1, 1996, do not apply to her in her capacity as Deputy United States Trade Representative and it is appropriate that they not apply to her if she is appointed to be the United States Trade Representative.

I have today nominated Charlene Barshefsky to be the next United States Trade Representative. She has done an outstanding job as Deputy United States Trade Representative since 1993 and as Acting United States Trade Representative for the last 9 months. I am confident she will make an excellent United States Trade Representative. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 7, 1997.*

SPECIAL ORDERS

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

TIME TO SOLVE THE NATION'S PROBLEMS

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

Mr. FOLEY. Mr. Speaker, I am, in fact, delighted to be the first person to give special orders, and obviously the gentleman from California [Mr. DREIER] was scheduled to be, but he is presiding in the chair.

I had the great fortune as a freshman Member of the 104th Congress to be the first to deliver a 1-minute speech on this floor. I return to Congress very proud that the members of the 16th District have chosen to ask me to serve them once again in this very high honor in the U.S. Congress.

We had a lot of debate today, a lot of acrimony, a lot of discussion about the future of this Congress and its Speaker. We have concluded that debate with reelecting NEWT GINGRICH, the gentleman from Georgia, as Speaker.

I implore Members on all sides of the aisle, both sides of the aisle, that it is now time to come together, in the spirit of this country, in the pride of this Nation, to start solving our Nation's problems, to start solving our Nation's ills, to focus on things that will make people's lives better rather than focusing on things that will destroy people's individual lives. This Chamber and this Government is bigger than this Member, it is bigger than the Speaker, it is bigger than anybody else's ego. It is about helping Americans help themselves. It is about instilling in our children a knowledge and a wisdom that through hard work, you can overcome any adversity.

But if this Chamber operates much like it did in the 104th Congress, with bitterness and rancor and personal animosity, we will not set an example for the future leaders of this Nation. We will not set an example for children to

look up to this body and say, "I, too, would like to be a leader in the Congress. I, too, would like to serve my community." We will denigrate into an embarrassment.

So I ask my fellow Members, from all walks of life, from all localities, to think first about what is good for America, not what is good for the Republican Party or the Democratic Party, what is good for this Nation. A balanced budget, saving our Nation from fiscal crisis. The education of our children, to prepare them for the 21st century, to prepare them with skills that will give them jobs that will allow them to provide for themselves and their families.

To reach beyond partisanship, in a spirit of cooperation, to fight together against crime that threatens every American, crime in our schools, violence against our teachers, crimes in our malls and in our communities that frighten our citizens, regardless whether they be seniors or young adults. To work together on Medicare fraud and abuse, and save our Medicare Program so that we will have a system that ensures that every American will receive Medicare when they grow to the day to need it.

Let us also cause special focus on the illnesses that hurt our American citizens: AIDS, Alzheimer's disease, Parkinson's disease, cancer, leukemia, tuberculosis, to name but a few. Sudden infant death syndrome, to name another. If we would use our energies to focus our resources through the National Institutes of Health to try and find cures for these diseases, we will do more for humanity in this Chamber, we will do more for the future of this world and this Nation than any 5-minute speech or any special order or any rancor or debate.

This Nation has given 435 individuals the chance to represent their communities. I know that the Members are up to the task of facing that challenge. I know that each Member, regardless of their party, deeply loves this Nation.

But I also know that if we proceed in the 105th as we did in the 104th with gridlock, acrimony, personal attack, and negativity, that none of the successes will be possible. We will be mired in failure, mired in debate that is nonproductive. So I ask in this first day of the new Congress that we join together to make every citizen proud of the conduct of each individual Member and all Members of this House; that the Democrats join me in working with Speaker GINGRICH, in assuring that the Speakership is respected, that the institution of governance of the House of Representatives is brought to the highest standard, and that we work together for all of the best interests of this Nation.

□ 1800

ELECTION OF THE SPEAKER OF THE HOUSE: A HISTORIC DAY

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

Mr. GEKAS. Mr. Speaker, we have heard several allusions throughout the day of the nature of the historic event in which we participated, the election of the Speaker of the House for the 105th session. That is more than rhetoric, Mr. Speaker.

Have Members ever heard of the name of Jonathan Dayton? Jonathan Dayton of New Jersey was elected Speaker of the House in the fifth session in 1797. So when we say today's event was historical, we really mean it. It is a repetition of the preservation of our liberties that emanated from the first and second terms of George Washington and the Fifth Congress, which marked his exit from public service, and has run down to today, when we repeated the process in the preservation of those same liberties which they fought so hard to create for us in the first place.

So the message for the day for our constituents is that the election of the Speaker today is a purely political process. When we say "political process," that does not demean it, because many in the world today will say, he is a politician, or he is involved in politics, denoting the worst in humanity. But the preservation of our liberties to which I have made reference, beginning with the First Congress and then reendorsed in the Fifth Congress and here today in the 105th, became part and parcel of our history because of the political process it involves.

So we had the spectacle today of the minority Democrats nominating their favorite son while the Republicans chose to nominate the gentleman from Georgia, Mr. GINGRICH. What happened? Through the political process, GINGRICH has been elected Speaker of the House. We should honor that. It is the duty and right of the majority to select one of its own to lead the agenda for the ensuing Congress, and we have done so. Now it is time to put everything aside and proceed with that very same agenda.

I also want to comment on some other part of the proceedings here today that was very important but very likely accepted by the general public, because we have not made it clear. When we established the rules of the House, and the gentleman from California [Mr. DREIER, alluded to it in his prefatory remarks during the debate on the rules, we were reendorsing, reconfirming here today, historically what the 104th Congress under the majority Republicans was able to fashion; and the 104th Congress, one step of which, in which I was personally involved and of which I am very proud, is the elimination of proxy voting in committee.

When I came to the Congress, I had a matter that I wanted to put in front of the Committee on the Judiciary having to do with the death penalty for assassination of the President, God forbid that that should ever occur, and some other features. On the first time that I proposed this to the Committee on the Judiciary, I was outvoted 30 to 15. Fifteen Republicans voted with me, two Democrats voted on the other side. How could I lose 30 to 15? By the use of the chairman at that time of the proxy vote, which he had in hand, and voted his colleagues on the committee no, no, no, against my proposition.

We have eliminated that forever. The Committee on Rules was bright enough to be able to do so. We reendorsed it today.

I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I want to congratulate my friend for his very fine statement. I would say that we did a survey of committee chairmen and others in leadership positions on the impact of proxy voting, to see whether or not they liked it. It has made it, in fact, more difficult, but in trying to get the Congress to comply with the laws that other Americans have to comply with, showing up for work seems to be sort of a natural. We do have that.

But committee chairmen, in the survey that we had that was sent back, overwhelmingly supported the idea of maintaining the elimination of proxy voting. My friend was entirely right on that statement. I thank him for his compliment.

Mr. GEKAS. I thank the gentleman. This is a historic day. Speaker Jonathan Dayton in 1797, the Speaker of the House duly elected by a political process then in the Fifth Congress, would be proud of us if he were here today. We have adopted rules, put our election of committee people into action, and now we are prepared for the work of the people and the agenda of the 105th Congress.

WHAT IS BEST FOR OUR COUNTRY?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today because we are about to begin the work of the people's business and all is not right in the House of the people. All is not right with the person who is supposed to lead the 105th Congress to do the business of the people. There is a cloud hanging over the chair of

the Speaker, a cloud that has never existed in the history of this Chamber of the people, a chamber that is constitutionally charged to carry out the sacred business of representative democracy.

And yet, we are asked to carry on the people's business like nothing happened, like we haven't swept anything under the rug, like the faint odor of a political deal is not seeping into this hallowed Chamber.

Mr. Speaker, I am reminded of the time when a fellow Texan, Jim Wright sat up there under similar circumstances. There was a time when a cloud hung over his head, when the position of the Speaker, the chair of the third highest elected representative of the people was called into question.

And, Speaker Jim Wright did the right thing. Speaker Wright did what was good for the House of Representatives and the Nation. He cleared the skies over the speaker's chair. He took himself out of the way of interrupting the legislative course that we now are charged with setting. He didn't wait for the Ethics Committee to find a stain on the Speaker's chair. He knew in his conscience what was best for the country and so does every Member in this body.

Do we really want to begin the 105th Congress with the first mark on the Speaker's chair? I think not and I'm sure all right thinking Members feel the same. Jim Wright knew how to bow out with a sense of class and what a true "higher ethical standard" for the Speaker really is.

Do we really want to return to the "in your face" style of politics on the very first day of this new Congress? Do we really want to begin a new Congress waiting to see what the Speaker's fate is for his admitted ethical transgressions? Do we really want to be lead by someone who is destined to be disciplined by the 105th Congress?

I respectfully submit that the example of former Speaker Jim Wright is one that needs to be the model for this righteous body. Anything less is an insult to the dignity and the integrity of the office of Speaker.

Mr. Wright acted on behalf of his country and stepped aside, Mr. GINGRICH also knows the right thing to do.

LET THE PUBLIC DECIDE CAMPAIGN FINANCE REFORM ACT

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

Mr. OBEY. Mr. Speaker, today I am introducing the Let the Public Decide Campaign Finance Reform Act. Two developments over the last year have demonstrated that for all practical purposes there are no longer any campaign finance rules in this country. One development is the series of court decisions which have resulted in special interest groups being able to get around virtually all limits of existing campaign finance law. They are allowed to do so by engaging in so called independent expenditures or by issuing promotion schemes which maintain the fiction that such groups are not involved in individual campaigns. The second development is the recent series of news stories involving large contributions of so-called soft money to both political parties. The result is that wealthy people and groups can skirt the intention of Congress to limit the amount of influence that wealthy individuals or organizations can have on the political process.

Merely tinkering with existing campaign laws will have no real effect. It will do no good for instance, to pass feel good legislation which would cut the $5,000 limit on contributions by political action committees if companies who finance those political action committees can make indirect expenditures 20 or 30 times as large through other means.

For me, the last election was the last straw on campaign finance. I honestly believe that this problem can only be addressed with a flat out elimination of all private money in general elections. That will eliminate the soft money problem and many of the other spectacles we have seen recently. The legislation I am pushing contains a congressional finding that the existing system has so corrupted public confidence in its own form of government that Congress must take major steps for campaign finance which so far have been blocked by the courts. We are doing so because some constitutional scholars suggest that we may be able to move the Supreme Court to change its mind if Congress makes such a finding. But, if the Supreme Court continues to block the kind of reforms I have in my bill, the bill provides for an immediate consideration by the Congress of a constitutional amendment which would give Congress the authority it needs to regulate campaign spending.

The only way to fundamentally change the current system is to take out all private money from financing general elections. I make no apology for reaching that conclusion. In a democracy, elections are not private events; they are the most public events that occur in our national life. Elections belong to the people and they should be financed that way, not by the well-heeled and well-connected.

The Let the Public Decide Campaign Reform Act would:

Forbid all private funding in general elections. But, the public must understand that political campaign cannot be financed through immaculate conception. Elections would be financed by voluntary contributions from individuals to a Grass Roots Good Citizenship Fund. To raise the necessary funding, the Federal Election Commission would be required to conduct a major national television advertising campaign informing the public of the opportunity to eliminate the influence of interest groups on elections by making voluntary contributions to that fund. Those voluntary contributions would be supplemented by a one-tenth of 1 percent to be paid by all corporations with profits above $10 million.

Eliminate the "soft money" loophole, which allows huge amounts of money from wealthy individuals and corporations to go to political parties and benefit congressional candidates.

Establish spending limits on how much congressional candidates can spend, with some flexibility because of the different costs to run for office in different parts of the country.

Allow the American public to determine the amount of money each candidate receives in the general election by basing the amount on the electoral support that the candidate or his preceding party nominees received in that district over the last 5 elections. It would also allow third-party and independent candidates to receive public funding based on their demonstrated public support.

Allow private money to be contributed only to primary elections based on the principle that each political party has its own basic constituencies, and that the parties themselves have a role in deciding how their own nominees are chosen;

Distinguish in primary elections between broad-based "little people" PAC's and "High Roller" PAC's, and limit contributions from "High Roller" PAC's.

Under my bill, the American people themselves would actually be able to decide how much will be spent on congressional campaigns and how much each candidate will receive. Democracy cannot function if American citizens do not themselves take responsibility for supporting the most public events that occur in this country—our own national elections.

REDUCING THE TAX RATE ON CAPITAL GAINS

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

Mr. DREIER. Mr. Speaker, I have taken out this special order, and as we all saw, I got in the chair before I was able to deliver it, so I am pleased that my friend, the gentleman from Florida, was able to deliver the first special order of the 105th Congress.

Mr. Speaker, I have taken this time out to talk about legislation which I very proudly introduced today with a number of my colleagues. We know that the message that came from last November's election was that the American people want us to put the partisan political pyrotechnics aside and they want us to do a job.

I am very gratified that we saw Democrats and Republicans alike, embrace what for lack of a better term, have to be considered traditional Republican themes. The themes that the President ran on, the themes that Republicans and many Democratic candidates for Congress ran on, were balancing the budget, trying to reduce the size and scope of government, reducing the tax burden on working Americans. Those are the sorts of things that I believe a majority of this institution want to see us deal with.

I think we do have an opportunity to proceed in a bipartisan way. We have gone through an extraordinarily difficult and challenging day, and the next couple of weeks are going to be tough, but I hope and pray that we will be able to put the battles that we have seen in the media over the past couple of weeks behind us and do what I believe the American people want us to do, and that is govern.

I have done what I believe is my bit here on the opening day. I am very pleased that I was able to join with Democrats and Republicans in introducing legislation which will go a long way toward dealing with one of the problems that we have in this country, and that is lack of available capital.

What I have done is introduced a bill which is numbered H.R. 14. It is H.R. 14 because it is going to take the top 28-percent rate on capital gains and reduce that to 14 percent as a top rate.

In years past we have heard this rhetoric that reducing the tax on capital gains is nothing but a tax cut for the rich. But I was gratified that in the Presidential campaign, Bill Clinton talked about reducing the tax rate on capital gains for homeowners. He wanted to target it. I happen to believe very strongly that rather than targeting it, we should allow the American people to make a determination as to exactly which capital asset they have that they want to sell and have a lower rate on capital gains for. I want them to be able to make that decision themselves.

In the past we have heard that there is a tremendous cost to reducing the tax rate on capital gains. The fact of the matter is we have, with this bill, done a great deal of study on it. It is not only a theoretical study, but it is empirical evidence which has shown, going all the way back to 1921 when Andrew Mellon was Treasury Secretary under President Warren G. Harding, reducing that top rate increases revenues to the Treasury. John F. Kennedy we know did it in the early 1960's, Ronald Reagan did it in the 1980's, and we have a good opportunity to do this today.

What will it create? It will create, I believe, a tremendous flow in revenues to the Treasury. Why? Because there is between $7 trillion and $8 trillion of locked-in capital that is there. People are not willing to sell it because of the punitive tax rate that exists. So, clearly in the first years we would see a great boost.

In 1993, when I assembled the zero capital gains tax caucus, we found over a 7-year period a 15-percent capital gains tax rate would increase the gross domestic product by $1.3 trillion, create 1 million jobs, and generate $220 billion in revenues to the Federal Treasury.

I am convinced that we can do this in a bipartisan way, so much so that of the original cosponsors, there are two Republicans and three Democrats. I am very pleased that my colleague, the gentlewoman from Kansas City, MO, KAREN MCCARTHY, has joined as a lead cosponsor of this; a great member of the Committee on Ways and Means, the gentleman from Pennsylvania, PHIL ENGLISH, who is beginning his second term, has joined in this; the gentleman from Virginia, Mr. JIM MORAN, a Democrat, has joined as an original cosponsor; and the leader of the Blue Dogs on this issue is the gentleman from Texas, Mr. RALPH HALL. So we have three Democrats and two Republicans.

While some pundits out there may like to argue that the era of bipartisanship is over, they are wrong, because on the opening day we have begun in a bipartisan way to deal with this very important question of reducing that top rate on capital gains to help middle-income wage earners and all Americans, and those at the bottom end of the spectrum, as we try to get capital into the inner city and other spots which are desperately in need, as Speaker GINGRICH mentioned in his acceptance speech today.

Mr. Speaker, I wish everyone a very happy, prosperous, and healthy 1997.

AMERICA'S POLICIES IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 20 minutes as the designee of the majority leader.

Mr. MCCOLLUM. Mr. Speaker, I take this opportunity to have this few minutes of conversation about a very important topic on this first day of Congress. Just a couple of days ago, on January 3d of this year, President Clinton announced his decision to suspend for the second time Title III of what is known as the Cuban Liberty and Democratic Solidarity Act, otherwise known as the Helms-Burton law. This is a very significant event, and one which I fear is going to lead to lots more problems rather than solutions with relationships that we have in this western hemisphere, with the United States and Cuba and our allies.

Let me explain this and put it in context. Cuba has been a dictatorship under Fidel Castro for some 37 years. During that time I think the world is fully aware of the many human rights violations this dictator has committed and his regime has committed. I think the world is probably also fully aware that Cuba and Fidel Castro remain only one of two Communist dictatorships left after the fall of the Soviet Union and changes around the world and tendencies towards more democracies, as we have seen in the last decade or so.

It is shameful that we have today, only 90 miles across the ocean from the United States, just 90 miles away, a Communist dictatorship of the nature Fidel Castro runs. We have tried over the years since the failure of the Bay of Pigs, which indeed was tragic and a shameful part of our history, frankly, that we did not support that invasion fully as it should have been supported. We have tried numerous times since then in small, incremental ways, to either oust Fidel Castro or to change his policies. It should be abundantly clear to anyone who has observed this man over the years that he is not about to change his stripes. He is not about to give up his ruthless power. He is not going to do that voluntarily at least.

For those who wish democracy in Cuba, I can only say I hope there is democracy, like you do, but it is wishful thinking if you think it is going to come about as long as Fidel Castro is in power. The only way to see democracy in Cuba and to see our hemisphere Democratic and to have normal relations again with that small Nation state to the south is for Fidel Castro to leave office and for those who supported him for all these years to end that support.

Let me tell the Members the biggest problem facing us in seeing that accomplished in the current time frame. It is not from the Soviet Union. It does not exist anymore. It is not from Russia. It is not from some far-flung place. It is from our allies in Europe and in Canada and in Mexico who supply the currency, who supply the economic support necessary to prop up this regime, either directly through their governments, or more frequently, through companies or business entities that invest in Cuba that are involved in providing the liquidity and the capital that allow him to continue to exist.

He makes modest changes in how he does business, which have no bearing in reality upon ever becoming truly democratic or allowing a true market system to work, and he is given a reward to do this by the continued open door policies of these allies who pour these dollars in through the businesses that operate there.

In Title III of the law that is known as Helms-Burton that was passed by the last Congress, there was a provision very important to stopping this. That provision stated that an American business or an individual who had been harmed because a business at one time before Castro in Cuba that was American had been confiscated by Castro, confiscated by the Cuban Government after the revolution that brought Castro to power, a person, an American situated in this case, either a business or an individual, could sue a company or a business in another nation, Europe or Canada or Mexico or wherever, who did business by investing in and supporting in some way the business entity that had been confiscated that had previously been an American-owned business in Cuba; sue in the courts of the United States for damages, sue in order to be able to recover the lost value of the property that had been confiscated from the companies doing business to allow Cuba to continue to exist by propping up the confiscated property and the business that might have been confiscated, if you will.

What President Clinton has done is succumbed to our allies who have said,

oh, this is horrible. You are going to allow our businesses in our countries to be sued for damages by American citizens because they are investing in Cuba and in formerly American property interests in Cuba.

And President Clinton, who has the power under this bill, and I am not at all sure he ought to have it, but he has the power under this bill for every 6-month period to waive these provisions, just on January 3d, a few days ago, January 3d of this year, for the second time since Helms-Burton has been the law, chose to waive it and say we are not going to enforce that at this point in time.

□ 1815

There can be no lawsuits, no litigation in American courts against foreign corporations, foreign business interests that invest in previously owned American property in Cuba or American interests in Cuba. That is a horrible decision by the President. It is outrageous what he did. It is something that kowtows to the big business interests of our allies and is detrimental to everything that we believe in and to the best interests of our national security and our interests in this hemisphere.

Our interest is in having democracy in Cuba and that can only happen when the noose is tied tightly enough around Castro and the current Cuban regime that he is ousted and that a new government comes into place. The economy of that country is dependent upon these investments and anything we can do to stop the money from flowing and the support from flowing into this government and into its economy is essential and important and critical, not only to the freedom-loving people who want to be free in Cuba, Cuban Americans and Cubans everywhere, but also to America, the United States' national security interest.

I submit that the President has also played a lot of politics with this. He has indicated that while he is only doing it for 6 months that he plans to make this suspension indefinite, that he apparently has no intention of ever letting title III become law and effective and allow these lawsuits to take place. That is not what he indicated when he first signed that bill. There was no indication of that. He said to the Cubans of the world and the Cuban American community in particular, I am signing Helms-Burton, I am proud of it, support me in the next election, support my party in the next election and you will see that I am true to my word and we will tighten the noose around Castro and bring about more democracy.

Oh, I know there are those who are going to say, well, there is some bargaining going on, there is some quid pro quo, there is some progress being made, and so on and so forth.

There is no real progress being made. Castro's playing us for a sucker, if that is the case, and this administration is blind to that fact. You cannot have your cake and eat it, too, Mr. President. You must understand that if we are to end this tyrannical dictatorship south of the United States, only 90 miles off our coast, a true embargo has to be enforced, a true economic embargo. And this provision, this title III provision of the Helms-Burton law allowing Americans to sue in court companies abroad that are doing business and investing in American interests, formerly American interests in Cuba, has to be allowed to go forward. And if it does, then and only then do we have a chance of ousting Castro in some more peaceable manner other than short of some invading force, which none of us are predicting or expecting or advocating.

But we do need to do what we have to do, and I believe, Mr. President, that you have made a very big mistake in this regard, and I think it borders upon hypocrisy for others to say that this is a wonderful piece of legislation and then we are not going to let it go into play and not going to enforce it. That is exactly what some have said.

I hope and pray that my colleagues will join with me in the next few months as we go back and revisit this issue legislatively. If the President is not willing to enforce title III of Helms-Burton and is going to continue to waive it, then I would suggest it is within our power and this Congress should pass a law that says that that provision of title III is no longer eligible for waiver, that it indeed is the law of this land, that Americans who formerly had an interest in Cuba can sue foreign companies investing in those property interests in Cuba, to heck with what the President has to say about it. He should not even have a say at all, if that is the way he is going to act on this proposition.

I would urge my colleagues to examine it. It is a very important ingredient in our foreign policy. We should never have allowed a dictatorship to exist for 37 years of such a vile nature as we have in Castro south of here, just 90 miles off our coast. And there is no reason, no reason to allow our allies and their business interests to continue to prop up that dictatorship with its human rights violations any longer. The time has long since passed to do something about it. Let us act in this Congress to force the hand of this President and to allow American citizens to sue, at the very least to try to bring some pressure that can be legitimately brought on the Cuban regime in addition to enforcing the embargo and whatever else we can do within our powers.

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

Mrs. THURMAN, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. OBEY, for 5 minutes, today.

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

Mr. DREIER, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, on January 9.
Mr. GEKAS, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. MATSUI.
Mrs. MEEK of Florida.
Mr. KLECZKA.
Mr. CONDIT.
Mr. LANTOS.
Mr. POMEROY.
Mr. MENENDEZ.
Mr. VENTO.
Ms. DELAURO.
Ms. ESHOO.
Mr. MCGOVERN.
Mr. OBEY.
Mr. MILLER of California.
Mrs. MALONEY.
Mr. FILNER.
Mr. STARK.
Mr. DINGELL.
Mr. POSHARD.
Ms. SLAUGHTER.
Ms. KAPTUR.
Mr. NEAL of Massachusetts.

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

Mr. GILMAN in five instances.
Mr. GALLEGLY.
Mr. SOLOMON.
Mr. SHUSTER.
Mr. YOUNG of Alaska in three instances.
Mr. BEREUTER in two instances.
Mr. MCCOLLUM in ten instances.
Mr. CRAPO in two instances.
Mr. HAYWORTH.
Mr. DAVIS of Virginia.
Mr. QUINN in two instances.
Mr. EHLERS.
Mr. KING.
Mr. BARTON of Texas.
Mr. ARCHER.
Mrs. KELLY.
Mr. PITTS in two instances.

Mrs. JOHNSON of Connecticut.
Mr. RADANOVICH.
Mrs. CUBIN.
Ms. ROS-LEHTINEN.
Mr. GEKAS.
Mrs. ROUKEMA.
Ms. DUNN of Washington.
Mr. CUNNINGHAM in eight instances.
Mr. GOODLING.
Mr. BAKER in two instances.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Thursday, January 9, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1995, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

2. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Change in Quality Control Requirements [Docket No. FV96-981-3FIR] received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Maine; Termination of Marketing Order No. 950 [Docket No. FV95-950-1FR] received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Domestically Produced Peanuts Handled by Persons Subject to Peanut Marketing Agreement No. 146; Changes in Terms and Conditions of Indemnification [Docket No. FV96-998-3 FR] received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Iowa Marketing Area; Revision of Pool Supply Plant Shipping Percentage [DA-96-11] received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tomatoes Grown in Florida; Partial Exemption from the Handling Regulation for Single Layer and Two Layer Place Packed Tomatoes [Docket No. FV96-966-2 IFR] received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Relaxation of Pack and Marking Requirements [Docket No. FV96-958-3 FIR] received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Assessment Rate [Docket No. FV96-989-3 IFR] received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Assessment Rates for Specified Marketing Orders [Docket No. FV96-927-2 FIR] received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Eastern Colorado Marketing Area; Suspension of Certain Provisions of the Order [DA-96-13] received October 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Olives Grown in California and Imported Olives; Establishment of Limited-Use Olive Grade and Size Requirements [Docket No. FV96-932-3 FIR] received October 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Reduction of Reporting Requirements [Docket No. FV96-920-3 IFR] received October 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

13. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Regulations Issued Under the Export Grape and Plum Act; Exemption from Size Regulations for Black Corinth Grapes [Docket No. FV96-35-1 IFR] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

14. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards) [Docket No. FV-95-306] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

15. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV96-998-2 FIR] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

16. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Revision of Pack and Size Requirements [Docket No. FV96-906-3 FIR] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

17. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Domestic Dates Produced or Packed in Riverside County, California; Assessment Rate [Docket No. FV96-987-1 FIR] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

18. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Walnuts Grown in California; Assessment Rate [Docket No. FV96-984-1 IFR] received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

19. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes Grown in Florida and Imported Limes; Increase in the Minimum Size Requirement [Docket No. FV96-911-1FR] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

20. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Change in Reporting Requirements [Docket No. FV96-906-2 FR] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

21. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; and Import Regulations (Grapefruit); Relaxation of the Minimum Size Requirement for Red Grapefruit [Docket No. FV96-905-4 IFR] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

22. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Interest and Late Payment Charges on Past Due Assessments [Docket No. FV96-981-4 FR] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

23. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Assessment Rate [Docket No. FV96-989-3 FIR] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

24. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Reduction of Reporting Requirements [Docket No. FV-96-920-3 FIR] received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

25. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 96-074-1] received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

26. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Horses from CEM Countries [Docket No. 95-054-2] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

27. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and

Area Classifications; Louisiana [Docket No. 96-043-1] received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

28. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 95-087-2] received November 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

29. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Licenses, Inspections, Records, and Reports [Docket No. 93-072-2] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

30. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Commuted Traveltime Periods; Overtime Services Relating to Imports and Exports [Docket No. 95-049-1] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

31. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Exotic Newcastle Disease in Birds and Poultry; Chlamydiosis in Poultry [Docket No. 87-090-3] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

32. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—CEM; Remove Interstate Movement Regulations [Docket No. 96-040-1] received October 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

33. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; New Mexico [Docket No. 96-045-1] received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

34. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Correction of Trading Records (17 CFR Part 1) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

35. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Report for Commission Interpretation (Appendix A to Part 3 of Commission Regulations) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

36. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's "Major" final rule—Child Support Deduction (RIN: 9584-AB58) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

37. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Simplification of Program Rules (RIN: 0584-AB60) (Amendment No. 364) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

38. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Treatment of Educational and Training Assistance (RIN: 0584-AB93) (Amendment No. 374) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

39. A letter from the Under the Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program, Regulatory Review: Alaska, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and Demonstration Projects (RIN: 0584-AC14) (Amendment No. 371) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

40. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's "Major" final rule—Food Stamp Program: Certification Provisions of the Mickey Leland Childhood Hunger Relief Act (RIN: 0584-AB76) (Amendment No. 375) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

41. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Monthly Reporting on Reservations Provision of the Food Stamp Program Improvements Act of 1994 (RIN: 0584-AB98) (Amendment No. 365) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

42. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances for Emergency Exemptions (RIN: 2070-AB78) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

43. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid Pesticide Tolerance; Emergency Exemptions [FRL-5575-1] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

44. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance for Emergency Exemptions [FRL-5574-9] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

45. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triadimefon; Pesticide Tolerance for Emergency Exemptions [FRL-5574-8] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

46. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metalochlor Pesticide Tolerance; Emergency Exemption For Use on Spinach [FRL-5574-7] November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

47. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Book-entry Procedures for Farm Credit Securities (RIN: 3052-AB73) received December 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

48. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Organization and Functions; Privacy Act Regulations; Organization; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; Definitions (RIN: 3052-AB61) received December 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

49. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Accounting and Reporting Requirements (RIN: 3052-AB54) received December 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

50. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Disaster Reserve Assistance Program—received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

51. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—1996 Marketing Quotas and Price Support Levels for Fire-Cured (type 21), Fire-Cured (types 22-23), Dark Air-Cured (types 35-36, Virginia Sun-Cured (type 37), Cigar-Filler and Binder (types 42-44 and 53-55), and Cigar-Filler (type 46) tobaccos (RIN: 0560-AE46) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

52. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—1996-Crop Peanuts Amended National Poundage Quota (RIN: 0560-AE45) received November 25, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Agriculture.

53. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Dairy Indemnity Payment Program [Workplan Number 96-050] (RIN: 0560-AE97) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

54. A letter from the Administrator, Foreign Agricultural Service, transmitting the Service's final rule—Agreements for the Development of Foreign Markets for Agricultural Commodities (RIN: 0551-AA24) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

55. A letter from the Administrator, Foreign Agricultural Service, transmitting the Service's final rule—Agreements for the Development of Foreign Markets for Agricultural Commodities (RIN: 0551-AA24) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

56. A letter from the Administrator, Foreign Agricultural Service, transmitting the Service's final rule—Foreign Donation of Agricultural Commodities [7 CFR Part 1499] received December 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

57. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Clear Title—Protection for Purchasers of Farms Products (RIN: 0580-AA13) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

58. A communication from the President of the United States, transmitting a report of seven new deferrals of budgetary resources, totaling $3.5 billion—received in the U.S. House of Representatives December 5, 1996, pursuant to 2 U.S.C. 684(a) (H. Doc. No. 105–15); to the Committee on Appropriations and ordered to be printed.

59. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 92–12, which totaled $371,392, occurred when the Ogden Air Logistics Center, Hill Air Force Base [AFB], Ogden, UT, improperly used industrial fund facilities monies in excess of the $200,000 statutory limit at the time for minor construction to purchase 12 mobile home trailers for the Utah Test and Training Range, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

60. A letter from the Principal Deputy Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation case No. 92–27, which totaled $478,093, occurred in the fiscal year 1987 operation and maintenance [O&M], Air Force appropriation at Ramstein Air Base, Germany, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

61. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 92–09, which totaled $464,800, occurred at Ramstein Air Base, Germany, when personnel in the 377th Civil Engineering Group improperly used the fiscal year 1987 operation and maintenance [O&M], Air Force appropriation to alter and add to an existing recreation center, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

62. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 92–11, which totaled $37,779, occurred at the O'Hare International Air Force Reserve Station, Chicago, IL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

63. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—case No. 95–06, occurred in the research, development test and evaluation [RDT&E] merged account, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

64. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of two violations of the Anti-Deficiency Act—Navy violations, case No. 96–03, which totaled $635,060, occurred in the fiscal year 1995 operation and maintenance, Navy [O&M,N] appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

65. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report on a violation of the Anti-Deficiency Act—Army violation, case No. 96–05, which totaled $126,193, occurred at a regional contracting office in Brussels, Belgium, when the Procurement Contracting Branch Chief obligated fiscal year 1993 Defense-wide appropriations for severable service contracts to meet requirements properly chargeable to the fiscal year 1994 Defense-wide appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

66. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act—Department of Transportation, Office of the Secretary, transportation planning, research and development account [TPR&D], appropriations symbol 69X0142, in fiscal year 1994, in the amount of $928,423, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

67. A communication from the President of the United States, transmitting a report certifying that continued production from the naval petroleum reserves for a period of 3 years from April 5, 1997, is in the national interest, pursuant to 10 U.S.C. 7422(c)(2)(B); to the Committee on National Security.

68. A letter from the Principal Deputy Under Secretary of Defense (Comptroller), Department of Defense, transmitting notification that the Secretary has invoked the authority granted by 41 U.S.C. 3732 to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, pursuant to 41 U.S.C. 11; to the Committee on National Security.

69. A letter from the Under Secretary of Defense, transmitting the Secretary's selected acquisition reports [SAR's] for the quarter ending September 30, 1996, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

70. A letter from the Secretary of the Navy, transmitting notification of the proposed transfer of the battleship ex-*Missouri* (BB–63) to the U.S.S. *Missouri* Memorial Association, Inc., Honolulu, HI, a nonprofit organization, pursuant to 10 U.S.C. 7308(c); to the Committee on National Security.

71. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Pilot Mentor-Protege Program [DFARS Case 96–D317] received October 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

72. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Costs/Bonuses [DFARS Case 96–D332] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

73. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Foreign Machine Tools and Powered and Non-Powered Valves [DFARS Case 96–D023] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

74. A letter from the Director of Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructing Costs [DFARS Case 96–D334] received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

75. A letter from the Director of Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Notice of Termination [DFARS Case 96–D320] received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

76. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Individual Compensation [DFARS Case 96–D330] received December 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

77. A letter from the Director of Office of Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Five Separate Changes [DOD 6010.8–R] (RIN: 0720–AA26) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

78. A communication from the President of the United States, transmitting a report pursuant to section 242 of the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

79. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–2, reporting that it is in the national interest for the Export-Import Bank to make a loan of approximately $383 million to the People's Republic of China, pursuant to 12 U.S.C. 635(b) (2) (D) (ii); to the Committee on Banking and Financial Services.

80. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–3, reporting that it is in the national interest for the Export-Import Bank to make a loan of approximately $409 million to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(2)(D)(ii); to the Committee on Banking and Financial Services.

81. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 18th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

82. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 19th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

83. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Bank Holding Companies and Change in Bank Control (Regulation Y) [Docket No. R–0936) received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

84. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Consumer Leasing [Regulation M; Docket No. R–0892] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

85. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Review of Restrictions on Director, Officer and Employee Interlocks, Cross-Marketing Activities, and the Purchase and Sale of Financial Assets Between a Section 20 Subsidiary and an Affiliated Bank or Thrift [Docket No. R–0701] received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

86. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final

rule—Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks; Loans to Holding Companies and Affiliates [Regulation O; Docket N. R–0939] received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

87. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Review of Restrictions on Director, Officer and Employee Interlocks, Cross-Marketing Activities, and the Purchase and Sale of Financial Assets Between a Section 20 Subsidiary and an Affiliated Bank or Thrift [Docket No. R–0701] received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

88. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Loan Guarantees for Defense Production [Docket No. R–0928] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

89. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records [Docket No. R–0934] received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

90. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Department's report entitled "Report to the Congress on Funds Availability Schedules and Check Fraud at Depository Institutions"; to the Committee on Banking and Financial Services.

91. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's "Major" final rule—Reengineering and Reinvention of the Direct Section 502 and 504 Single Family Housing (SFH) Program (RIN: 0575–AB99) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

92. A letter from the General Counsel, Department of Housing and Urban Development; transmitting the Department's final rule—Streamlining Hearing Procedures [Docket No. FR–4022–F–02] (RIN: 2501–AC19) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

93. A letter from the General Counsel, Department of Housing and Urban Development; transmitting the Department's final rule—Public and Indian Housing Performance Funding System: Incentives [Docket No. FR–4072–I–01] (RIN: 2577–AB65) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

94. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Office of the Assistant Secretary for Community Planning and Development; Shelter Plus Care Program; Streamlining [Docket No. FR–4091–F–01] (RIN: 2506–AB86) received October 15, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

95. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Office of the Assistant Secretary for Community Planning and Development; Supportive Housing Program; Streamlining [Docket No. FR–4089–F–01] received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

96. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining the Emergency Shelter Grants Program [Docket No. FR–4088–F–01] (RIN: 2506–AB84) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

97. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs; Streamlining Changes [Docket No. FR–3982–F–01] (RIN: 2501–AC11) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

98. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Opportunities for Youth; Youthbuild Program Streamlining and Amendment of Interim Rule [Docket No. FR–4038–N–02] (RIN: 2506–AB79) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

99. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Consolidated HUD Hearing Procedures for Civil Rights Matters [Docket No. FR–4077–F–01] (RIN: 2501–AC27) Received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

100. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to Regulation X, the Real Estate Settlement Procedures Act: Withdrawal of Employer-Employee and Computer Loan Origination Systems (CLOs) Exemptions; Notice of Delay of Effectiveness of Rule [Docket No. FR–3638–N–07] (RIN: 2502–AG26) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

101. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Proprietary Data Submitted by the Federal National Mortgage Associate (Fannie Mac) and the Federal Home Loan Mortgage Corporation (Freddie Mac)—Final Order (FR–1439) received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

102. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Combined Income and Rent (FR–3324) received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

103. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program for States; Community Revitalization Strategy Requirements and Miscellaneous Technical Amendments; (FR–4081) received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

104. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Disposition of HUD-Acquired Single Family Property; Streamling (FR–4116) received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

105. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining of Part 245 Tenant Participation in Multifamily Housing Projects (FR–4136) received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

106. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining the Single Family Components of the Single Family-Multifamily Regulations [Docket No. FR–4112–F–01] (RIN: 2502–AG80) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

107. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to Regulation X, the Real Estate Settlement Procedures Act Regulation (Withdrawal of Employer-Employee and Computer Loan Origination Systems (CLOs) Exemptions) [Docket No. FR 4148–F–01] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

108. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Revised Restrictions on Assistance to Noncitizens [Docket No. FR–4154–I–01] (RIN: 201–AC36) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

109. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—The Secretary of HUD's Regulation of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac): Book-Entry Procedures [Docket No. FR–4095–I–01] (RIN: 2501–AC35) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

110. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Qatar, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

111. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Uzbekistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

112. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of the Philippines, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

113. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

114. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Assessments (RIN: 3064–xxxx) (12 CFR Part 327) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

115. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Suspension and Exclusion of Contractors and Termination of Contracts (RIN: 3064–AB76) received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

116. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Market Risk (RIN: 3064–AB64) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

117. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the Affordable Housing Disposition Program which covers the reporting period defined as January 1, 1996 through June 30, 1996, pursuant to Public Law 102–233, section 616 (105 Stat. 1787); to the Committee on Banking and Financial Services.

118. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities and efforts relation to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

119. A letter from the Deputy Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Special Assessments [12 CFR Part 327] (RIN: 3064–AB59) received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

120. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Budgets Regulation [No. 96–71] received October 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

121. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Revision of Financing Corporation Operations Regulation [No. 96–80] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

122. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Regulations Governing Book-Entry Federal Home Loan Bank Securities [No. 96–79] received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

123. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a copy of the Board's report on rules on home-equity credit under the Truth in Lending Act, pursuant to 15 U.S.C. 1613; to the Committee on Banking and Financial Services.

124. A letter from the Assistant to the Board of Governors, Federal Reserve System, transmitting the System's final rule—Policy Statement on Payments System Risk; Modified Procedures for Measuring Daylight Overdrafts [Docket No. R–0937] received December 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

125. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Extensions of Credit to Insiders and Transactions with Affiliates [Docket No. 96–23] (RIN: 1557–AB40) received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

126. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Assessment of Fees; National Banks; District of Columbia Banks [Docket No. 96–27] (RIN: 1557–AB41) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

127. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Leasing [Docket No. 96–28] (RIN: 1557–AB45) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

128. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Treasury, transmitting the Office's final rule—Rules, Policies, and Procedures for Corporate Activities [Docket No. 96–24] (RIN: 1557–AB27) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

129. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Conflicts of Interest, Corporate Opportunity and Hazard Insurance [No. 96–111] (RIN: 1550–AA89) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

130. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Corporate Governance [No. 96–112] (RIN: 1550–AA87) received November 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

131. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Amendments Implementing Economic Growth and Regulatory Paperwork Reduction Act [No. 96–113] (RIN: 1550–AB05) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

132. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2685, H.R. 3074, S. 1675, and S. 1965, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

133. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3056, H.R. 1791, H.R. 2594, H.R. 3068, H.R. 3118, H.R. 3458, H.R. 3539, H.R. 3871, H.R. 3916, H.R. 4167, H.R. 4168, and S. 1711, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

134. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 543, H.R. 1514, H.R. 1734, H.R. 1823, H.R. 2579, H.R. 3005, H.R. 3159, H.R. 3166, H.R. 3723, H.R. 3815, S. 39, and S. 1973, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

135. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3452 and H.R. 4283, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

136. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 632, H.R. 3632, S. 1887, H.R. 3910, H.R. 4194, S. 342, S. 1004, S. 1649, S. 2183, and H.R. 1776, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

137. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2512, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

138. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 640, S. 1505, H.R. 4137, and S. 2078, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

139. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 4236, pursuant to Public Law 101–508, section 13101 (a) (104 Stat. 1388–582); to the Committee on the Budget.

140. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 3610, pursuant to Public Law 101–508, section 13101 (a) (104 Stat. 1388–578); to the Committee on the Budget

141. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 3666, H.R. 3675, and H.R. 3816, pursuant to Public Law 101–508, section 13101 (a) (104 Stat. 1388–578); to the Committee on the Budget

142. A letter from the Secretary of Labor, transmitting a report on training and employment programs for program year [PY] 1992 and fiscal year [FY] 1993, pursuant to 29 U.S.C. 777a; to the Committee on Education and the Workforce.

143. A letter from the Secretary of Health and Human Services, transmitting a report on the effectiveness of demonstration projects to address child access problems, pursuant to 42 U.S.C. 1315 note; to the Committee on Education and the Workforce.

144. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act [ERISA] during calendar year 1994, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

145. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final

rule—Federal Family Education Loan Program (Due Diligence Requirements) (RIN: 1840–AC35) received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

146. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Family Educational Rights and Privacy (RIN: 1880–AA65) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

147. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Federal Family Education Loan (FFEL Program (Guaranty Agencies—Conflicts of Interest) (RIN: 1840–AC33) received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

148. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1840–AC39) received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

149. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1840–AC36) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

150. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions; General Provisions for the Federal Perkins Loan Program, Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, and Federal Pell Grant Program (RIN: 1840–AC34) received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

151. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Perkins Loan Program, Federal Work-Study Program, Federal Supplemental Educational Opportunity Grant Program, Federal Family Education Loan Programs, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (RIN: 1840–AC37) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

152. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Drug and Alcohol Abuse Prevention (RIN: 1810–AA83) received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

153. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines (RIN: 1219–AA27) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

154. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Occupational Exposure to 1,3-Butadiene (RIN 1218–AA83) received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

155. A letter from the Assistant Secretary of Labor for OSHA, Occupational Safety and Health Administration, transmitting the Administration's final rule—North Carolina State Plan; Final Approval Determination [Docket No. T-031] [29 CFR Part 1952] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

156. A letter from the Deputy Executive Director and Chief Operation Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits (29 CFR Part 4044) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

157. A letter from the Deputy Executive Director and Chief Operation Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

158. A letter from the Deputy Executive Director and Chief Operation Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Submission of Reportable Events; Annual Report of the Pension Benefit Guaranty Corporation (RIN: 1212–AA80) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

159. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Payment of Premiums; Late Payment Penalty Charges, received December 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

160. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age [29 CFR Part 4044] received December 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

161. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received December 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

162. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans [29 CFR Parts 4011 and 4022] received December 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

163. A letter from the Secretary of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1840–AC39) received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

164. A letter from the Secretary of Education, transmitting the Department's final rule—Federal Family Education Loan Program (Due Diligence Requirements) (RIN: 1840–AC35) received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

165. A letter from the Secretary of Education, transmitting the Department's final rule—Federal Family Education Loan (FFEL) Program (Guaranty Agencies—Conflicts of Interest) (RIN: 1840–AC33) received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

166. A letter from the Secretary of Education, transmitting the Department's final rule—Family Educational Rights and Privacy (RIN: 1880–AA65) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

167. A letter from the Secretary of Education, transmitting the Department's final rule—Student Assistance General Provisions; General Provisions for the Federal Perkins Loan Program, Federal Work-Study Programs, Federal Supplemental Educational Opportunity Grant Program, and Federal Pell Grant Program (RIN: 1840–AC34) received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

168. A letter from the Secretary of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1840–AC36) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

169. A letter from the Secretary of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Perkins Loan Program, Federal Work-Study Program, Federal Supplemental Educational Opportunity Grant Program, Federal Family Education Loan Programs, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (RIN: 1840–AC37) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

170. A letter from the Secretary of Education, transmitting the final report on the Department's study of the status of States' systems of core standards and measures of performance for vocational education programs; to the Committee on Education and the Workforce.

171. A letter from the Secretary of Education, transmitting the biennial report on title III HEA Strengthening Institutions Program and the waivers approval list of schools with significant minority enrollment; to the Committee on Education and the Workforce.

172. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Implementation of the Statutory Provisions of the Head Start Act, as amended (RIN: 0970–AB55) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

173. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 [PDUFA], for the fiscal year 1996, pursuant to 21 U.S.C. 379g note; to the Committee on Commerce.

174. A letter from the Secretary of Health and Human Services, transmitting a copy of the fiscal years [FY] 1993, 1994, and 1995 Report of the Agency for Toxic Substances and Disease Registry [ATSDR], pursuant to Public Law 99–499, section 110(10) (100 Stat. 1641); to the Committee on Commerce.

175. A letter from the Secretary of the Commission, Consumer Product Safety Commission, transmitting the Commission's final rule—Small Business (Part 1020) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

176. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule—Public Telecommunications Facilities Program [Docket No. 960524148-6243-02] (RIN: 0660-AA09) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

177. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of a report entitled "Emissions of Greenhouse Gases in the United States 1995," pursuant to Public Law 102-486, section 1605(a); to the Committee on Commerce.

178. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Office of Defense Programs; Personnel Assurance Program; Human Reliability Policies—received October 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Adverse Side Effects of Air Bags (National Highway Traffic Safety Administration) [Docket No. 74-14; Notice 103] (RIN: 2127-AG14) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Adverse Side Effects of Air Bags Correcting Amendment (National Highway Traffic Safety Administration) [Docket No. 74-14; Notice 105] (RIN: 2127-AG14) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

181. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Tennessee FRL-5639-2] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

182. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans, Texas and Louisiana; Revision to the Texas and Louisiana State Implementation Plans Regarding Negative Declarations for Source Categories Subject to Reasonably Available Control Technology [FRL-5629-7] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revision [FRL-5638-9] received October 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Louisiana; 15 Percent Rate-of-Progress Plan [FRL-5636-6] received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clear Air Act Approval and Promulgation of State Implementation Plan for Montana; Revisions to the Montana Air Pollution Control Program [FRL-5635-6] received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

186. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Visible Emissions Rules for Allegheny County Pertaining to Blast Furnace Slips [FRL-5635-4] received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

187. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ohio: Authorization of State Hazardous Waste Management Program [FRL-5638-1] received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

188. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Nevada—Clark County Nonattainment Area; Carbon Monoxide [FRL-5644-8] received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

189. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program; New York [FRL-5646-7] received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

190. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution; Amendments to Emission Requirements Applicable to New Nonroad Compression-Ignition Engines At or Above 37 Kilowatts: Provisions for Replacement Compression-Ignition Engines and the Use of On-Highway Compression-Ignition Engines in Nonroad Vehicles [FRL-5645-4] received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

191. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; State of Connecticut [FRL-5611-5] received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

192. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Arizona Redesignation of the Yavapai-Apache Reservation to a PSD Class I Area [FRL-5634-4] received October 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

193. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Glenn County and Siskiyou County Air Pollution Control Districts [FRL-5610-9] received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

194. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan Revision, South Coast Air Quality Management District [FRL-5640-8] received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

195. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Attainment Extension for the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Carbon Monoxide Nonattainment Area [FRL-5643-2] received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

196. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District [FRL-5640-2] received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

197. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [FRL-5615-6] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

198. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Petition by Guam for Exemption from Anti-Dumping and Detergent Additization Requirements for Conventional Gasoline [FRL-5636-2] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

199. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District and South Coast Air Quality Management District [FRL-5633-8] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

200. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Listing of Substitutes of Ozone-Depleting Substances [FRL-5635-9] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

201. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction [FRL-5634-9] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

202. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers [FRL-5634-4] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

203. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act

Final Interim Approval of Operating Permits Program; Direct Final Interim Approval of Operating Permits Program; Pinal County Air Quality Control District, Arizona [FRL-5642-1] received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

204. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Texas; Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Plants and Total Reduced Sulfur from Existing Kraft Pulp Mills [FRL-5629-5] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

205. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Condition Special Exemption from Requirements of the Clean Air for the Territory of American Samoa, the Commonwealth of the Northern Mariana Islands, and the Territory of Guam [FRL-5645-1] received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

206. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [FRL-5642-8] received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [FRL-5613-4] received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for Massachusetts [FRL-5617-2] received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

209. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District [FRL-5641-5] received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District [FRL-5641-7] received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

211. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program; New Jersey and the U.S. Virgin Islands [FRL-5637-8] received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

212. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Rhode Island [FRL-5608-1] received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

213. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control Strategy: Ozone; Tennessee [FRL-5637-1] received October 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan for Air Quality Planning Purposes for the State of Washington; Carbon Monoxide [FRL-4637-3] received October 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

215. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Prevention of Significant Deterioration: NO2 and PM-10 Increments [FRL-5619-8] received October 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Stage II Vapor Recovery [FRL-5620-1] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to the Knox County Portion of the State of Tennessee's State Implementation Plan (SIP) [FRL-5619-6] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

218. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration (PSD); Louisiana and New Mexico [FRL-5612-7] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

219. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to Massachusetts' SIP (for Ozone and Carbon Monoxide) for Establishment of a South Boston Parking Freeze [FRL-5613-3] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

220. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revised Carbon Monoxide (CO) Standard for Class I and II Nonhandled New Nonroad Phase I Small Spark-Ignition Engines [FRL-5650-6] received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

221. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Use of Alternative Analytical Test Methods in the Reformulated Gasoline Program [FRL-5650-5] received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

222. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Approval of MP-10 Implementation Plan for the Follansbee Area [FRL-5649-5] received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

223. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Financial Assurance Mechanisms for Local Government Owners and Operators of Municipal Solid Waste Landfill Facilities [FRL-5654-3] received November 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

224. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to Florida Regulations [FRL-5640-4] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

225. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; Indiana [FRL-5647-9] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

226. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program for the States of North Dakota, Utah, Colorado and Montana [FRL-5282-1] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

227. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; West Virginia; SO2: New Manchester-Grant Magisterial District, Hancock County Implementation Plan [FRL-5644-2] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

228. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; Indiana [FRL-5648-7] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

229. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permits Program; the State of New Mexico and Albuquerque/

Bernalillo County [FRL-5654-8] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

230. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland 1990 Base Year Emission Inventory; Correction [FRL-5650-8] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

231. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas of Air Quality Planning Purposes; State of Nebraska [FRL-5655-6] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

232. A letter from the Director, Office of Regulatory Management, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawl from Federal Regulations of Human Health Water Quality Criteria Applicable to Idaho [FRL-5656-7] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

233. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of the Interim Final Report to Congress on the study of hazardous air pollutant [HAP] emissions from electric utility steam generating units; to the Committee on Commerce.

234. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Toxic Substances Control Act [TSCA] Report for fiscal year 1994, pursuant to 15 U.S.C. 2629; to the Committee on Commerce.

235. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program; Continuous Emission Monitoring Rule Technical Revisions [FRL-5650-7] (RIN: 2060-AF58) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

236. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Minor Revisions [FRL-5651-3] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

237. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Interim Revisited Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks [FRL-5651-2] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

238. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Montana Board of Oil and Gas Conservations; Underground Injection Control (UIC) Program; Primacy Program Approval [FRL-5629-4] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

239. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wisconsin; Final Full Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program [FRL-5651-7] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [FRL-4964-3] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)A); to the Committee on Commerce.

241. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities and Shipbuilding and Ship Repair (Surface Coating) Operations [AD-FRL-5601-7] (RIN-2060-AE02, 2060-AD98) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

242. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval, Operating Permits Program; State of Alaska and Clean Air Act Final Approval in Part and Disapproval in Part, Section 112(1) Program Submittal; State of Alaska [AD-FRL-5658-4] received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Commerce.

243. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Reconsideration of the Ban on Fire Extinguishers [FRL-5658-7] (RIN: 2060-AG19) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

244. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Rule Clarifications [AD-FRL-5658-5] (RIN: 2060-AC19) received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

245. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Nitrogen Oxides Emission Reduction Program [AD-FRL-5666-1] (RIN: 2060-AF48) received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

246. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Memphis, Tennessee) [MM Docket No. 96-16] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

247. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended [CC Docket No. 96-61] received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

248. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Kiowa, Kansas) [MM Docket No. 96-65; RM-8773] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

249. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2, 25, and 90 of the Commission's Rules to Allocate the 13.75-14.0 GHz Band to the Fixed-Satellite Service [ET Docket No. 96-20] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

250. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Temecula, California) [MM Docket No. 95-81; RM-8649] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

251. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Reynoldsville, Pennsylvania) [MM Docket No. 96-75] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

252. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wittenberg, Wisconsin) [MM Docket No. 96-31; RM-8761] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

253. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilson Creek, Washington and Pendleton, Oregon) [MM Docket No. 95-163; RM-8715] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce. January 7, 1997.

254. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Woodward, Oklahoma) [MM Docket No. 96-44; RM-8745] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

255. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Waverly, New York and Altoona, Pennsylvania) [MM Docket No. 96-11; RM-8742] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

256. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shell Knob, Missouri) [MM Docket No. 96-138; RM-8822] received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

257. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Salem and Cherokee Village, Arkansas) [MM Docket No. 96-4; RM 8733] received October 13, 1996,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

258. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 [CC Docket No. 96-98]; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers [CC Docket No. 95-185] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

259. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tehachapi, California) [MM Docket No. 96-129; RM-8814] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

260. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Romney, West Virginia) [MM Docket No. 94-137; RM-8532] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

261. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Princeville, Hawaii) [MM Docket No. 96-52; RM-8755] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

262. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202 (b), Table of Allotments, FM Broadcast Stations (Stamping Ground and Nicholasville, Kentucky) [MM Docket No. 95-28; RM-8593; Rm-8696] received November 5, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Commerce.

263. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hemphill, Texas) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

264. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use (ET Docket No. 94-32] received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

265. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PP Docket No. 95-253] received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

266. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 20, 21, 22, 24, 26, 80, 87, 90, 100, and 101 of the Commission's Rules To Implement Section 403(k) of the Telecommunications Act of 1996 (Citizenship Requirements) (FCC 96-396) received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

267. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding (PP Docket No. 93-253]; Amendment of Part 22 of the Commission's Rules to Provide for the Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rates [CC Docket No. 90-6] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

268. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Revision of Filing Requirements [CC Docket No. 96-23] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

269. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128]; Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation [CC Docket No. 91-35]; Petition of the Public Telephone Council to Treat Bell Operating Company Payphones as Customer Premises Equipment; Petition of Oncor Communications Requesting Compensation for Competitive Payphone Premises Owners and Presubscribed Operator Services Providers; Petition of the California Payphone Association to Amend and Clarify Section 68.2(a) of the Commission's Rules; Amendment of Section 69.2 (m) and (ee) of the Commission's Rules to, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

270. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Batesville, Arkansas) [MM Docket No. 96-153; RM-8804] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

271. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clifton, Tennessee) [MM Docket No. 96-163; RM-8841] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

272. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (El Dorado, Arkansas) [MM Docket No. 96-131; RM-8810] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

273. A letter from the Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Limon, Colorado) [MM Docket No. 96-156; RM-8840] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

274. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Pontotoc, Winona, Coffeeville and Rienzi, Mississippi, and Bolivar, Middleton, Selmer and Ramer, Tennessee) [MM Docket No. 91-152; RM-7085; RM-7092; RM-7225; RM-7352; RM-7437; RM-7714; RM-7845; RM-7846; RM-7847] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

275. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Ukiah, California) [MM Docket No. 96-9; RM-8736] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

276. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Keaau, Hawaii) [MM Docket No. 96-155; RM-8828] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

277. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 80 and 87 of the Commission's Rules to Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses [WT Docket No. 96-82] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

278. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Implementation of Section 309(j) of the Communications Act—Competitive Bidding (Tenth Report and Order) [FCC 96-447, PP Docket No. 93-253] received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

279. A letter from the Secretary, Federal Trade Commission, transmitting the report to Congress for 1994 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

280. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Use of Environmental Marketing Claims (16 CFR Part 260) received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

281. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for Select Leather and Imitation Leather Products (16 CFR Part 24) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

282. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") (16 CFR Part 305) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

283. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Deceptive Advertising and Labeling of Previously Used Lubricating Oil (16 CFR Part 406) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

284. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Recision of the Guides for the Mirror Industry (16 CFR Part 21) received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

285. A letter from the Director, Regulations Policy Management Staff, Office of

Policy, Food and Drug Administration, transmitting the Administration's final rule—Protection of Human Subjects; Informed Consent Verification [Docket No. 95N-0359] received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

286. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Extralabel Drug Use in Animals [Docket No. 96N-0081] (RIN: 0910-AA47) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

287. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Prominence of Name of Distributor of Biological Products [Docket No. 95N-0295] received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

288. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Humanitarian Use Devices; Stay of Effective Date of Information Collection Requirements [Docket No. 91N-0404] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

289. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Topical Antimicrobial Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph for OTC First Aid Antibiotic Drug Products [Docket No. 95N-0062] (RIN: 0910-AA01) received November 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

290. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Over-the-Counter Drug Products Intended for Oral Ingestion that Contain Alcohol; Amendment of Final Rule [Docket No. 95N-0341] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

291. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Lowfat and Skim Milk Products, Lowfat and Nonfat Yogurt Products, Lowfat Cottage Cheese: Revocation of Standards of Identify; Food Labeling, Nutrient Content Claims for Fat, Fatty Acids, and Cholesterol Content of Foods [Docket Nos. 95P-0125, 95P-0250, 95P-0261, and 95P-0293] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

292. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Device Recall Authority [Docket No. 93N-0260] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

293. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reclassification of Acupuncture Needles for the Practice of Acupuncture [Docket No. 94P-0443] received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

294. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for Enforcement Actions; Departures from FSAR [NUREG-1600] received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

295. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revision to the NRC Enforcement Manual [NUREG/BR-0195, Rev. 1] received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

296. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Disposal of High-Level Radioactive Wastes in Geologic Repositories; Design Basis Events [10 CFR Part 60] (RIN: 3150-AD51) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

297. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Reactor Site Criteria Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants and Denial of Petition from Free Environment [10 CFR Parts 21, 50, 52, 54, and 100] (RIN: 3150-AD93) received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

298. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act [10 CFR Part 20] (RIN: 3150-AF31) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

299. A letter from the Director of Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—General Statement of Policy and Procedure for Enforcement Actions; Policy Statement—received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

300. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1996, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

301. A letter from the Director of Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Constraint on Releases of Airborne Radioactive Materials to the Environment for Licensees Other than Power Reactors [Regulatory Guide 4.20] received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

302. A letter from the Director of Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Environmental Review for Renewal of Nuclear Power Plant Operating Licenses [10 CFR Part 51] (RIN: 3150-AD63) received December 17, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

303. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Recordkeeping and Confirmation Requirements for Securities Transactions [Docket No. 96-25] (RIN: 1557-AB42) received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

304. A letter from the Administrator, Public Health Service, transmitting the Service's final rule—Grants for Nurse Practioner and Nurse Midwifery Programs (RIN: 0906-AA40) received October 8, 1996, pursuant to 5 U.S.C. 801(A)(1)(A); to the Committee on Commerce.

305. A letter from the Secretary of Energy, transmitting the Department's 35th quarterly report to Congress on the status of Exxon and Stripper Well oil overcharge funds as of June 30, 1996; to the Committee on Commerce.

306. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medical Devices: Current Good Manufacturing Practices (CGMP) Final Rule; Quality System Regulation [Docket No. 90N-0172] (RIN: 0910-AA09) received October 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

307. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Final Limitations on Aggregate Payments to Disproportionate Share Hospitals: Federal Fiscal Year 1996 [MB-100-N] (RIN: 0938-AH44) received October 8, 1996, pursuant to 5 U.S.C. 801(a)(a)(A); to the Committee on Commerce.

308. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Additional Requirements for Facilities Transferring or Receiving Select Agents (RIN: 0905-AE70) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

309. A letter from the Secretary of Health and Human Services, transmitting a report on the effectiveness of childhood lead poisoning prevention activities under the Lead Contamination Control Act of 1988; to the Committee on Commerce.

310. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Periodic Reporting of Unregistered Equity Sales (RIN: 3235-AG47) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

311. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Streamlining Disclosure Requirements Relating to Significant Business Acquisitions (RIN: 3235-AG47) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

312. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets with Futures Commission Merchants and Commodity Clearing Organizations [Release No. IC-22389; File No. S7-15-94] (RIN: 3235-AF97) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

313. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 02-97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

314. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Norway (Transmittal No. 01-97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

315. A letter from the Director, Defense Security Assistance Agency, transmitting notification of an amendment to the NATO Continuous Acquisition and Life-cycle Support [CALS] Memorandum of Understanding [MOU] (Transmittal No. 19-96), pursuant to

22 U.S.C. 2767(f); to the Committee on International Relations.

316. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the 24 March 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the fourth quarter of fiscal year 1996, 1 July 1996–30 September 1996, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

317. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Germany for defense articles and services (Transmittal No. 97–03), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

318. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 97–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

319. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 97–02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

320. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 97–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

321. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States [TECRO] Transmittal No. 04–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

322. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of Navy's proposed lease of defense articles to the North Atlantic Treaty Organization (Transmittal No. 06–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

323. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a notice of a transfer of items from the U.S. munitions list to the Commerce control list, pursuant to 22 U.S.C. 2349aa–2(d)(4)(A)(iii); to the Committee on International Relations.

324. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an unclassified report on the Loan Guarantees to Israel Program and on economic conditions in Israel, pursuant to Public Law 102–391, section 601 (106 Stat. 1701); to the Committee on International Relations.

325. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for Eritrea, Ethiopia, and Uganda, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

326. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing assistance to support a cease-fire agreement between the two main Kurd groups in northern Iraq, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

327. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for fiscal year 1997 that no U.N. agency or U.N. affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103–236, section 102(g) (108 Stat. 389); to the Committee on International Relations.

328. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Saudi Arabia (Transmittal No. DTC–5–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–8, and the Statement of Justification authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent needs of refugees, victims of conflict, and other persons at risk in and from northern Iraq, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

330. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Australia (Transmittal No. DTC–4–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

331. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–56: Drawdown of Commodities, Services, and Training from the Department of Defense for the Economic Community of West African States' Peacekeeping Force [ECOMOG], Pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

332. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–55: Determination to Authorize the Furnishing of Non-Lethal Emergency Military Assistance to the States Participating in the Economic Community of West African States' Peacekeeping Force [ECOMOG] under section 506(a)(1) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

333. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of memorandum of justification for drawdown under section 506(a)(2) of the Foreign Assistance Act of 1961 to support Kurdish evacuees from northern Iraq, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

334. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

335. A communication from the President of the United States, transmitting notification that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1996—Received in the United States House of Representatives October 15, 1996, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 105–4); to the Committee on International Relations and ordered to be printed.

336. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order No. 12978 of October 21, 1995—Received in the United States House of Representatives October 23, 1996, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 105–6); to the Committee on International Relations and ordered to be printed.

337. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue in effect beyond November 14, 1996—Received in the United States House of Representatives October 30, 1996, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 105–7); to the Committee on International Relations and ordered to be printed.

338. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council—Received in the United States House of Representatives November 6, 1996, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 105–9); to the Committee on International Relations and ordered to be printed.

339. A communication from the President of the United States, transmitting notification that the national emergency with respect to the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction"—[WMD]) and the means of delivering such weapons is to continue in effect beyond November 14, 1996—Received in the United States House of Representatives November 12, 1996, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 105–10); to the Committee on International Relations and ordered to be printed.

340. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979—Received in the United States House of Representatives November 15, 1996, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 105–11); to the Committee on International Relations and ordered to be printed.

341. A communication from the President of the United States transmitting revisions to the provisions that apply to the Department of Commerce in the Export Administration Regulations, 15 CFR Part 730 et seq.—Received in the United States House of Representatives November 15, 1996, pursuant to 50 U.S.C. 1703(b) (H. Doc. No. 105–12); to the Committee on International Relations and ordered to be printed.

342. A communication from the President of the United States transmitting a report on developments concerning the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979—Received in the United

States House of Representatives December 2, 1996, pursuant to 50 U.S.C. 1703(c) and 50 U.S.C. 1641(c) (H. Doc. No. 105–14); to the Committee on International Relations and ordered to be printed.

343. A communication from the President of the United States transmitting a report on developments concerning the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S/M")) and the Bosnian Serbs—Received in the United States House of Representatives December 9, 1996, pursuant to 5 U.S.C. 1703(c) (H. Doc. No. 105–16); to the Committee on International Relations and ordered to be printed.

344. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

345. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

346. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

347. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandom of Justification for Presidential Determination (96–57) regarding the drawdown of defense articles and services from the stocks of DOD for disaster assistance to Colombia, Venezuela, Peru, and the Countries of the Eastern Caribbean Regional Security System [RSS], pursuant to Public Law 101–513, section 547(a) (104 Stat. 2019); to the Committee on International Relations.

349. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

350. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective November 27, 1996, the danger pay rate for all areas in Columbia was designated at the 15 percent level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

351. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 97–05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

352. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Removal of Entry (31 CFR Chapter V) received October 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

353. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Iranian Transactions Regulations (31 CFR Part 560) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

354. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Removal of Specially Designated Nationals of the Federal Republic of Yugoslavia (Serbia & Montenegro) (Office of Foreign Assets Control) [31 CFR Chapter V] received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

355. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations: License Exceptions [Docket No. 961122325–6325–01] (RIN: 0694–AB51) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

356. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Licensing of Key Escrow Encryption Equipment and Software {Docket No. 960918265–6296–02] (RIN: 0694–AB09) received December 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

357. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of U.S. citizen expropriation claims and certain other commercial and investment disputes, pursuant to Public Law 103–236, section 527(f); to the Committee on International Relations.

358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification and justification of waivers of the prohibition against contracting with firms that comply with the Arab League boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of contracts on the basis of religion, pursuant to Public Law 103–236, section 565(b); to the Committee on International Relations.

359. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 3 of the Arms Export Control Act; to the Committee on International Relations.

360. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Reporting Requirements for Foreign Gifts and Decorations (RIN: 3090–AG14) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

361. A letter from the Chairman, J. William Fulbright Foreign Scholarship Board, transmitting the Board's 1995 annual report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on International Relations.

362. A communication from the President of the United States, transmitting a report to Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a)(3) and section 902(a)(5) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 insofar as such restrictions pertain to the SINOSAT project; to the Committee on International Relations.

363. A communication from the President of the United States, transmitting a report to Congress that it is in the national interest of the United States to lift the suspensions under sections 902(a)(3) and 902(a)(5) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 insofar as such restrictions pertain to the Chinese FY–1 meteorological satellite; to the Committee on International Relations.

364. A communication from the President of the United States, transmitting a report on the United States participation in Rowanda and the Great Lakes region of eastern Zaire—received in the United States House of Representatives December 3, 1996 (H. Doc. No. 105–13); to the Committee on International Relations and ordered to be printed.

365. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting the Commission's annual report entitled "A New Diplomacy for the Information Age", pursuant to 22 U.S.C. 1469; to the Committee on International Relations.

366. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 1996, pursuant to 3 U.S.C. 113; to the Committee on Government Reform and Oversight.

367. A communication from the President of the United States, transmitting a report on the Federal agencies' implementation of the Privacy Act of 1974, as amended for the calendar years 1992 and 1993, pursuant to 5 U.S.C. 552a; to the Committee on Government Reform and Oversight.

368. A letter from the Commissioner of Social Security Administration, transmitting the Administration's accountability report for fiscal year 1996, pursuant to Public Law 101–410 section 6 (104 Stat. 892); to the Committee on Government Reform and Oversight.

369. A letter from the Secretary of Agriculture, transmitting the semiannual report of the inspector general for the period April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

370. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on inspector general audits for the period from April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

371. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the inspector general for the period April 1, 1996, through September 30, 1996 and the semiannual report on inspector general audit reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

372. A letter from the Secretary of the Interior, transmitting the semiannual report of the inspector general for the period April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

373. A letter from the Secretary of Labor, transmitting the semiannual report of the Department's inspector general and the Department of Labor's semiannual management report to Congress covering the period April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

374. A letter from the Secretary of Transportation transmitting the semiannual report of the Office of Inspector General for the period ended September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-432, "New Hires Police Officers, Fire Fighters and Teachers Pension Modification Amendment Act of 1996" received November 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-433, "BNA Washington Inc., Real Property Tax Deferral Temporary Amendment Act of 1996" received November 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-415, "Real Property Tax Rates for Tax Year 1997 Temporary Amendment Act of 1996" received November 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-414, "Economic Recovery Conformity Temporary Act of 1996" received November 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-413, "Oyster Elementary School Modernization and Development Project Temporary Act of 1996" received November 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

380. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-363, "Modified Reduction-in-Force Temporary Amendment Act of 1996" received October 4, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

381. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-387, "Closing of a Public Alley in Square 375, S.O. 95-54, Act of 1996" received October 4, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

382. A letter from the Interim Auditor, District of Columbia, transmitting a copy of a report entitled "Excepted Service Employee Failed to Comply With the District's Residency Requirement", pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

383. A letter from the Interim District of Columbia Auditor, transmitting a copy of a report entitled "Certification of Fiscal Year 1997 Revenue Estimates in Support of the District of Columbia General Obligation Bonds" (Series 1996A), pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

384. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in September 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

385. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in October 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

386. A letter from the Chairperson, Appraisal Subcommittee Federal Financial Institutions Examination Council, transmitting the Appraisal Subcommittee of the Federal Financial Institutions Examination Council's combined annual report under the Inspector General Act and annual statement under the Federal Managers Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

387. A letter from the Treasurer, Army & Air Force Exchange Service, transmitting the annual report for the plan year ended 31 December 1993, pursuant to Public Law 95-595; to the Committee on Government Reform and Oversight.

388. A letter from the Attorney General of the United States, transmitting the semiannual report on activities of the inspector general for the period April 1, 1996, through September 30, 1996, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

389. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (ID #97-002) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

390. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (ID #97-001) received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

391. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (ID #96-007) received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

392. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (ID # 96-0060) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

393. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (ID #97-003) received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

394. A letter from the Consumer Product Safety Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

395. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's consolidated report for the year ending September 30, 1996 on the Federal Managers' Financial Integrity Act and the results of internal audit and investigative activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

396. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Department Acquisition Regulations (RIN: 2105-AC59) received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

397. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistant Authority, transmitting the Authority's revised report to the Congress, pursuant to Public Law 104-8 section 224; to the Committee on Government Reform and Oversight.

398. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistant Authority, transmitting the Authority's annual report setting forth the progress made by the District government in meeting the objectives and the assistance provided by the Authority to the District government, pursuant to Public Law 104-8 section 224; to the Committee on Government Reform and Oversight.

399. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistant Authority, transmitting notification that the Authority has approved several resolutions and orders, as well as a recommendation, concerning the operation and management of the District of Columbia Public Schools; to the Committee on Government Reform and Oversight.

400. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

401. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Release of Information [BOP-1015-F] (RIN: 1120-AA21) received December 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

402. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Privacy Act Regulations (RIN: 3064-AB80) received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

403. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on activities of the inspector general covering the 6-month period ending September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b): to the Committee on Government Reform and Oversight.

404. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the inspector general for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

405. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's semiannual report on

the activities of the Office of Inspector General for the 6-month period ending September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

406. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors (5 CFR Part 1605) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

407. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Thrift Savings Plan Participation for Certain Employees of the District of Columbia Financial Responsibility and Management Authority (5 CFR Part 1620) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

408. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Allocation of Earnings (5 CFR Part 1645) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

409. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Definition of Basic Pay; Thrift Savings Plan Loans (5 CFR Parts 1600, 1620, and 1655) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

410. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's report in accordance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

411. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period ending September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

412. A letter from the Vice President and Treasurer, Financial Partners, Inc., transmitting the annual report of the group retirement plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District, covering the plan year January 1, 1995, through December 31, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

413. A letter from the Public Printer, Government Printing Office, transmitting the semiannual report on the activities of the Office of the Inspector General for the 6-month period ending September 30, 1996, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

414. A letter from the President, Inter-American Foundation, transmitting the Foundation's annual report for fiscal year 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

415. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1996, pursuant to 22 U.S.C. 2904(b); to the Committee on Government Reform and Oversight.

416. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's report for fiscal year 1996 under both the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

417. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's annual report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5 (b); to the Committee on Government Reform and Oversight.

418. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the Administration's semiannual report on the activities of the inspector general for April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

419. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report of the inspector general and the semiannual report on final action for the National Endowment for the Arts, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

420. A letter from the President, National Endowment for Democracy, transmitting the annual report for fiscal year 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

421. A letter from the Director, National Gallery of Art, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

422. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report on the activities of the Office of the Inspector General for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

423. A letter from the Chairman, National Science Board, transmitting the Board's semiannual report from the inspector general covering the activities of her office for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

424. A letter from the Chairman, National Transportation Safety Board, transmitting the consolidated report for fiscal year 1996, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

425. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's annual report under the Inspector General Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

426. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the Board's consolidated report under the Inspector General Act of 1978, as amended, and the Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

427. A letter from the Director, Office of Government Ethics, transmitting the consolidated annual report of the Office of Government Ethics covering the Inspector General Act of 1978 and the Federal Financial Managers' Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

428. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the annual report on audit and investigative activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

429. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the annual report on audit and investigative activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

430. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the annual report on audit and investigative activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

431. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 1997." pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform and Oversight.

432. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Retirement, Health, and Life Insurance Coverage for DC Financial Control Authority Employees (RIN: 3206–AG78) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

433. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas); Partnership Pilot Project (RIN: 3206–AH56) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

434. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Family and Medical Leave [5 CFR Parts 630 and 890] (RIN 3206–AH10) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

435. A letter from the Director, Office of Personnel Management, transmitting notification that OPM has approved the final plan for a personnel management demonstration project for the Department of the Air Force, submitted by the Department of Defense, pursuant to Public Law 103–337, section 342(b) (108 Stat. 2721); to the Committee on Government Reform and Oversight.

436. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the inspector general for the period of April 1, 1996, through September 30, 1996, and the management response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

437. A letter from the Director, Office of Personnel Management, transmitting notification of a proposed OPM demonstration project—pay for applied skills system, Department of Veterans Affairs [VA]; notice, pursuant to 5 U.S.C. 4703(b)(4)(B); to the Committee on Government Reform and Oversight.

438. A letter from the Director, Office of Personnel Management, transmitting a report on any benefit changes that will have a

significant impact on a broad segment of the enrollees in the FEHB program; to the Committee on Government Reform and Oversight.

439. A letter from the Special Counsel, Office of Special Counsel, transmitting the fiscal year 1996 reports of the U.S. Office of Special Counsel required by the Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

440. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's eight annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

441. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting the Commission's semiannual report on the activities of the Office of the Inspector General covering April 1, 1996, through September 30, 1996, and the management report on financial action on audits with disallowed costs for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

442. A letter from the Chairman, Postal Rate Commission, transmitting the Commission's semiannual report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

443. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1996, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform and Oversight.

444. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is in the public interest to award a contract to ABT Associates, Inc., to provide technical assistance to HUD and the Camden Partnership in the administration of HUD-funded community development, HOME, and homeless shelter programs, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

445. A letter from the Secretary of Labor, transmitting the semiannual report on the activities of the Office of the Inspector General for the period from April 1, 1996, through September 30, 1996, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

446. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the inspector general for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

447. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's semiannual report on the activities of the inspector general together with the management response, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

448. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1996, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

449. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on the activities of the Office of the Inspector General for the period of April 1, 1996, through September 30, 1996, and the management response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

450. A letter from the Executive Director, State Justice Institute, transmitting the Institute's annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

451. A letter from the Director, The Morris K. Udall Foundation, transmitting the annual report for the year ending September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

452. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period ending September 30, 1996 and the statutorily required management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

453. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

454. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's annual report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

455. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the Commission's annual report on its compliance with the Inspector General Act of 1978 pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

456. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

457. A letter from the Acting Museum Director, U.S. Holocaust Memorial Museum, transmitting the consolidated report on accountability and proper management of Federal resources as required by the Inspector General Act and the Federal Financial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

458. A letter from the Director, U.S. Information Agency, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1996, through September 30, 1996, also the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

459. A letter from the Inspector General U.S. Information Agency, transmitting activities of the inspector general, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

460. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's semiannual report on the activities of the inspector general for the period April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

461. A letter from the Director, Woodrow Wilson Center, transmitting the Center's annual report for fiscal year 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

462. A letter from the Librarian of Congress, transmitting the annual report of the Library of Congress Trust Fund Board for the fiscal year ending September 30, 1995, pursuant to 2 U.S.C. 163; to the Committee on House Oversight.

463. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicaid Administration for Children and Families (45 CFR Part 205.50); Aid to families with Dependent Children (RIN: 0970-AB32) received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Oversight.

464. A letter from the Deputy Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting notification of the intention to accept a 90-acre land donation to be added to wilderness areas, pursuant to 16 U.S.C. 1135(a); to the Committee on Resources.

465. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the White Mountain Apache Tribe's (Tribe) judgment funds in Docket 22-H, before the U.S. Court of Federal Claims, pursuant to 25 U.S.C. 1402(a) and 1404; to the Committee on Resources.

466. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—National Park System Units in Alaska (National Park Service) (RIN: 1024-AC19) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

467. A letter from the Assistant Secretary for Fish and Wildlife and Plants, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of California Condors in Northern Arizona (Fish and Wildlife Service) (RIN: 1018-AD62) received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

468. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf (RIN: 1010-AC03) received November 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

469. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Outer Continental Shelf Lease Terms (RIN: 1010-AC15) received October 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

470. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Allow Lessees More Flexibility in Keeping Leases in Force Beyond Their Primary Term (RIN: 1010-AC07) received October 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

471. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Grazing Administration, Exclusive of Alaska; Development and Completion of Standards and Guidelines; Implementation of Fallback Standards and Guidelines [WO-330-1020-00-24-1A] (RIN: 1004-AB89) received November 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

472. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's final rule—Acreage Limitation and Water Conservation Rules and Regulations (Bureau of Reclamation) (RIN: 1006-AA32) received December 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

473. A letter from the General Counsel, Department of Housing and Urban Development transmitting the Department's final rule—Protection and Enhancement of Environmental Quality [Docket No. FR-2206-F-03] (RIN: 2501-AA30) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

474. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Listing of the Central California Coast Coho Salmon as Threatened in California (RIN: 1018-AE05) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

475. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Endangered and Threatened Species; Threatened Status for Central California Coast Coho Salmon Evolutionarily Significant Unit (ESU) [Docket No. 950407093-6298-03; I.D. 012595A] received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

476. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 951227306-5306-01; I.D. 102996A] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

477. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements in the Gulf of Alaska [Docket No. 960129018-6018-01; I.D. 093096D] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

478. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Nontrawl Sablefish Mop-Up Fishery [Docket No. 951227306-5306-01; I.D. 092596B] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

479. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod [Docket No. 960129019-6019-01; I.D. 081696B] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

480. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Fisheries Research Plan; Interim Groundfish Observer Program [Docket No. 960717195-6280-02; I.D. 070196E] (RIN: 0648-AI95) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

481. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 19 [Docket No. 961021289-6289-01; I.D. 100196C] (RIN: 0648-AJ26) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

482. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—West Coast Salmon Fisheries; Northwest Emergency Assistance Plan—Washington Salmon License Buy Out [Docket No. 960412111-6297-04; I.D. 102396C] received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

483. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bearing Sea and Aleutian Islands [Docket No. 960129019-6019-01; I.D. 102596A] received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

484. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Amendment 8 to the Summer Flounder and Scup Fishery Management Plan; Resubmission of Disapproved Measures [Docket No. 960520141-6277-04; I.D. 073096D] (RIN: 0648-AH05) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

485. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Gulf of Alaska [Docket No. 960129018-6018-01; I.D. 093096A] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

486. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bearing Sea and Aleutian Islands [Docket No. 960129019-6019-01; I.D. 100196B] received October 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

487. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Adjustments [I.D. 100296D] received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

488. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 [Docket No. 960129018-6018-01; I.D. 093096B] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

489. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Gulf of Mexico Fisheries Disaster Program; Revisions [Docket No. 960322092-6284-03; I.D. 100796A] (RIN: 0648-ZA19) received October 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

490. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear Rockfish Fishery in the Bering Sea and Aleutian Islands [Docket No. 960129019-6019-01; I.D. 100796C] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

491. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Gulf of Alaska [Docket No. 960129018-6018-01; I.D. 100496B] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

492. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 [Docket No. 960129018-6018-01; I.D. 101896A] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

493. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component [Docket No. 960807218-6244-02; I.D. 100296E] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

494. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea [Docket No. 960129019-6019-01; I.D. 100296H] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

495. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders [I.D. 101696A] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

496. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements; Pacific Ocean Perch and "Other Red Rockfish" in the Bering Sea Subarea [Docket No. 960129019-6019-01; I.D. 100296G] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

497. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component of Pollock in the Bering Sea Subarea [Docket No. 960129019-6019-01; I.D. 101596F] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

498. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Bering Sea Subarea [Docket No. 960129019-6019-01; I.D. 101696B] received October 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

499. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan [Docket No. 960805216-6307-03; I.D. 071596E] (RIN: 0648-AH06) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

500. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Monkfish Exempted Trawl Fishery [Docket No. 961008281-6281-01; I.D. 091896B] (RIN: 0648-AJ25) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

501. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1997 Harvest Specifications [Docket No. 961126333-6333-01; ID 110496A] (RIN: 0648-XX73) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

502. A letter from the Director, Office of sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 960129018-6018-01, ID 120296A] received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

503. A letter from the Acting Director, Office of Sustainable Fisheries, National Marines Fisheries Service, transmitting the Service's final rule—Scallop Fishery Off Alaska; Shelikof District Registration Area K [Docket No. 960129018-6018-01; I.D. 102996B] received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

504. A letter from the Acting Director, Office of Sustainable Fisheries, National Marines Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 960129019-6019-01; I.D. 110896C] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

505. A letter from the Acting Director, Office of Sustainable Fisheries, National Marines Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Tanner Crab Bycatch Allowances for Vessels Using Trawl Gear in Zone 1 of the Bering Sea and Aleutian Islands [Docket No. 960129019-6019-01; I.D. 110186A] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

506. A letter from the Director, Office of Sustainable Fisheries, National Marines Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands [Docket No. 960129019-6019-01; I.D. 110496B] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

507. A letter from the Acting Director, Office of Sustainable Fisheries, National Marines Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area M [Docket No. 960502124-6190-02; I.D. 103196D] received November 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

508. A letter from the Assistant Administrator, National Ocean Service, transmitting the Service's final rule—Announcement of Graduate Research Fellowships in the National Estuarine Research Reserve System for Fiscal Year 1997 [Docket No. 960910251-6251-01] RIN: 0648-ZA24) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

509. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Bering Sea and Aleutian Islands Area; Interim 1997 Harvest Specifications [Docket No. 961114318-6318-01; ID 110496A] (RIN: 0648-XX71) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

510. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in District 16 of Registration Area D [Docket No. 960502124-6190-02; ID 112796B] received December 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

511. A letter from the Acting Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulation to Prohibit the Attraction of White Sharks in the Monterey Bay National Marine Sanctuary [Docket No. 950222055-6228-03] (RIN: 0648-AH92) received December 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

512. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Trawl Closure to Protect Red King Crab [Docket No. 9608-30240-6338-02; ID 082796A] (RIN: 0648-AH28) received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

513. A letter from the Acting Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands; Initial Regulations [Docket No. 960919266-6336-02; ID 082096D] (RIN: 0648-AD91) received December 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

514. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 12 [Docket No. 950810206-6288-06; ID 070296D] (RIN: 0648-AG29) received December 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

515. A letter from the Acting Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program [IN-119-FOR; State Amendment No. 94-5] received October 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

516. A letter from the Acting Director, Office of Surface Mining, transmitting the Office's final rule—Ohio Regulatory Program [OH-237; Amendment No. 71] received October 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

517. A letter from the Acting Director, Office of Surface Mining, transmitting the Office's final rule—Colorado Regulatory Program [SPATS No. CO-030-FOR] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

518. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Kentucky Regulatory Program [KY-208-FOR] received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

519. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Oklahoma Regulatory Program [SPATS No. OK-019-FOR] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

520. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program [SPATS No. TX-031-FOR] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

521. A letter from the Secretary of Commerce, transmitting the Department's report entitled "Historic Rationale, Effectiveness and Biological Efficiency of Existing Regulations for the U.S. Atlantic Bluefin Tuna Fisheries.", pursuant to section 310 of Public Law 104-43, the Fisheries Act of 1995; to the Committee on Resources.

522. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the calendar year 1995, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

523. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Rules of Practice for Hearings [Docket No. R-0938] received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

524. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Debt Collection Improvement Act of 1996 With Respect to the Civil Penalties Provision of the Alcohol Beverage Labeling Act of 1988 (96R-023P) (RIN: 1512-AB62) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

525. A letter from the Chair, Commission on Child and Family Welfare, transmitting a copy of the final report of the Commission on Child and Family Welfare, pursuant to Public Law 102-521, section 5(i) (106 Stat. 3407); to the Committee on the Judiciary.

526. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Adjustment of Civil Monetary Penalties for Inflation (17 CFR Part 143) received October 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

527. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Libyan Sanctions Regulations, Iranian Transactions Regulations, Iraqi Sanctions Regulations; Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, UNITA (Angola) Sanctions Regulations, Terrorism Sanctions Regulations, Implementation of Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (31 CFR Parts 500, 515, 535, 550, 560, 575, 585, 590 and 595) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

528. A letter from the Acting Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's final rule—Civil Monetary Penalties; Adjustment for Inflation [Docket No. 961021291-6291-01] (RIN: 0690-AA27) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

529. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Communications with the Patent and Trademark Office [Docket No. 951006247-6255-02] (RIN: 0651-AA70) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

530. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's final rule—Redress Provisions for Persons of Japanese Ancestry: Guidelines for Individuals Who Relocated to Japan as Minors During World War II [AG Order No. 2056-96] (RIN: 1190-AA42) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

531. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Grants Program for Indian Tribes [OJP No. 1099] (RIN: 1121-AA41) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

532. A letter from the Director, Office for Victims of Crime, Department of Justice, transmitting a report on the programs and activities of the Department's Office of Crime (OVC), pursuant to 42 U.S.C. 10601 et seq.; to the Committee on the Judiciary.

533. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Regulations Pertaining to Both Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as amended [Public Notice 2463] received November 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

534. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants under the Immigration and Nationality Act, as Amended (Bureau of Consular Affairs) [Public Notice 2478] received December 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

535. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Inflation Adjustment of Civil Monetary Penalty (RIN: 2135-AA09) received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

536. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Federal Civil Penalties Inflation Adjustment (RIN: 2900-AI48) received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

537. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AB74) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

538. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Federal Prison Industries (FPI) Inmate Work Programs: Sick Call Status [BOP-1060-F] (RIN: 1120-AA50) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

539. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Incoming Publications: Nudity and Sexual Explicit Material or Information [BOP-1064-I] (RIN: 1120-AA59) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

540. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Unescorted Transfers and Voluntary Surrenders [BOP-1041-F] (RIN: 1120-AA45) received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

541. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Rules of Practice and Procedure (12 CFR Part 308) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

542. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's 17th annual report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

543. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Debt Collection Improvement Act of 1996 (16 CFR Parts 1, 305, 306, and 460) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

544. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Revocation of Naturalization [INS No. 1634-93] (RIN: 1115-AD45) received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

545. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Establishment of a Dedicated Commuter Lane (DCL) System Costs Fee for Participation in the Port Passenger Accelerated Service (PORTPASS) Program [Docket No. 1794-96] (RIN: 1115-AD82) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

546. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Collection of Fees Under the Dedicated Commuter Lane Program; Port Passenger Accelerated Service (PORTPASS) Program [Docket No. 1675-94] (RIN: 1115-AD82) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

547. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Adjustment of Status to That of Person Admitted for Permanent Residence: Interview [INS Docket No. 1373-95] (RIN: 1115-AD12) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

548. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 3150-AF37) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

549. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Voting Rights Program (RIN: 3206-AH69) received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

550. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Patent and Trademark Office, transmitting the Office's final rule—Changes in Signature and Filing Requirements for Correspondence Filed in the Patent and Trademark Office [Docket No. 961030301-6301-01] (RIN: 0651-AA55) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

551. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and State Health Care Programs and Program Fraud Civil Remedies: Fraud and Abuse; Civil Money Penalties Inflation Adjustments (RIN: 0991-AZ00) received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

552. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Adjustments to Civil Monetary Penalty Amounts [Release Nos. 33-7361; 34-37912; IC-22310; IA-1596] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

553. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S. transmitting the financial audit for the fiscal year ended August 31, 1996, together with the auditor's opinion, pursuant to 36 U.S.C. 1101(47) and 1103; to the Committee on the Judiciary.

554. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the fourth report on a list of projects which have been authorized, but for which no funds have been obligated during the preceeding 10 full fiscal years, pursuant to 33 U.S.C. 579a; to the Committee on Transportation and Infrastructure.

555. A letter from the Administrator, Federal Aviation Administration, transmitting a report entitled "Increased Air Traffic over Grand Canyon National Park," pursuant to

Public Law 102-581, section 134(b) (106 Stat. 4888); to the Committee on Transportation and Infrastructure.

556. A letter from the Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting a draft of proposed legislation to modify the Oakland Inner Harbor, CA, navigation project; to the Committee on Transportation and Infrastructure.

557. A letter from the Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting a copy of "Ramapo River at Oakland, New Jersey Flood Protection Project," to the Committee on Transportation and Infrastructure.

558. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department's final rule—St. Mary's Falls Canal and Locks, Michigan; Use, Administration, and Navigation (33 CFR Part 207) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

559. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 560 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-267-AD, Amdt. 39-9844, AD 96-24-06] (RIN: 2120-AA64) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

560. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Using Agency for Restricted Area 2202B (R-2202B), Big Delta, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-30], (RIN: 2120-AA66) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

561. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28739, Amdt. No. 1768] (RIN: 2120-AA65) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

562. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28740, Amdt. No. 1769] (RIN: 2120-AA65) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28738, Amdt. No. 1767] (RIN: 2120-AA65) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Groveland, CA (Federal Aviation Administration) [Docket No. 96-AWP-10] received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, LITEF GmbH Attitude Heading System (AHRS) Unit Model LCR-92, LCR-92S, and LCR-92H (Federal Aviation Administration) (RIN: 2120-AA64) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways; LA (Federal Aviation Administration) [Airspace Docket No. 94-ASW-14] (RIN: 2120-AA66) received October 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

567. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Lee's Summit, MO (Federal Aviation Administration) [Docket No. 96-ACE-15] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

568. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Hays, KS (Federal Aviation Administration) [Docket No. 96-ACE-16] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

569. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Murrieta/Temecula, CA (Federal Aviation Administration) [Docket No. 96-AWP-2] (RIN: 2120-AA66) (1996-0161) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

570. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Grundy, VA (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0160) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

571. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace, Tonopah, NV (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0143) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

572. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Knob Noster, MO (Federal Aviation Administration) [Airspace Docket No. 96-ACE-17] (RIN: 2120-AA66) (1996-0165) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

573. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E5 Airspace; Hemingway, SC (Federal Aviation Administration) [Docket No. 96-ASO-26] (RIN: 2120-AA66) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

574. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E2 Airspace, London, KY (Federal Aviation Administration) [Airspace Docket No. 96-ASO)-14] (RIN: 2120-AA66) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

575. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Weedsport, NY (Federal Aviation Administration) [Airspace Docket No. 96-AEA-06] (RIN: 2120-AA66) (1996-0171) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

576. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Anvik, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-18] (RIN: 2120-AA66) (1996-0170) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

577. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Selawik, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-12] (RIN: 2120-AA66) (1996-0169) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

578. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Heiden, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-17] (RIN: 2120-AA66) (1996-0168) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

579. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Knob Noster, MO (Federal Aviation Administration) [Airspace Docket No. 96-ACE-12] (RIN: 2120-AA66) (1996-0167) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

580. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace; Bethel, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-4] (RIN: 2120-AA66) (1996-0157) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

581. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Sand Point, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-3] (RIN: 2120-AA66) (1996-0156) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

582. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Wrangell, St. Paul Island, Petersburg, and Sika, AK; Establishment of Class E Airspace at Nostak, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-2] (RIN: 2120-AA66) (1996-0155) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

583. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ketchikan, AK (Federal Aviation Administration) [Airspace Docket No. 95-AAL-4] (RIN: 2120-AA66) (1996-0154) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

584. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Revision of Class E Airspace; Cordova, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-8] (RIN: 2120-AA66) (1996-0153) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

585. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Buckland, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-5] (RIN: 2120-AA66) (1996-0152) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

586. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Cold Bay, Nome, and Tanana, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-9] (RIN: 2120-AA66) (1996-0151) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

587. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wainwright, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-11] (RIN: 2120-AA66) (1996-0150) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

588. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Homer, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-13] (RIN: 2120-AA66) (1996-0149) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

589. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bettles, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-15] (RIN: 2120-AA66) (1996-0148) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

590. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, and Model MD-88 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-214-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

591. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAe 125 Series 1000A and Model Hawker 1000 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-167-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

592. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 200) Airplanes (Federal Aviation Administration) [Docket No. 96-NM-208-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

593. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes (Federal Aviation Administration) [Docket No. 94-NM-222-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

594. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A and -300A Series Airplanes, and Model Avro 146-RJ70A, -RJ85A, and -RJ100A Airplanes (Federal Aviation Administration) (Docket No. 95-NM-251-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Avro 146-RJ70A, -RJ85A, and -RJ100A Airplanes (Federal Aviation Administration) [Docket No. 95-NM-213-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; HB Aircraft Industries AG Model HB-23 2400 Hobbyliner/Scanliner Sailplanes (Federal Aviation Administration) [Docket No. 95-CE-39-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4100 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-68-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-15 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-24-AD] (RIN: 2120-AA64) received November 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-240-AD] (RIN: 2120-AA64) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

600. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model HS-748 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-198-AD] (RIN: 2120-AA64) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-2/-2A/-3/-3B/-3/-5 Series Turbofan Engines (Federal Aviation Administration) [Rules Docket No. 96-ANE-15] (RIN: 2120-AA64) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes and C-9 (Military) Airplanes (Federal Aviation Administration) [Docket No. 96-NM-91-AD] (RIN: 2120-AA64) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters (Federal Aviation Administration) [Docket No. 96-SW-25-AD] (RIN: 2120-AA64) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-205-AD] (RIN: 2120-AA64) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (formerly Government Aircraft Factory) Models N22B, N24A, and N22S Airplanes (Federal Aviation Administration) [Docket No. 95-CE-103-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

606. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-251-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

607. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-200, -300, -400 Series Airplanes (Federal Aviation Administration) [Docket No. 94-NM-226-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

608. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Shorts Model SD3-60 and SD3-SHERPA Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-09-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

609. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-6 Airplanes (Federal Aviation Administration) [Docket No. 95-CE-85-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

610. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 94-NM-221-AD] (RIN: 2120-AA64)

received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

611. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100 and -200 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-06-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

612. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes and Model Avro 146-RJ Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-40-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

613. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-232-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

614. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-53-AD] (RIN: 2120-AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

615. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 95-CD-40-AD] (RIN: 2120-AA64) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

616. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60 SHERPA Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-122-AD] (RIN: 2120-AA64) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

617. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft PA23, PA31, PA31P, PA31T, and PA42 Series Airplanes (Federal Aviation Administration [Docket No. 95-CE-56-AD] (RIN: 2120-AA64) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

618. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft PA31, PA31P, PA31T, and PA42 Series Airplanes (Federal Aviation Administration) [Docket No. 95-CE-84-AD] (RIN: 2120-AA64) received October 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

619. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas 2202 (R-2202), Big Delta, AK; R-2203, Eagle River, AK; R-2205, Yukon, AK; and R-2211, Blair Lakes, AK (Federal Aviation Administration) [Airspace Docket No. 96-AAL-20] (RIN: 2120-AA66) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

620. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change to Restricted Areas R-6714A, E, F, G, and H, Yakima, WA (Federal Aviation Administration) [Airspace Docket No. 96-ANM-16] (RIN: 2120-AA66) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

621. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Rules of Practice for Federally-Assisted Airport Proceedings (Federal Aviation Administration) [Docket No. 27783; Amendment No. 13-27, 16] (RIN: 2120-AF43) received October 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

622. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Maritime Security Program [Docket No. R-163] (RIN: 2133-AB24) received October 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operation of Motor Vehicles by Intoxicated Minors [NHTSA Docket No. 96-007; Notice 2] (RIN: 2127-AG20) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Electronic Records of Shipping Articles and Certificates of Discharge (U.S. Coast Guard) [CGD 94-004] (RIN: 2115-AE72) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

625. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airway V-421; CO (Federal Aviation Administration) [Airspace Docket No. 95-ANM-6] (RIN: 2120-AA66) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

626. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28702; Amdt. No. 1757] (RIN: 2120-AA65) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

627. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28700; Amdt. No. 1755] (RIN: 2120-AA65) received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

628. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28727; Amdt. No. 1762] (RIN: 2120-AA65) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

629. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28728; Amdt. No. 1763] (RIN: 2120-AA65) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

630. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28726; Amdt. No. 1761] (RIN: 2120-AA65) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

631. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes (Federal Aviation Administration) [Docket No. 26140; Amendment No. 25-88] (RIN: 2120-AC43) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

632. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Protective Breathing Equipment; Correction (Federal Aviation Administration) [Docket No. 27219; Amendment No. 121-261] (RIN: 2120-AD74) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

633. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28676; Amdt. No. 1752] (RIN: 2120-AA65) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

634. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28698; Amdt. No. 399] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

635. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Incentive Grant Criteria for Drunk Driving Prevention Programs (National Highway Traffic Safety Administration) [Docket No. 89-02; Notice 9] (RIN: 2127-AD01) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

636. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—List of Nonconforming Vehicles Decided To Be Eligible for Importation (National Highway Traffic Safety Administration) [Docket No. 96-097; Notice 1] (RIN: 2127-AG57) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

637. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations; Fees for Course Monitoring Tires (National Highway Traffic Safety Administration) [Docket No. 96-88; Notice 1] (RIN: 2127-AG54) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

638. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Railroad Administration Enforcement of the Hazardous Materials Regulations; Penalty Guidelines (RIN: 2130-AB00) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

639. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28715; Amdt. No. 1759] received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

640. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28716; Amdt. No. 1760] (RIN: 2120-AA65) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

641. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Motor Carrier Transportation; Redesignation of Regulations from the Surface Transportation Board Pursuant to the ICC Termination Act of 1995 (Federal Highway Administration) (RIN: 2125-AD96) received October 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Iran (Federal Aviation Administration) [Docket No. 28690; Special Federal Aviation Regulation (SFAR) No. 76] (RIN: 2120-AG28) received October 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28714; Amdt. No. 1758] received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT3D Series Turbofan Engines [Docket No. 95-ANE-45; Amendment 39-9815; AD 96-23-10] (RIN: 2120-AA64) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

645. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-258-AD; Amendment. 39-9817; AD 96-23-12] (RIN: 2120-AA64) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

646. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-259-AD; Amendment 39-9816; AD 96-23-11] (RIN: 2120-AA64) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC-8-102 and -103 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-163-AD; Amendment No. 39-9822; AD 96-23-17] (RIN: 2120-AA64) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

648. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Canadair Model CL-215-1A10 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-82-AD; Amendment No. 39-9819; AD 96-23-13] (RIN: 2120-AA64) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

649. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Issuance of Third-Class Airman Medical Certificates to Insulin-Treated Diabetic Airman Applicants (Federal Aviation Administration [Docket No. 26493] (RIN: 2120-AG30) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

650. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Anacostia River, Washington, DC (U.S. Coast Guard) [CGD05-081] (RIN: 2115-AE47) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

651. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Crashworthiness Protection Requirements for Tank Cars; Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks [Docket Nos. HM-175A and HM-201; Amdt. Nos. 171-137, 172-144, 173-245, 179-50, and 180-8] (RIN: 2137-AB89 and 2137-AB40) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

652. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Air Brake Systems Air Compressor Cut-In [Docket No. 90-3; Notice 7] (RIN: 2127-AF63) received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

653. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regattas and Marine Parades (U.S. Coast Guard) [CGD 95-054] (RIN: 2115-AF17) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

654. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Pedro Bay, CA (U.S. Coast Guard) [COTP Los Angeles-Long Beach 96-003] (RIN: 2115-AA97) received November 25, 1996, pursuant to 5 U.S.C. 81(a)(1)(A); to the Committee on Transportation and Infrastructure.

655. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Searsport Lobster Boat Races, Searsport, ME (U.S. Coast Guard) [CGD01-96-022] (RIN: 2115-AE46) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

656. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Christmas Parade of Boats (U.S. Coast Guard) [CGD07-96-048] (RIN: 2115-AE46) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

657. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf Intracoastal Waterway, Houma, LA (U.S. Coast Guard) [COTP Morgan City, LA 96-002] (RIN: 2115-AA97) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

658. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cerritos Channel, CA (U.S. Coast Guard) [CGD11-90-03] (RIN: 2115-AA47) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

659. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Siox City, IA (Federal Aviation Administration) [Airspace Docket No. 96-ACE-11] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

660. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Penn Yan, N.Y. (Federal Aviation Administration) [Airspace Docket No. 96-AEA-10] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

661. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Blytheville, AR (Federal Aviation Administration) [Airspace Docket No. 96-ASW-29] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

662. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Allowable Carbon Dioxide in Transport Category Airplane Cabins (Federal Aviation Administration) [Docket No. 27704, Amdt. No. 25-89] (RIN: 2120-AD47) received December 2, 1996, pursaunt to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

663. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Falsification of Security Records (Federal Aviation Administration) [Docket No. 28745; Amendment Nos. 107-9 and 108-141] (RIN: 2120-AG27) received December 2, 1996, pursuant to 5 U.S.C. to the

Committee on Transportation and Infrastructure.

664. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Direct Final Rule; Request for Comments—Amendment to Class E Airspace, Imperial, NE (Federal Aviation Administration) [Docket No. 96-ACE-20] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

665. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Saluda, VA (Federal Aviation Administration) [Airspace Docket No. 96-AEA-08] (RIN: 2120-AA66) (1996-0172)) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

666. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Phoenix, Deer Valley Municipal Airport, AS (Federal Aviation Administration) [Airspace Docket No. 96-AWP-16] (RIN: 2120-AA66) (1996-0174)) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

667. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Grand Canyon-Valle Airport, AZ (Federal Aviation Administration) [Airspace Docket No. 95-AWP-3] (RIN: 2120-AA66) (1996-0173)) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

668. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Dexter, ME, Correction (Federal Aviation Administration) [Airspace Docket No. 95-ANE-23] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

669. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Miller, SD, Correction (Federal Aviation Administration) [Airspace Docket No. 96-AGL-11] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

670. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hazen, ND (Federal Aviation Administration) [Airspace Docket No. 96-AGL-10] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

671. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tomahawk, WI (Federal Aviation Administration) [Airspace Docket No. 96-AGL-14] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Montauk, NY (Federal Aviation Administration) [Airspace Docket No. 96-AEA-09] (RIN: 2120-AA66) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc, Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 Airplanes (Federal Aviation Administration [Docket No. 96-CE-49-AD, Amdt. 39-9833, AD 96-24-08] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

674. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1123, 1124, and 1124A Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-173-AD, Amdt. 39-9835, AD 96-24-11] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

675. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Reciprocating Engines (Federal Aviation Administration) [Docket No. 96-ANE-31, Amdt. 39-9826, AD 96-23-03] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

676. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-140-AD, Amdt. 39-9836, AD 96-24-12] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

677. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model 250-C47B Turboshaft Engines (Federal Aviation Administration) [Docket No. 96-ANE-41, Amdt. 39-9834, AD 96-24-09] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

678. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-80-AD, Amdt. 39-9827, AD 96-24-01] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

679. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC-8-100 and -300 Airplanes (Federal Aviation Administration) [Docket No. 93-NM-194-AD, Amdt. 39-9814, AD 96-23-09] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

680. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 "Combi" Airplanes (Federal Aviation Administration) [Docket No. 96-NM-255-AD, Amdt. 39-9829, AD 96-24-03] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

681. A letter from the General Counsel, Department of Transportation, transmitting, the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-261-AD, Amdt. 39-9818, AD 96-23-51] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

682. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allied Signal Commercial Avionics Systems CAS-81 Traffic Alert and Collision Avoidance Systems (TCAS) as installed, but not Limited to Various Transport Category Airplanes (Federal Aviation Administration) [Docket No. 96-NM-81-AD, Amdt. 39-9824, AD 95-26-15 R1] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

683. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Nomad Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 95-CE-93-AD, Amdt. 39-9831, AD 96-24-05] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia, Nomad Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 95-CE-75-AD, Amdt. 39-9830, AD 96-24-04] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

685. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 93-ANE-79, Amdt. 39-9820, AD 96-23-14] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

686. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96-ANE-02, Amdt. 39-9821, AD 96-23-15] (RIN: 2120-AA64) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

687. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28735, Amdt. No. 1765] (RIN: 2120-AA65) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

688. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28736, Amdt. No. 1766] (RIN: 2120-AA65) received December 2,

1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

689. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28734, Amdt. No. 1764] (RIN: 2120-AA65) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

690. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Sunken Vessel *Empire Knight*, Boon Island, Maine (U.S. Coast Guard) [CGD01-95-1411] (RIN: 2115-AA97) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

691. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Rada Fajardo, East of Villa Marina, Fajardo, PR (U.S. Coast Guard) [CGD07-96-068] (RIN: 2115-AE46) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

692. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Railroad Accident Reporting (Partial Response to Petitions for Reconsideration) (Federal Railroad Administration) [FRA Docket No. RAR-4, Notice No. 14] (RIN: 2130-AA58) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

693. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Railroad Accident Reporting (Adjustment of Dollar Threshold for Reporting Certain Accidents) (Federal Railroad Administration) [FRA Docket No. RAR-4, Notice No. 15] (RIN: 2130-AA58) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

694. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls; Partial Suspension of Regulation (U.S. Coast Guard) [CGD 91-045] (RIN: 2115-AE01) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

695. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Holiday Boat Parade of the Palm Beaches; Palm Beach, FL (U.S. Coast Guard) [CGD07-96-053] (RIN: 2115-AE46) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Key West Super Boat race; Key West, FL (U.S. Coast Guard) [CGD07-96-049] (RIN: 2115-AE46) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

697. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Donier Model 328-100 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-230-AD, Amdt. 39-9828, AD 96-24-02] (RIN: 2120-AA64) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Continental Airlines Boat Parade; Fort Lauderdale, FL (U.S. Coast Guard) [CGD07-96-067] (RIN: 2115-AE46) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Implementation of Drug Testing in Foreign Waters (U.S. Coast Guard) [CGD 95-011] (RIN: 2115-AF02) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

700. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Single State Insurance Registration; Receipt Rule; Continued Suspension of Effectiveness (Federal Highway Administration) (RIN: 2125-AD92) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

701. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-224-AD, Amdt. 39-9752, AD 96-19-04] (RIN: 2120-AA64) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

702. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-25-AD, Amdt. 39-9783, AD 96-21-06] (RIN: 2120-AA64) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

703. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes and Model Avro 146-RJ Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-41-AD, Amdt. 39-9786, AD 96-21-09] (RIN: 2120-AA64) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

704. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Shorts Model SD3-30, -60, and -SHERPA Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-08-AD, Amdt. 39-9784, AD 96-21-07] (RIN: 2120-AA64) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

705. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft PA31, PA31P, and PA31T Series Airplanes (Federal Aviation Administration) [Docket No. 95-CE-45-AD, Amdt. 39-9788, AD 96-21-11] (RIN: 2120-AA64) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

706. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-30 and SD3-SHERPA Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-07-AD, Amdt. 39-9785, AD 96-21-08] (RIN: 2120-AA64) received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

707. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category [FRL-5648-4] received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

708. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards for Pennsylvania [FRL-5659-9] (RIN: 2040-AC78) received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

709. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Loan Guarantees for Construction of Treatment Works; Removal of Legally Obsolete Rule [FRL-5658-6] received December 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

710. A letter from the Director of Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Interim Guidance on Transportation of Steam Generators [NRC Generic Letter 96-07] received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

711. A letter from the Secretary of Transportation, transmitting the Department's second annual report entitled "Alaska Demonstration Programs"; to the Committee on Transportation and Infrastructure.

712. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings [STB Ex Parte No. 527] received October 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

713. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings (November 15, 1996, modifying rules issued October 1, 1996)— [STB Ex Parte No. 527] received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

714. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Rail General Exemption Authority—Exemption of Hydraulic Cement [Ex Parte No. 346 (Sub-No. 34)] received December 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

715. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated February 27, 1996, submitting a report together with accompanying papers and illustrations—received in the U.S. House of Representatives November 12, 1996, pursuant to section 204 of the 1970

Flood Control Act (Public Law 91-611) (H. Doc. No. 105-17); to the Committee on Transportation and Infrastructure and ordered to be printed.

716. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated February 1, 1996, submitting a report together with accompanying papers and illustrations—received in the U.S. House of Representatives November 21, 1996, pursuant to section 204 of the 1970 Flood Control Act (Public Law 91-611) (H. Doc. No. 105-18); to the Committee on Transportation and Infrastructure and ordered to be printed.

717. A letter from the Secretary of Commerce, transmitting the Department's report entitled "National Implementation Plan For Modernization Of The National Weather Service For Fiscal Year 1997," pursuant to Public Law 102-567, section 703(a) (106 Stat. 4304); to the Committee on Science.

718. A letter from the Director, National Science Foundation, transmitting a report entitled "Scientific and Engineering Research Facilities at Colleges and Universities: 1996", pursuant to 42 U.S.C. 7454(c); to the Committee on Science.

719. A letter from the Administrator, Small Business Administration, transmitting "Building the Foundation for a New Century—First Annual Report on Implementation of the 1995 White House Conference on Small Business," pursuant to 15 U.S.C. 631 note; to the Committee on Small Business.

720. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Diseases Associated with Exposure to Certain Herbicide Agents (Prostate Cancer and Acute and Subacute Peripheral Neuropathy) (RIN: 2900-AI35) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

721. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Contract Program for Veterans With Alcohol and Drug Dependence Disorders (RIN: 2900-AH77) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

722. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Willful Misconduct (RIN: 2900-AI26) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

723. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Evidence of Dependents and Age (RIN: 2900-AH51) received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

724. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Community Residential Care Program and Contract Program for Veterans With Alcohol and Drug Dependence Disorders (RIN: 2900-AH61) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

725. A letter from the National Adjutant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 75th National Convention, including their annual audit report of receipts and expenditures as of December 31, 1995—received in the U.S. House of Representatives, November 14, 1996, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332 (H. Doc. No. 105-8); to the Committee on Veterans' Affairs and ordered to be printed.

726. A letter from the Acting U.S. Trade Representative, Office of the U.S. Trade Representative, transmitting the President's determination that title IV of the Trade Act of 1974 should no longer apply to Romania and his proclamation of the permanent extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania, pursuant to 10 U.S.C. 2437(a); to the Committee on Ways and Means.

727. A communication from the President of the United States, transmitting his determination that Malaysia should be graduated from the GSP program because it is sufficiently advanced in economic development and improved in trade competitiveness, also other determinations—received in the U.S. House of Representatives, October 17, 1996, pursuant to 19 U.S.C. 2462 (H. Doc. No. 105-5); to the Committee on Ways and Means and ordered to be printed.

728. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

729. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Collection of Canadian Province of Origin Information on Customs Entry Records [Docket No. 960606162-6293-02] (RIN: 0607-AA21) received November 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

730. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Providing More Flexible Program Changes for the State and Local Government Series (SLGS) Securities Program (31 CFR Part 344) received October 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

731. A letter from the Chief Counsel, Bureau of the Debt, transmitting the Bureau's final rule—Providing Explicitly For The Recognition of Federal Judicial and Federal Administrative Forfeitures of Series EE and HH United States Savings Bonds (31 CFR Part 353) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

732. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities (31 CFR Parts 356 and 370) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

733. A letter from the Acting Assistant Secretary for Import Administration, Department of Commerce, transmitting the Departments' final rule—Changes in Procedures for the Insular Possessions Watch Program [Docket No. 960508126-6126-01] (RIN: 0625-AA46) (Department of Commerce and Department of the Interior) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

734. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program (Letters 30-96 and 37-96) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

735. A letter from the Acting U.S. Trade Representative, Executive Office of the President, transmitting a report on recent developments regarding implementation of section 301 of the Trade Act of 1974; to the Committee on Ways and Means.

736. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity Tax Credit—Supplementary Instructions for Form 8850 (Announcement 96-116) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

737. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Magnetic Media Filing Requirements for Information Returns (RIN: 1545-AU08) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

738. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of gain from the disposition of interest in certain natural resource recapture property by S corporations and their shareholders (RIN: 1545-AM98) received October 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

739. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 96-49) received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

740. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Indian Tribal Casinos and Reporting Under Title 31 (Notice 96-57) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

741. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 96-54) received November 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

742. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified State Tuition Programs (Notice 96-58) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

743. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance for qualification as an acceptance agent, and execution of an agreement between an acceptance agent and the Internal Revenue Service relating to the issuance of certain taxpayer identifying numbers (Rev. Proc. 96-52) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

744. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interim Guidance on Sections 877, 1494, 6039F, and 6048 (Notice 96-60) received November 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

745. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Pension Plan Limitations (Notice 96-55) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

746. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Rev. Rul. 96-53) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

747. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing agreements (Rev. Proc. 96-50) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

748. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 96-52) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

749. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transition Relief for SIMPLES (Announcement 96-112) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

750. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Advance Pricing Agreement Revenue Procedure (Revenue Procedure 96-53) received November 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

751. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Deposits of Excise Taxes (RIN: 1545-AT25) received November 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

752. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Developing Interim Requirements for Designated Delivery Services Under Section 7502(f) of the Internal Revenue Code (Announcement 96-108) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

753. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in Brown Group, Inc. v. Commissioner (77 F.3d 217) received October 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

754. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision in Velinsky v. Commissioner (Dkt. No. 5469-94) received October 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

755. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 96-51) received November 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

756. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 96-54) received October 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

757. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Educational Assistance Programs (Rev. Rul. 96-41) received October 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

758. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Information Reporting for Discharges of Indebtedness: Waiver of Penalties in Certain Circumstances For Foreign Financial Entities [Notice 96-61] received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

759. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issue for Property [Revenue Ruling 96-57] received November 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

760. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 96-59] received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

761. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Logos and Identifying Slogans on Substitute Forms 1099 [Notice 96-62] received November 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

762. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96-60) received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

763. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nondiscrimination Rules for Plans Maintained by Governments and Tax-Exempt Organizations [Notice 96-64] received December 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

764. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Savings Accounts [Notice 96-53] received December 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

765. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate Tax Regulations for a Qualified Domestic Trust [Revenue Procedure 96-54] received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

766. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Requirements to Ensure Collection of Section 2056A Estate Tax [TD 8686] (RIN: 1545-AT64) received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

767. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Source of Income from Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction [TD 8687] (RIN: 1545-AT92) received November 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

768. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of a Trust as Domestic or Foreign—Changes Made by the Small Business Protection Act [Notice 96-65] received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

769. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits [26 CFR 1.61-21] [Revenue Ruling 96-58] received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

770. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 96-59] received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

771. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Cessation of Donor's Dominion and Control [26 CFR 25.2511-2] [Revenue Ruling 96-56] received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

772. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [26 CFR 601.201] [Rev. Proc. 96-55] received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

773. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Elections Under the Omnibus Budget Reconciliation Act of 1993 [TD 8688] (RIN: 1545-AS14) received December 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

774. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Application of Exclusion under Section 127 of the Internal Revenue Code [Notice 96-68] received December 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

775. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 96-61] received December 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

776. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Setting Forth the Inflation Adjusted Items for 1997, Including the Tax Rate Tables, the Standard Deduction, and Several Other Items [Rev. Proc. 96-59] received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

777. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Test of Mediation Procedure for Appeals [Announcement 97-1] received December 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

778. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sale of Seized Property [TD 8691] (RIN: 1545-AU13 received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

779. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reissuance of Mortgage Credit Certificates [TD 8692] (RIN: 1545-AR57) received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

780. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability [Rev. Proc. 96-58] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

781. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Optional Standard Mileage Rates for Employees, Self-Employed Individuals, or Other Taxpayers To Use in Computing the Deductible Costs of Operating a Passenger Automobile for Business, Charitable, Medical, or Moving Expense Purposes [Rev. Proc. 96-63] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

782. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability [Rev. Proc. 96-64] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

783. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 96-56] received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

784. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diesel Fuel Excise Tax; Special Rules for Alaska [TD 8693] (RIN: 1545-AU52) received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

785. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the U.S. Custom Service [TD 8694] (RIN: 1545-AS52) received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

786. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to Procure Property or Services for Tax Administration Purposes [TD 8695] (RIN: 1545-AT48) received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

787. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of Section 401(a)(9) to Employees who Attain Age 70½ in 1996 [Notice 96-67] received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

788. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans and Exempt Organizations; Requests for Certain Determination Letters and Applications For Recognition of Exemption [Announcement 96-133] received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

789. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Deductability, Substantiation, and Disclosure of Certain Charitable Contributions [TD 8690] (RIN: 1545-AS94) received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

790. A communication from the President of the United States, transmitting a report concerning his actions in response to the ITC safeguards investigation of broom-corn brooms, pursuant to section 203(b)(1) of the Trade Act of 1974; to the Committee on Ways and Means.

791. A letter from the Secretary of Agriculture, transmitting the Department's "Major" final rule—Dairy Tariff-Rate Import Quota Licensing (7 CFR Part 6) received October 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

792. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 1997 [OACT-054-N] (RIN: 0938-AH08) received November 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

793. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Part A Premium for 1997 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [OACT-053-N] (RIN: 0938-AH45) received November 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

794. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Foster Care Maintenance Payments, Adoption Assistance, Child and Family Services (RIN: 0970-AB34) received December 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

795. A letter from the Inspector General, Social Security Administration, transmitting the Administration's final rule—Civil Monetary Penalties, Assessments and Recommended Exclusions (RIN: 0960-AE23) received April 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

796. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Overpayment Appeal and Waiver Rights (RIN: 0960-AD99) received October 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

797. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Evidence of Lawful Admission for Permanent Residence in the United States (RIN: 0960-AD90) received October 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

798. A letter from the National Security Council, transmitting on behalf of the President the report to Congress called for in section 406 of the Department of State and Related Agencies Appropriations Act, 1997; jointly, to the Committees on Appropriations and International Relations.

799. A letter from the Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting a report on the Defense Environmental Restoration Program for fiscal year 1995, pursuant to 10 U.S.C. 2706(a)(1); jointly, to the Committees on National Security and Commerce.

800. A letter from the Secretary of Energy, transmitting notification that the Department has submitted drafts of all nine chapters of the compliance certification application to the Environmental Protection Agency, pursuant to Public Law 102-579 section 8(d)(1); jointly, to the Committees on National Security and Commerce.

801. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the fiscal year 1995 program operations of the Office of Workers' Compensation Programs [OWCP], the administration of the Black Lung Benefits Act [BLBA], the Longshore and Harbor Workers' Compensation Act [LHWCA], and the Federal Employees' Compensation Act for the period October 1, 1994, through September 30, 1995, pursuant to 30 U.S.C. 936(b); to the Committee on Education and the Workforce.

802. A letter from the Secretary of Energy, transmitting a copy of the Federal Alternative Motor Fuels Program fifth annual report to Congress, July 1996, pursuant to 42 U.S.C. 6374c; jointly, to the Committees on Commerce and Science.

803. A letter from the Secretary of Energy, transmitting the Department's ninth annual report to Congress summarizing the Department's progress during fiscal year 1995 in implementing the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); jointly, to the Committees on Commerce and Transportation and Infrastructure.

804. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 1997 [OACT-052-N] (RIN: 0938-AH42) received October 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

805. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 1997 [BPD-852-FC] (RIN: 0938-AH40) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

806. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Physician Fee Schedule Update for Calendar Year 1997 and Physician volume Performance Standard Rates of Increase for Federal Fiscal Year 1997 [BPD-853-FN] (RIN: 0938-AH41) received November 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

807. A letter from the Director, Defense Security Assistance Agency, transmitting a report on deliveries to the Government of Bosnia and Herzegovina, pursuant to Public Law 104-107, section 540(c) (110 Stat. 736); jointly, to the Committees on International Relations and Appropriations.

808. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds to support United States efforts in Bosnia, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

809. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting obligation of funds for additional program proposals for purposes of nonproliferation and disarmament fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on International Relations and Appropriations.

810. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97-10: Continued Vietnamese Cooperation in Accounting for United States Prisoners of War and Missing in Action (POW/MIA); jointly, to the Committees on International Relations and Appropriations.

811. A letter from the Chairman, Federal Election Commission, transmitting the Commission's fiscal year 1998 budget request,

pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on House and Oversight and Appropriations.

812. A letter from the Chairman, Federal Election Commission, transmitting an addendum to the fiscal year 1998 budget request with respect to tuition assistance; jointly, to the Committees on House and Oversight and Appropriations.

813. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Thailand has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

814. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to include American Samoa in the Act of October 4, 1984 (98 Stat. 1732, 48 U.S.C. section 1662a), dealing with territories of the United States, and for other purposes; jointly, to the Committees on Resources and the Judiciary.

815. A letter from the Secretary of Transportation, transmitting the Department's third edition of the surface transportation research and development plan, pursuant to Public Law 102–240, section 6009(b)(8) (105 Stat. 2177); jointly, to the Committees on Transportation and Infrastructure and Science.

816. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's budget request for fiscal year 1998, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

817. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's amended budget request for fiscal year 1998; jointly, to the Committees on Transportation and Infrastructure and Appropriations.

818. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Safety Board's appeal letter to OMB regarding the fiscal year 1998 budget request, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

819. A letter from the Chairman, Railroad Retirement Board, transmitting a copy of the U.S. Railroad Retirement Board's 1996 annual report to the President and the Congress, pursuant to 45 U.S.C. 231f(b)(6); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

820. A letter from the Associate Director, National Institute for Standards and Technology, transmitting the Institute's final rule—Procedures for Implementation of the Fastener Quality Act [Docket No. 960726209–6209–01] (RIN: 0693–AA90) received October 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Science and Commerce.

821. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes Concerning Suspension of Medicare Payments, and Determination of Allowable Interest Expenses [BPO–118–FC] (RIN: 0938–AC99) received December 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

822. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures that are potentially subject to audit by the comptroller general, pursuant to 31 U.S.C. 3524(b); jointly, to the Committees on Appropriations, the Budget, and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[Submitted November 26, 1996]

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

[Submitted December 18, 1996]

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

[Submitted December 19, 1996]

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

[Submitted December 20, 1996]

Mr. SHUSTER: Committee on Transportation and Infrastructure. Summary of legislative and oversight activities of the Committee on Transportation and Infrastructure for the 104th Congress (Rept. 104–871). Referred to the Committee of the Whole House on the State of the Union.

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

[Submitted December 31, 1996]

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

[Submitted January 2, 1997]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALLENGER (for himself, Mr. GOODLING, Mrs. MYRICK, Ms. DUNN of Washington, Ms. MOLINARI, Mr. GREENWOOD, Mr. SHAYS, Mr. STENHOLM, Ms. PRYCE of Ohio, Mr. DOOLEY of California, Mr. UPTON, Mrs. FOWLER, Mr. FOX of Pennsylvania, Ms. GRANGER, Mr. CAMPBELL, Mr. PETRI, Mr. FAWELL, Mr. RIGGS, Mr. KNOLLENBERG, Mr. NORWOOD, Mr. BURR of North Carolina, Mr. HERGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. INGLIS of South Carolina, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. COBURN, Mr. MCCOLLUM, Mr. EHLERS, Mr. BARTLETT of Maryland, Mr. GOSS, Mr. GOODLATTE, Mr. MCINTOSH, Mr. LATOURETTE, Mr. NEY, Mr. BUNNING of Kentucky, Mr. BOEHNER, and Mr. SMITH of Texas):

H.R. 1. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. LAZIO of New York:

H.R. 2. A bill to repeal the U.S. Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM (for himself, Mr. COBLE, Mr. BARR of Georgia, Mr. BRYANT, and Mr. CANADY of Florida):

H.R. 3. A bill to combat violent youth crime and increase accountability for juvenile criminal offenses; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H.R. 4. A bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. RIGGS, Mr. CASTLE, Mr. PETRI, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. TALENT, Mr. GREENWOOD, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. SOUDER, Mr. MCINTOSH, Mr. NORWOOD, and Mr. CUNNINGHAM):

H.R. 5. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; to the Committee on Education and Workforce.

By Mr. MCKEON (for himself, Mr. GOODLING, Mr. CLAY, and Mr. KILDEE):

H.R. 6. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BILBRAY (for himself, Mr. ARCHER, Mr. BALLENGER, Mr. BEREUTER, Mr. BRYANT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. JONES, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. MCKEON, Mr. PACKARD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SKEEN, Mr. TRAFICANT, Mr. WAMP, Mr. WELDON of Florida, and Mr. WELLER):

H.R. 7. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. BILBRAY (for himself, Mr. BARTON of Texas, Mr. FILNER, Mr. HUNTER, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BONO, and Mr. CONDIT):

H.R. 8. A bill to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions, and for other purposes; to the Committee on Commerce.

By Mr. SERRANO:

H.R. 9. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mrs. ROUKEMA, Mr. CASTLE, and Mr. LAZIO of New York):

H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 11. A bill to amend the Federal Election Campaign Act of 1971 to prohibit political action committees from making contributions or expenditures for the purpose of influencing elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. SCHUMER (for himself and Mr. NADLER):

H.R. 12. A bill to prevent handgun violence and illegal commerce in handguns; to the Committee on the Judiciary.

By Mr. BASS:

H.R. 13. A bill to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that act only by donation or exchange, or otherwise with the consent of owner of the lands; to the Committee on Resources.

By Mr. DREIER (for himself, Ms. MCCARTHY of Missouri, Mr. ENGLISH of Pennsylvania, Mr. MORAN of Virginia, and Mr. HALL of Texas):

H.R. 14. A bill to amend the Internal Revenue Code of 1986 to provide maximum rates of tax on capital gains of 14 percent for individuals and 28 percent for corporations and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. CARDIN):

H.R. 15. A bill to amend the title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Commerce, and in pollution to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 17. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by allowing more individuals to make contributions to individual retirement plans, and for other purposes; to the Committee on Ways and Means.

H.R. 18. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent the amount of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

H.R. 19. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for higher education expenses; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 20. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the U.S. Capitol, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS:

H.R. 21. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. MCHUGH:

H.R. 22. A bill to reform the postal laws of the United States; to the Committee on Government Reform and Oversight.

By Mr. CLAY:

H.R. 23. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARR of Georgia:

H.R. 24. A bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. EHLERS:

H.R. 25. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself and Mr. STUMP):

H.R. 26. A bill to amend title 18, United States Code, to provide that the firearms prohibitions applicable by reason of a domestic violence misdemeanor conviction do not apply if the conviction occurred before the

prohibitions became law; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself, Mr. BARTON of Texas, Mr. SOLOMON, Mr. COBLE, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BARCIA of Michigan, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. STUMP, Mr. COLLINS, Mrs. CHENOWETH, Mr. COBURN, Mr. CONDIT, Mr. BURTON of Indiana, Mr. HOLDEN, Mr. SKEEN, Mr. CRANE, and Mr. HALL of Texas):

H.R. 27. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 28. A bill to amend the Housing Act of 1949 to extend the loan guarantee program for multifamily rental housing in rural areas; to the Committee on Banking and Financial Services.

By Mr. RANGEL (for himself, Mr. GEPHARDT, Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. NEAL of Massachusetts, Mr. KENNEDY of Massachusetts, Ms. JACKSON-LEE, Mr. PORTMAN, Mr. SERRANO, Mr. CONYERS, Mr. SABO, Mr. UNDERWOOD, Mrs. MEEK of Florida, Mr. PAYNE, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Ms. WATERS, Mr. JEFFERSON, Ms. NORTON, Mr. NADLER, Mr. JACKSON, Mr. HASTINGS of Florida, Ms. DELAURO, Mr. MATSUI, and Mr. BARRETT of Wisconsin):

H.R. 29. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS:

H.R. 30. A bill to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated; to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. KANJORSKI):

H.R. 31. A bill to reform the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BAKER (for himself, Mr. BACHUS, and Mr. LAZIO OF NEW YORK):

H.R. 32. A bill to terminate the property disposition program of the Department of Housing and Urban Development providing single family properties for use for the homeless; to the Committee on Banking and Financial Services.

By Mr. BEREUTER:

H.R. 33. A bill to amend the Housing and Community Development Act of 1992 to extend the loan guarantee program for Indian housing; to the Committee on Banking and Financial Services.

H.R. 34. A bill to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions or expenditures in connection with an election for Federal office; to the Committee on House Oversight.

H.R. 35. A bill to provide a more effective remedy for inadequate trade benefits extended to the United States by other countries and for restrictions on free emigration imposed by other countries; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. BERMAN, Mr. GILMAN, Mr. CRANE, and Mr. MATSUI):

H.R. 36. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 37. A bill to amend title 39, United States Code, to exempt veterans' organizations from regulations prohibiting the solicitation of contributions on postal property; to the Committee on Reform and Oversight.

By Mr. BILIRAKIS (for himself and Mr. NORWOOD):

H.R. 38. A bill to provide a minimum survivor annuity for the unremarried surviving spouses of retired members of the Armed Forces who died before having an opportunity to participate in the survivor benefit plan; to the Committee on National Security.

By Mr. YOUNG of Alaska (for himself and Mr. CUNNINGHAM):

H.R. 39. A bill to reauthorize the African Elephant Conservation Act; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. FATTAH, Mr. FOGLIETTA, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. OWENS, Mr. RUSH, and Mr. TOWNS):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. GINGRICH:

H.R. 41. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 42. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the value of the service not performed for the employer while the employee is performing service as such a member; to the Committee on Ways and Means.

H.R. 43. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the compensation paid by the employer while the employee is performing service as such a member; to the Committee on Ways and Means.

H.R. 44. A bill to amend title 10, United States Code, to provide limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEMENT:

H.R. 45. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 and related beneficiaries and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 46. A bill to repeal the provision of law under which pay for Members of Congress is automatically adjusted; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 47. A bill to make Members of Congress ineligible to participate in the Federal Employees' Retirement System; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 48. A bill to limit the duration of certain benefits afforded to former Presidents, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT:

H.R. 49. A bill to amend title 39, United States Code, to prevent the U.S. Postal Service from disclosing the name or addresses of any postal patrons or other persons, except under certain conditions; to the Committee on Government Reform and Oversight.

H.R. 50. A bill to provide for the operation of a combined post exchange and commissary store at Castle Air Force Base, CA, a military installation selected for closure under the base closure laws, in order to ensure that adequate services remain available to the numerous members of the Armed Forces, retired members, and their dependents who reside in the vicinity of the installation; to the Committee on National Security.

H.R. 51. A bill to amend title 10, United States Code, to provide that persons retiring from the Armed Forces shall be entitled to all benefits which were promised them when they entered the Armed Forces; to the Committee on National Security.

H.R. 52. A bill to establish a code of fair information practices for health information, to amend section 552a of title 5, United States Code, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. ROTHMAN, Mr. FARR of California, Mr. UNDERWOOD, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. FROST, Ms. NORTON, Mr. MENENDEZ, Ms. JACKSON-LEE, and Mr. GREEN):

H.R. 53. A bill to amend the Internal Revenue Code of 1986 to establish a Higher Education Accumulation Program [HEAP] under

which individuals are allowed a deduction for contributions to HEAP accounts; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. CAMPBELL, Ms. ESHOO, Mr. RIGGS, Mr. FAZIO of California, Mr. CUNNINGHAM, Mr. LANTOS, and Ms. LOFGREN):

H.R. 54. A bill to amend the Andean Trade Preference Act to prohibit the provision of duty-free treatment under the act for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 55. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in Long Island Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 56. A bill to authorize establishment of a Department of Veterans Affairs ambulatory care facility in Brookhaven, NY; to the Committee on Veterans' Affairs.

By Mr. FROST:

H.R. 57. A bill to amend the Federal Credit Union Act to clarify that residents of certain neighborhoods which are underserved by depository institutions may become members of any Federal credit union which establishes a branch in such neighborhood; to the Committee on Banking and Financial Services.

By Ms. FURSE (for herself, Mr. NETHERCUTT, Mr. DINGELL, Mr. BEREUTER, Mr. BOUCHER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. WAXMAN, Mr. WYNN, Mr. SKEEN, Mr. SAWYER, Mr. RUSH, Ms. ESHOO, Mr. NEY, Mr. RAMSTAD, Mrs. KENNELLY of Connecticut, Mr. GREEN, Mr. BROWN of Ohio, Mr. PALLONE, Ms. PRYCE of Ohio, Mr. POMEROY, Mr. SERRANO, Mr. ENGEL, Mr. MARKEY, Mr. MANTON, Mr. WATTS of Oklahoma, Mr. STUPAK, Mr. STARK, Mr. TOWNS, Mr. GORDON, Mrs. MORELLA, Mr. KLINK, Mr. CONDIT, Mr. DEUTSCH, Mrs. MYRICK, Ms. SLAUGHTER, Mr. MCKEON, Mr. HALL of Ohio, Mr. HAMILTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARRETT of Wisconsin, Mr. KILDEE, Mr. ACKERMAN, Mr. YATES, Mr. WOLF, Mr. ANDREWS, Mr. BALDACCI, Mr. PETRI, Mr. BLUMENAUER, Mr. BONIOR, Ms. PELOSI, Mr. SCHIFF, Mr. WATT of North Carolina, Mr. UNDERWOOD, Mr. CARDIN, Mr. CLAY, Ms. DELAURO, Mr. FAZIO of California, Mr. LAFALCE, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. RAHALL, Mr. SABO, Mr. MARTINEZ, Mr. MASCARA, Mr. GEPHARDT, Mr. GEJDENSON, Mr. WAMP, Mr. DEFAZIO, and Ms. HOOLEY of Oregon):

H.R. 58. A bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. DICKEY, Mr. HAYWORTH, Mr. LARGENT, Mr. DAVIS of Virginia, Mr. STUMP, Mr. MILLER of Florida, Mr. TAYLOR of North Carolina, Mr. BARRETT of Nebraska, Mr. LINDER, Mr. CUNNINGHAM, Mr. BURR of North Carolina, Mr. BLILEY, Mr. BARTON of Texas, Mr. SCARBOROUGH, Mr. HANSEN, Mr. CALVERT, Mrs. MYRICK, Mr. BONILLA, Mr. MCKEON, Mr. BALLENGER, Mr. ISTOOK, and Mr. GRAHAM):

H.R. 59. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 60. A bill to authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, AZ; to the Committee on Resources.

By Mr. HERGER:

H.R. 61. A bill to direct the Secretary of Agriculture to assure that the operations of the Forest Service are free of racial, sexual, and ethnic discrimination; to the Committee on Agriculture.

H.R. 62. A bill to provide relief to State and local governments from Federal regulation; to the Committee on Government Reform and Oversight.

H.R. 63. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, CA, as Trinity Lake; to the Committee on Resources.

By Mr. HERGER (for himself and Ms. DUNN of Washington):

H.R. 64. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment for the amount of the maximum benefit under the special estate tax valuation rules for certain farm, and so forth, real property; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Mr. NORWOOD):

H.R. 65. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on National Security.

By Mr. COBURN (for himself and Mr. BROWN of Ohio):

H.R. 66. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 67. A bill to amend the Internal Revenue Code of 1986 to allow a credit or refund of motor fuel excise taxes on fuel used by the motor of a highway vehicle to operate certain power takeoff equipment on such vehicle; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. BEREUTER, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. CONDIT, Mr. DEFAZIO, Mr. DELLUMS, Mr. EVANS, Mr. FROST, Mr. GREEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. STUPAK, Mr. OWENS, and Mr. SMITH of New Jersey):

H.R. 68. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 69. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent the amount of the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina (for himself and Mr. SANFORD):

H.R. 70. A bill to amend the Federal Election Campaign Act of 1971 to prohibit multicandidate political committee contributions and expenditures in elections for Federal office; to the Committee on House Oversight.

By Mr. KNOLLENBERG:

H.R. 71. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage and overtime requirements individuals who volunteer their time in order to enhance their occupational opportunities; to the Committee on Education and the Workforce.

H.R. 72. A bill to amend title 17, United States Code, to allow the making of a copy of a computer program in connection with the maintenance or repair of a computer; to the Committee on the Judiciary.

H.R. 73. A bill to amend section 101 of title 11 of the United States Code to modify the definition of single asset real estate and to make technical corrections; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. MORAN of Virginia, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. CONYERS, Mr. TOWNS, Ms. PELOSI, Mr. FLAKE, Mr. HALL of Ohio, Mr. OBERSTAR, Mr. FAZIO of California, Mr. KENNEDY of Massachusetts, Mr. GONZALEZ, and Mr. SHAYS):

H.R. 74. A bill to protect the voting rights of homeless citizens; to the Committee on the Judiciary.

By Ms. MCCARTHY of Missouri (for herself, Mr. FAZIO of California, Mr. FROST, Mr. LUTHER, Ms. LOFGREN, Mr. MASCARA, Ms. RIVERS, Ms. KAPTUR, Mr. PALLONE, Mr. CUMMINGS, Mr. DOYLE, Mrs. KENNELLY of Connecticut, Mr. BLUMENAUER, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, Mr. FATTAH, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, and Ms. JACKSON-LEE):

H.R. 75. A bill to establish the National Commission on the Long-Term Solvency of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. WATTS of Oklahoma, Mr. HEFNER, and Mr. DEAL of Georgia):

H.R. 76. A bill to amend title 10, United States Code, to permit covered beneficiaries

under the military health care system who are also entitled to Medicare to enroll in the Federal Employee Health Benefits Program; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 77. A bill to amend the Federal Election Campaign Act of 1971 to limit expenditures in House of Representatives elections; to the Committee on House Oversight.

By Mr. REGULA:

H.R. 78. A bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS:

H.R. 79. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Resources.

By Mr. ROEMER:

H.R. 80. A bill to require the return of excess amounts from the representational allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.

H.R. 81. A bill to designate the U.S. courthouse located at 401 South Michigan Street in South Bend, IN, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER (for himself and Ms. SLAUGHTER):

H.R. 82. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing tax benefits to individuals who save for, or pay for, higher education; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 83. A bill to enhance and protect retirement savings; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H.R. 84. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Commerce.

H.R. 85. A bill to improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property; to the Committee on the Judiciary.

By Mr. SMITH of Michigan (for himself, Mr. SMITH of Oregon, Mr. STENHOLM, Mr. SKEEN, Mr. BARCIA, Mr. BARRETT of Wisconsin, Mr. BOEHNER, Mr. EVANS, Mr. HOSTETTLER, Mr. NORWOOD, Mr. POMEROY, Ms. STABENOW, Mr. COMBEST, Mr. MCHUGH, Mr. WELLER, Mr. SOLOMON, Mr. POMBO, Mr. BOSWELL, Mr. CHAMBLISS, Mr. LATHAM, Mr. BLUNT, Mr. PETERSON of Minnesota, Mr. HILL, Mr. EWING, Mr. HASTERT, Mr. KINGSTON,Mr. HERGER, Mr. THUNE, Mr. FROST, and Mr. MCINNIS, Mr. PARKER, Mr. NETHERCUT, Mr. SENSENBRENNER, and Mr. CRAPO):

H.R. 86. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 87. A bill to oppose the provision of assistance to the People's Republic of China by any international financial institution; to the Committee on Banking and Financial Services.

H.R. 88. A bill to suspend Federal education benefits to individuals convicted of drug offenses; to the Committee on Education and the Workforce.

H.R. 89. A bill to require preemployment drug testing with respect to applicants for Federal employment; to the Committee on Government Reform and Oversight.

H.R. 90. A bill to require random drug testing within the executive branch of the Government; to the Committee on Government Reform and Oversight.

H.R. 91. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce funding if States do not enact legislation that requires the death penalty in certain cases; to the Committee on the Judiciary.

H.R. 92. A bill to require random drug testing of Federal judicial branch officers and employees; to the Committee on the Judiciary.

H.R. 93. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. BATEMAN:

H.R. 94. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from overtime compensation for firefighters and rescue squad members who volunteer their services; to the Committee on Education and the Workforce.

By Mr. SOLOMON:

H.R. 95. A bill to ensure that Federal agencies establish the appropriate procedures for assessing whether or not Federal regulations might result in the taking of private property, and to direct the Secretary of Agriculture to report to the Congress with respect to such takings under programs of the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 96. A bill to provide regulatory assistance for small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON:

H.R. 97. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress after leaving office from representing foreign governments before the U.S. Government; to the Committee on the Judiciary.

By Mr. VENTO:

H.R. 98. A bill to regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services; to the Committee on Commerce.

By Mr. WHITE (for himself and Mr. HORN):

H.R. 99. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. BONIER, Mr. CLAY, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Ms. CHRISTIAN-GREEN, Mr. HINCHEY, Mr. HOLDEN, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. NADLER, Ms. NORTON, Mr. PASTOR, Mr. ROMERO-BARCELO, Mr. TORRES, Mr. TOWNS, and Mr. YATES):

H.R. 100. A bill to establish the Commonwealth of Guam, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. ARMEY:

H. Res. 2. Resolution electing officers of the House of Representatives; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

H. Res. 4. Resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

H. Res. 5. Resolution adopting the Rules of the House for the 105th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 6. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. BOEHNER:

H. Res. 7. Resolution establishing the Corrections Day Calendar Office; considered and agreed to.

By Mr. SOLOMON:

H. Res. 8. Resolution providing for the attendance of the House at the inaugural ceremonies of the President and Vice President of the United States; considered and agreed to.

H. Res. 9. Resolution fixing the daily hour of meeting for the 105th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 10. Resolution authorizing the Speaker's designee to administer the oath of office to Representative-elect Frank Tejeda; considered and agreed to.

H. Res. 11. Resolution authorizing the Speaker's designee to administer the oath of

office to Representative-elect Julia Carson; considered and agreed to.

By Mr. BOEHNER:

H. Res. 12. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 13. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

H. Res. 14. Resolution electing Representative SANDERS of Vermont to the Committees on Banking and Financial Services and Government Reform and Oversight; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: Memorial of the Senate of the State of California, relative to the compensation of retired military personnel; to the Committee on National Security.

2. Also, memorial of the Senate of the State of California, relative to the aircraft carrier U.S.S. *Hornet* (CV-12); to the Committee on National Security.

3. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the President and Congress of the United States to require the Federal Communications Commission to approve the assignment of new area codes specifically designated for facsimile machines, modems, cellular phones, and pagers; to the Committee on Commerce.

4. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 154 urging the President of the United States and Congress to support establishment of a timetable for the admission of the Republic of Poland to the North Atlantic Treaty Organization; to the Committee on International Relations.

5. Also, memorial of the General Assembly of the State of New Jersey, relative to urging the President and Congress of the United States to support the admission of the Republic of Poland to the North Atlantic Treaty Organization; to the Committee on International Relations.

6. Also, memorial of the Senate of the State of California, relative to resolution of the conflict in Liberia; to the Committee on International Relations.

7. Also, memorial of the Senate of the State of California, relative to a cure breast cancer postal stamp donation program; to the Committee on Government Reform and Oversight.

8. Also, memorial of the Senate of the Northern Marianas Commonwealth Legislature of the Mariana Islands, relative to Senate Joint Resolution No. 10-7 requesting the U.S. House of Representatives to convey nonvoting delegate status to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

9. Also, memorial of the Senate of the State of California, relative to school lands; jointly, to the Committees on National Security and Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER: Petition of Maria Luisa Costell Gaydos, petitioner, relative to articles of impeachment against Carol Los Mansmann, circuit judge, U.S. Court of Appeals—Third Circuit; to the Committee on the Judiciary.

2. Also, petition of Cecil Ray Taylor, U.S. citizen and petitioner, relative to complaint on military involvement in misprision of treason and other criminal acts; to the Committee on the Judiciary.

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

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

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

ENROLLED BILL SIGNED AFTER SINE DIE ADJOURNMENT

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

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

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

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

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

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

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

With warm regards,

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

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

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

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

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

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

Sincerely,

ROBIN H. CARLE.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

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

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

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

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

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

Sincerely,

SAM BROWNBACK,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC, NOVEMBER 25, 1996.

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

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

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

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

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

Sincerely,

SAM BROWNBACK.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

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

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

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

With warm regards,

ROBIN H. CARLE.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

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

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

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

With warm regards,

ROBIN H. CARLE.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT

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

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

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

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

Best personal regards,

RAY THORNTON.

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

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

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

Best personal regards,

RAY THORNTON.

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

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

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

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

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

Sincerely,

CAROL D. RICHARDSON.

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

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

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

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

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

Sincerely,

ANNE REAM,
Field Representative.

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

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

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

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

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

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

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

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

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

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

Respectfully yours,

EDWARD F. WILLETT, *Jr.*

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

Pursuant to the provisions of 2 U.S.C. 285c and section 7 of the House Resolution 546, 104th Congress, authorizing the Speaker and the minority leader to appoint commissions, boards, and committees authorized by law or by the

House, the Speaker on December 1, 1996 appointed Mr. John R. Miller as acting law revision counsel for the House of Representatives.

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

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

On August 13, 1996:

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

On August 20, 1996:

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

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

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

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

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

On August 21, 1996:

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

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

On August 22, 1996:

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

On September 9, 1996:

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

On September 16, 1996:

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

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

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

On September 18, 1996:

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

On September 21, 1996:

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

On September 22, 1996:

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

On September 23, 1996:

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

On September 25, 1996:

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

On September 26, 1996:

H.R. 3666. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

On September 30, 1996:

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

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

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

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

On October 1, 1996:

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

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

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

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

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

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

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

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

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

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

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

On October 2, 1996:

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

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

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

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

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

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

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

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

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

On October 8, 1996:

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

H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

On October 9, 1996:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

October 11, 1996:

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

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

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

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

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

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

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

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

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

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

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

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

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

On October 13, 1996:

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

On October 14, 1996:

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

On October 19, 1996:

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

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

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

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

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

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

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

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

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

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

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition;

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

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

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

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

October 20, 1996:

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

October 26, 1996:

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

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

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

November 12, 1996:

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

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

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

On August 6, 1996:

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

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

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

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

On September 24, 1996:

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

On October 1, 1996:

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

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

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

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

On October 2, 1996:

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

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

On October 3, 1996:

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

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

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

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

On October 9, 1996:

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

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

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

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

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

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

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

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

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

On October 11, 1996:

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

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

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

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

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

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

On October 12, 1996:

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

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

On October 14, 1996:

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

On October 19, 1996:

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

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

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

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

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

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

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

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

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

[Submitted November 26, 1996]

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

[Submitted December 18, 1996]

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

[Submitted December 19, 1996]

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

[Submitted December 20, 1996]

Mr. SHUSTER: Committee on Transportation and Infrastructure. Summary of legislative and oversight activities of the Committee on Transportation and Infrastructure for the 104th Congress (Rept. 104–871). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 31, 1996]

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

[Submitted January 2, 1997]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXTENSIONS OF REMARKS

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. ARCHER. Mr. Speaker, today I am introducing a joint resolution to amend the Constitution in order to mandate the U.S. Congress to commit to balancing the Federal budget and remove the burdens of large Federal deficits off of the American people. This legislation is essential to the future of our Nation as we stand on the threshold of the 21st century. The costs of maintaining our national debt have absorbed increasing proportions of national savings that would otherwise have been available to finance investment, either public or private. Today, interest payments alone on the debt are the largest item in the budget, comprising over 20 percent of all Federal spending.

This type or irresponsible spending and management must end. Now the 105th Congress has the opportunity to do just that. My balanced budget amendment is very similar to the language that passed the House of Representatives in 1995 by a vote of 300 to 132. However, the most important distinction of my amendment from the 1995 language is the provision specifying the vote margin needed to waive the balanced budget requirement. Under the previously passed bill, three-fifths of the whole House and Senate were required to waive the balanced budget requirements. My amendment sets a more stringent and imperative requirement of two-thirds of those present and voting—the same margin necessary to pass a constitutional amendment.

I hope that my colleagues, on both sides of the aisle, agree that actions speak louder than words. We've talked about our commitment to balancing the budget for long enough, it's time to do it.

INTRODUCTION OF GUNS AND DRUNKS LEGISLATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, I wouldn't have thought it was necessary to introduce a bill prohibiting gun sellers from selling guns to obviously intoxicated individuals, but it is.

As the law stands, you can't sell alcohol to someone who is clearly drunk because that person might hurt himself or others, but you can sell a drunk a dangerous firearm. Even without a law, common sense might dictate that you don't sell a gun to a drunk, but unfortunately, not everyone uses their common sense.

Deborah Kitchen, a mother of five, was shot by her ex-boyfriend and left paralyzed from the neck down a mere half an hour after the man bought a $100 rifle at a K–Mart in Tampa, FL. The man had consumed a case of beer and nearly a fifth of whiskey before he bought the gun. He was so incapacitated at the time of the purchase that the store clerk had to fill out the Federal firearm registration form.

Ms. Kitchen successfully sued K–Mart for negligence, but the retail chain has appealed, denying any liability. K–Mart doesn't think it did anything wrong in selling the drunk the gun that paralyzed Ms. Kitchen. If gun sellers cannot act responsibly on their own, it is up to us to force them to act responsibly. No one should sell a gun to a drunk, period. My bill would make it a Federal crime to sell a gun to a drunk in an effort to ensure that there won't be any more Deborah Kitchens in the future.

RECOGNIZING THE CONTRIBUTIONS OF MINNESOTAN HUMAN RIGHTS ADVOCATE BARBARA FREY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, I rise today in recognition of an extraordinary Minnesotan, Barbara Frey. For 11 years as executive director of Minnesota Advocates, an internationally recognized human rights organization which has played an instrumental part in human rights work, Ms. Frey has poured her tireless energy and efforts into the establishment of the cause of fighting human rights abuses on a worldwide basis. While Barbara Frey will be relinquishing that role, I can safely predict as her Representative and friend that she will continue to make a major contribution to our community and society. Ms. Frey's accomplishments will provide a sound basis and status for her future work in Minnesota and internationally.

Some people have one job; Barbara Frey has several. In addition to her work at Minnesota Advocates, Ms. Frey may add to her resume work as an adjunct professor of human rights at the University of Minnesota Law School. In addition, every Sunday she delivers food-shelf donations to the needy from St. Francis Cabrini Catholic Church. She also coaches girls basketball and teaches a weekly course at St. Paul's Expo Magnet School, where her daughter, Maddie, is a student. Ms. Frey recently paid a visit to the White House on International Human Rights Day to be honored by President Clinton for her efforts to promote women's rights.

Whether educating Minnesota's students or reprimanding military leaders about human rights violations, Barbara Frey has approached her valuable work with the same passion of conviction, courage, and purpose of mission. St. Paul, MN, is fortunate to be home to this most talented and dedicated individual, whose work provides important lessons for us and for our children. I'm sure my colleagues will join me in paying tribute to Ms. Frey, and I join in applauding her numerous local and international contributions. Her important work signifies a task well done on a subject that must remain in our consciousness, both today and tomorrow.

INTRODUCTION OF THE RECONSTRUCTIVE BREAST SURGERY BENEFITS ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Reconstructive Breast Surgery Benefits Act of 1997 to guarantee that insurance companies cover the cost of reconstructive breast surgery that results from mastectomies for which coverage is already provided. In addition, the legislation would secure insurance coverage for all stages of reconstructive breast surgery performed on a nondiseased breast to establish symmetry with the diseased one when reconstructive surgery on the diseased breast is performed.

In 1995, an estimated 182,000 American women were diagnosed with breast cancer, and 85,000 of them underwent a mastectomy as part of their treatment. Reconstructive breast surgery often is an integral part of the mental and physical recovery of women who undergo this traumatic, disfiguring procedure. Unfortunately, insurance companies don't always see it that way. Even though many of them are willing to pay for mastectomies, they sometimes balk at covering breast reconstruction. This legislation would put an end to this shortsighted practice and guarantee that women with breast cancer are not victimized twice—first by the disease, then by their insurance companies.

According to the American Society of Plastic and Reconstructive Surgeons [ASPRS], a significant number of women with breast cancer must undergo mastectomy or amputation of a breast in order to treat their disease appropriately. The two most common types of reconstruction—tissue expansion followed by an implant insertion and flap surgery—can restore the breast mound to a natural shape. Most breast reconstruction requires a series of procedures that may include an operation on the opposite breast for symmetry.

Even though studies show that fear of losing a breast is a leading reason why many women do not participate in early breast cancer detection programs, many general surgeons don't

even present reconstruction as an option for mastectomy candidates. Unfortunately, many women are unaware that reconstruction is an option following mastectomy, and they put off testing and/or treatment for breast cancer until it is too late.

A recent ASPRS survey—with an error range of ±1.9 percent—indicates that 84 percent of respondents had up to 10 patients who were denied insurance coverage for breast reconstruction of the amputated breast. Of those surgeons who support State legislation to address this problem and reported denied coverage, the top three procedures denied most often were symmetry surgery on a nondiseased breast, revision of breast reconstruction, and nipple areola reconstruction. The top five States of residence of those patients reporting denied coverage are Florida, California, Texas, Pennsylvania, and New York.

California and Florida also are among the 13 States that have passed laws requiring breast reconstruction coverage after mastectomy. However, State laws alone, such as the California and Florida laws, do not provide adequate protection for women because States do not have jurisdiction over interstate insurance policies provided by large companies under the Employee Retirement Income Security Act [ERISA]. As a result, even women in States that have attempted to address this issue are still at risk of being denied coverage for reconstructive surgery.

The Reconstructive Breast Surgery Benefits Act would amend the Public Health Service Act and ERISA to do the following: require health insurance companies that provide coverage for mastectomies to cover reconstructive breast surgery that results from those mastectomies, including surgery to establish symmetry between breasts; prohibit insurance companies from denying coverage for breast reconstruction resulting from mastectomies on the basis that the coverage is for cosmetic surgery; prohibit insurance companies from denying a woman eligibility or continued eligibility for coverage solely to avoid providing payment for breast reconstruction; prohibit insurance companies from providing monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this act; prohibit insurance companies from penalizing an attending care provider because such care provider gave care to an individual participant or beneficiary in accordance with this act; and prohibit insurance companies from providing incentives to an attending care provider to induce such care provider to give care to an individual participant or beneficiary in a manner inconsistent with this act.

On the other hand, the Reconstructive Breast Surgery Benefits Act would not: Require a woman to undergo reconstructive breast surgery; apply to any insurance company that does not offer benefits for mastectomies; prevent an insurance company from imposing reasonable deductibles, coinsurance, or other cost-sharing in relation to reconstructive breast surgery benefits; prevent insurance companies from negotiating the level and type of reimbursement with a care provider for care given in accordance with this act; and preempt State laws that require coverage for reconstructive breast surgery at least equal to the level of coverage provided in this act.

Mr. Speaker, women who have breast cancer suffer enough without having to worry about whether or not their insurance companies will cover reconstructive surgery. I urge my colleagues in helping to give these women peace of mind and the coverage they need by supporting the Reconstructive Breast Surgery Benefits Act.

CONCERNING A CONGRESSIONAL FAILURE TO COMPLY WITH THE CONSTITUTION DURING THE 104TH CONGRESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SKAGGS. Mr. Speaker, I want to call to the attention of the House what appears to be a failure of the Congress to comply with a clear and basic constitutional mandate.

Section 7 of article I—known as the presentment clause—says "Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States" for approval or veto. Nothing could be clearer—if a bill is passed by both bodies, it must be presented to the President. The Constitution does not allow for any exceptions. Yet during the 104th Congress, an exception was made on one occasion, the constitutional mandate notwithstanding.

As Members who served in the last Congress will remember, last year the leadership of both the House and Senate decided to expedite our adjournment by combining various 1997 appropriations usually dealt with in separate measures into a single omnibus appropriations bill. It was also decided, for tactical reasons, to have two versions of that omnibus bill—one being a conference report on a 1997 defense appropriations measure, the other being a new, freestanding bill, H.R. 4278. H.R. 4278 came to be known in Capitol parlance as the "clone" omnibus appropriations bill.

Accordingly, on September 28, 1996, the House agreed to consider the conference report and also agreed that if the conference report was adopted, H.R. 4278, the clone bill, also would be deemed passed.

The House did pass the conference report on September 28, and on September 30, 1996, both that conference report and H.R. 4278 were considered and approved by the Senate as well. In fact, the Senate passed the clone bill, without amendment, by a separate rollcall vote of 84 to 15.

In short, last year two omnibus 1997 appropriations bills were passed in identical form by both the House and the Senate. Constitutionally, both bills had equal standing, and both should have been presented to the President. Even though the President predictably would have let one die by pocket veto.

This requirement was not met. The conference report was presented to the President and was signed into law. But the normal, constitutional procedures were not followed with respect to the other bill, H.R. 4278.

Before a bill can be presented to the President, it must be enrolled and signed by the Speaker and by the President of the Senate, or others empowered to act for them, to attest that it has in fact been passed by both bodies. And, before a House bill—such as H.R. 4278—can be enrolled, the bill and related papers must be returned to the House by the Senate. In the case of H.R. 4278, evidently, this normally routine step was not taken. The bill was not returned to the House, and so it was never enrolled, never signed by the Speaker or anyone else authorized to sign it, and never presented to the President—despite the clear mandate of the Constitution.

We should see this failure to comply with the Constitution as a serious and troubling matter.

Because I understood that the breakdown had occurred on the other side of the Capitol, I raised the matter with the majority leader of the Senate in a telephone conversation and, subsequently, in a letter which I ask unanimous consent be included in the RECORD at the conclusion of my remarks.

As I noted then, I can understand why, as a practical matter, it might seem redundant to send two identical bills to the President. But the Constitution doesn't give Members of Congress—even leaders—the authority to selectively withhold from the President any bill that has passed both Houses. And while in this case refusing to send H.R. 4278 to the President won't make a practical differencedsince an identical measure has been signed into law—it is easy to imagine how it could set a bad, even a dangerous precedent in other circumstances.

It was my hope, Mr. President, that when this matter was called to the attention of the leadership, steps would be taken to make sure that H.R. 4278 was duly enrolled, signed, and presented to the President. Unfortunately, that did not occur and, now that a new Congress has begun, it evidently cannot occur.

That is very regrettable and, as I've already said, something that I think we need to take seriously. As Members of Congress, we have each sworn to uphold the Constitution. If we are to be faithful to that oath, we must make sure that Congress in the future meets its constitutional requirements, including those imposed by the presentment clause.

Mr. Speaker, for the information of the House, I include at this point my letter of December 23, 1996, to the majority leader of the Senate concerning this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 1996.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR TRENT: Thanks very much for calling me at home a second time last week; sorry to have missed your first try. I greatly appreciate having been able to talk with you about the so-called "clone" omnibus appropriations bill. As I mentioned, I have some serious concerns about the way the bill has been handled.

On September 28, the House agreed to consider the conference report regarding H.R. 3610 (the omnibus consolidated appropriations bill for fiscal 1997) and agreed that, upon adoption of that conference report, H.R. 4278 (a separate, identical measure) would also be considered as passed.

As you know, the House did pass the conference report, and on September 30, both the conference report and H.R. 4278 were considered and approved by the Senate as well, the latter being passed without amendment by a vote of 84–15 (rollcall number 302). However, while H.R. 3610 was presented to the President on September 30 (and signed into law as P.L. 104–208), I understand that the Senate has not yet returned to the House the papers related to H.R. 4278, and as a consequence the House (where the bill originated) has been unable to take the steps necessary for the bill to be presented to the President in accordance with Section 7 of Article I of the Constitution (the "presentment clause").

It's true that enactment of P.L. 104–208 means that enactment of H.R. 4278 would be redundant. However, the presentment clause's requirement that "Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States" does not provide an exception for such circumstances. I am unaware of any Constitutional authority for a measure passed in identical form by both the House and Senate to be selectively withheld from presentment to the President for his approval or veto.

It seems to me that any failure to fulfill the requirements of the Constitution in this case would set a troublesome precedent. While it has no practical consequence in this instance, a decision here not to complete the mandated administrative steps after passage could be cited later as precedent for a similar inaction carrying more problematic results. Therefore, I urge you to take all necessary steps to ensure that H.R. 4278 can be properly enrolled and presented to the President, as required by the Constitution.

Thank you very much for you attention and assistance.

With best personal regards,

Sincerely yours,

DAVID E. SKAGGS.

PERSIAN GULF SYNDROME HEALTH BENEFITS EXTENSION ACT OF 1997

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. QUINN. Mr. Speaker, I rise today to introduce legislation which extends priority healthcare to Persian Gulf war veterans who served in Israel and Turkey. My bill is entitled the "Persian Gulf Syndrome Health Benefits Extension Act of 1997." The bill has received bipartisan support and passed the House of Representatives by voice vote in 1996.

Men and women who served during the Persian Gulf war in Israel and Turkey were originally excluded from the definition of in-theatre operations. Many of these soldiers suffer from similar undiagnosed medical problems that may be related to service during the Persian Gulf war.

Throughout my service on the House Committee on Veterans' Affairs, I have emphasized the need to alleviate the suffering of those individuals afflicted with Persian Gulf war illnesses. It is time to simply care for our veterans who so bravely fought for our country.

CHRIS LEWIS—A POSITIVE FORCE IN OUR COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. FILNER. Mr. Speaker, I rise today to pay special tribute to Chris Lewis, president of the Chula Vista Chamber of Commerce for this past year, 1996.

Throughout the past year, Chris urged local business and community leaders to "accentuate the positive." That spirit helped bring more than twenty new businesses to the city of Chula Vista in 1996, and it laid the groundwork for continued economic development.

During Chris' term as president, the Chula Vista Chamber of Commerce expanded its involvement in the education of our children, the training of our Olympic athletes, and the training of our future civic leaders.

Indeed, Chris Lewis has accentuated the positive by creating and fostering a positive atmosphere for local residents and local businesses. The Chula Vista Chamber of Commerce has laid the framework for long-term economic expansion with the founding of the Chula Vista Convention and Visitors Bureau and the renovation of the Chula Vista Visitors' Information Center.

Mr. Speaker, on behalf of the residents of Chula Vista and the 50th Congressional District, I thank Chris Lewis for his service to our community, and I ask the citizens of our community to continue to work for its betterment.

REDUCE LEGAL IMMIGRATION LEVELS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, a reduction in immigration is essential to improving the country's economy and social weaknesses. With this in mind, I am today introducing legislation to cut the number of legal immigrants who enter our country each year.

Once again, I am sponsoring the Immigration Moratorium Act. The legislation provides for a significant, but temporary, reduction in legal immigration levels. Under my bill, immigration would be limited to the spouses and minor children of U.S. citizens, a reduced number of refugees and employment-based immigrants, and a limited number of immigrants who are currently waiting in the immigration backlog. Total immigration under my proposed moratorium would be less than 300,000 per year. The moratorium would end after approximately 5 years, provided no adverse impact would result from an immigration increase.

A temporary moratorium is a sound response to our present situation that allows for unprecedented and unmanageable levels of immigrants. Currently, the United States admits about 1 million legal immigrants annually, more than any other industrialized nation in the world. Based upon recent trends, this number will continue to climb unless we take the necessary steps to restore immigration to reasonable levels. I am extremely troubled by the fact that study after study has shown that the excessive immigration we are experiencing exacerbates many of the country's most disturbing problems, such as overcrowded jails, inadequately funded schools and hospitals, violent crime and unemployment. Moreover, legal immigration is costly and has a significant impact on our ability to balance the budget. For example, the projected net cost to taxpayers of legal immigration will be $330 billion over the next 10 years.

Mr. speaker, Americans have repeatedly voiced their concerns about the potentially grave consequences associated with unrestrained immigration. A recent Wall Street Journal/NBC News poll showed 52 percent support a 5-year moratorium on legal immigration. A Roper poll shows the majority of Americans prefer no more than 100,000 annually. A host of additional polls consistently show a similar sentiment. We would be negligent in our roles as Federal legislators to ignore such compelling public demand for change.

Last Congress, we enacted legislation that addressed some of the country's most pressing illegal immigration problems. Unfortunately, an attempt to improve our legal immigration policies was thwarted. The 105th Congress should not repeat last year's mistake. We should, instead, finish the immigration reform job by evaluating America's immigration needs and devising a policy that will allow us to meet these needs without further burdening American taxpayers.

INTRODUCTION OF THE HMONG VETERANS NATURALIZATION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the Hmong Veterans Naturalization Act, which would ease naturalization requirements for the Hmong, of Laos, who fought alongside the United States Armed Forces during the Vietnam war. Hmong of all ages fought and died alongside U.S. soldiers, and as a result of the brave position they took and their loyalty to the United States, the Hmong, tragically, lost their homeland. Between 10,000 and 20,000 Hmong were killed in combat and over 100,000 had to flee to refugee camps to survive.

Although it wasn't apparent then, their actions had a major impact on achieving today's global order and the positive changes of the past decade. Extreme sacrifices were made by those engaged in the jungles and the highlands, whether in uniform or in peasant clothing and for those whose homeland became the battlefield. For their heroic efforts, the Lao-Hmong veterans deserve this recognition and consideration.

Many Hmong who survived the conflict were welcomed to the United States and today should be honored for the contributions they are making to our communities in my Minnesota district and to our Nation. Their success in rebuilding their families and communities in the United States stands as a tribute

to their strength, but their cause would be greatly helped by passage of the legislation I am introducing today, the Hmong Veterans Naturalization Act.

While it is clear that the Hmong served bravely and sacrificed dearly in the Vietnam war, many of those who did survive and made it to the United States, are separated from other family members and are having a difficult time adjusting to life in the United States. Fortunately, there is something we can do to speed up the process of family reunification and ease the adjustment of the Hmong into U.S. society, at no cost to the Federal Government.

My legislation makes the attainment of citizenship easier for those who served in the special guerrilla units by waiving the English language test and residency requirement. The greatest obstacle for the Hmong in becoming a citizen is passing the English test. Written characters for Hmong have only been introduced recently, and whatever changes most Hmong who served may have had to learn a written language were disrupted by the war.

This bill would also waive the residency requirement for those who served in order to speed up the process of family reunification. Current law permits aliens or noncitizen nationals who served honorably during World War I, World War II, the Korean conflict, and the Vietnam war to be naturalized regardless of age, period of residence, or physical presence in the United States. There is a well-established precedent of modifying naturalization requirement for military service, recently reaffirmed by passage of legislation granting citizenship to those who served in the Filipino Scouts during World War II.

The Hmong stood by the United States at a crucial time, and that service deserves recognition. Today we should stand with the Lao-Hmong in their struggle to become citizens and to live a good life in our Nation.

THE PRESIDENTIAL DEBATE REFORM INITIATIVE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing the Presidential Debate Reform Act. The situation surrounding the current Presidential election has highlighted some of the flaws in our current method for selecting a President and Vice President of the United States of America. One critical flaw involves the way Presidential debates are scheduled.

My legislation would create the framework for deciding the participants and structure of Presidential debates. This framework would include a commission of three people nominated by the President. The President would nominate one person from a list submitted by the Republican National Committee, one person from a list submitted by the Democratic National Committee, and one person who is unaffiliated submitted jointly by the RNC and the DNC. These commissioners would then schedule several debates.

One such debate would be optional and include any candidate who is on the ballot in 50 States or polls at 5 percent in popular polls among likely voters. This could include major party candidates, although it would provide a forum for lesser known candidates to express their views.

The commission would also establish debates for the Vice Presidential and Presidential candidates. These would be for the major party candidates as well as anyone polling over 5 percent in polls taken after the optional debate. Participation in these debates would be mandatory. The penalty for not participating in the debate, other than perhaps embarrassment, would be a reduction in the amount of Federal funds that candidate's party will receive to run the next convention. The reduction would be equal to the fraction of mandatory debates missed. I cannot imagine that a party would want to miss out on $3 million—approximately the amount that would be lost to pay for the 1996 conventions through missing one debate.

This has nothing to do with whether I think certain people should or should not participate in debates. I do think that we need to have an established framework with defined ground rules to ensure the fairness in the system.

Mr. Speaker, I think this is a good bill and I look forward to hearing feedback from my colleagues. I expect to offer this legislation at the beginning of the next Congress and hope to hear meaningful debate.

INTRODUCTION OF GUN SAFETY ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, this bill addresses the problem of the proliferation of cheaply made, easily concealed weapons. This is particularly critical in dealing with our juvenile crime problem. The Office of Juvenile Justice and Delinquency Prevention reports that most juveniles who purchase guns obtain them from informal sources for less than $100.

This bill would put an end to the proliferation of these cheap and dangerous guns by requiring States to set up criteria for guns to be sold within that State's borders. The criteria to be considered would include concealability, safety, quality, and utility for legitimate activities. Any State that chooses not to participate in the program would simply lose some of its Byrne grant money for crime problems.

In addition, in an effort to prevent the numerous accidental deaths of children every year, this bill would require gun manufacturers to install magazine safeties in every gun so that adults can be sure that they have not accidentally left a bullet in the chamber of a gun, even when the magazine is not in the gun.

Because cheap and poorly made handguns are dangerous—and even more dangerous in the hands of the serious juvenile offenders who have easy access to them, and because we need to make certain that guns include all possible safety precautions—I urge my colleagues to join me in sponsoring this legislation.

TRIBUTE TO MURIEL GOLDHAMMER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. FILNER. Mr. Speaker, today, I rise to honor the outstanding contributions of Muriel Goldhammer to the community of San Diego and to the entire southern California region.

Muriel Goldhammer, a native San Diegan, is now retired and is planning to reside parttime in Israel, beginning on January 14, 1997. Before she makes this move, it is fitting that she be recognized for her work in Jewish community relations, in health issues, and in political and civic activities in San Diego, CA.

Before her retirement, Muriel served as director of urban affairs at the University of California, San Diego Extension and as faculty at the School of Public Administration at San Diego State University. She is the author of several publications on public policy issues.

She is currently serving on the steering committee of the San Diego Area Resource Center and on the past presidents council of Hadassah of southern California; on the institutional review board of the Children's Hospital and Health Center; and on the board of directors of the American Jewish Committee.

She was formerly president of the California Southwest Region of Hadassah and a member of their national board. She was the founder and former president of the San Diego chapter of Parents of North American Israelis, as well as executive vice president of their international board of directors and international convention chair. Muriel was founder and chair of the San Diego Zionist Council, which from 1948 to 1958 set up a speakers' bureau on issues of concern to Israel and sent several non-Jewish civic leaders on study tours to Israel.

She has also been deeply involved in health issues, serving on the Coordinating Council for Education in the Health Sciences; as president of the Comprehensive Health Planning Association for San Diego, Imperial, and Riverside Counties; and the board of directors of the San Diego Mental Health Association; and on the Governor's advisory board of the San Diego Treatment Center for the Mentally Ill.

As a member of the political and civic community of San Diego, Muriel served as president and on the board of directors of the League of Women Voters in San Diego and California; on the civil rights committee of the National League of Women Voters; on the boards of directors of the National Conference of Christians and Jews and the San Diego Urban League; on the United Way allocations committee; on the Mayor's committee on uniform hearing procedures; and on the blue ribbon committee on restructuring the San Diego Convention and Visitors' Bureau.

Mr. Speaker, these worthy contributions by such an intelligent, dedicated, and motivated woman were recognized by the celebration of "Muriel Goldhammer Day" on January 5, 1997, an event sponsored by the Point Loma Hadassah and Hadassah Southern California.

It is truly fitting that the House of Representatives join in this recognition, and I appreciate

the opportunity to call attention to the life-long work of Muriel Goldhammer toward making this world a better place.

LIMIT CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, as one who has consistently maintained that term limits are an integral part of congressional reform, I am pleased to reintroduce a resolution to limit Representatives to three 4-year terms.

The current system of unlimited 2-year terms hinders the advancement of legislation that is in the Nation's best interest. Members are distracted by reelection concerns and often sacrifice what it best for the country in favor of parochial interests. Under a system of limited terms, the Congress would be a citizen legislative body as the Framers of the Constitution intended. Moreover, congressional term limits promote government efficiency and are conducive to a smaller Federal Government, as Members would be less compelled to support unnecessary pork-barrel spending.

Although the 104th Congress was not successful in advancing a term limits amendment, I am encouraged that the House leadership has not abandoned this worthy cause. We will have an opportunity in the opening days of this Congress to vote on a proposed amendment to the U.S. Constitution to limit our terms and send a message to the public that we are dedicated to building upon last Congress' reforms.

Mr. Speaker, support for term limits remains strong among voters. I encourage my colleagues to favorably respond to their call and vote to limit congressional terms.

INTRODUCTION OF LIVABLE WAGE ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, today I am introducing legislation intended to take a major step forward toward a livable wage for working men and women in our country. Too often American workers are forced to take jobs that pay substandard wages and have few or no health benefits. At a time when U.S. corporations are making record profits and the economy is strong and stable, it seems unreasonable that working families must struggle and cannot make ends meet. It is unconscionable for corporations to sacrifice fair wages for their workers in pursuit of inflated profit margins, and it is doubly so when these businesses are performing work on behalf of the Federal Government—when the workers' taxes which pay for Federal services and products perpetuate such depressed compensation.

My legislation is straightforward, simple and just; if you are a Federal contractor or subcontractor you will be required to pay wages to your employees that exceed the official poverty line for a family of four. This would be fair and equitable compensation achieved by law. When a business contracts for services or materials with the Federal Government and benefits from working families' taxpayer dollars, at the very least it should be required to pay its employees a livable wage.

As of March 4, 1996, the official poverty line for a family of four is $15,600. This is obviously not an exorbitant wage. Imagine a family of four trying to live on this amount or less. It may not seem possible, but it is done every day in this country. There are serious disparities in our society when hard-working men and women, holding down full-time jobs, cannot earn enough to bring their families out of the poverty cycle, while company executives earn an average of 70 times that of their average employee.

My bill does not attempt to alleviate this disparity throughout the business sector, but it does require those corporate entities receiving taxpayer dollars to be accountable to their workers. This is a reasonable and practical bill. It allows companies to count any benefits, such as health care, which they provide for employees as part of their wage determination, and it provides an exemption for small businesses and bona fide job training or apprenticeship programs.

I urge my colleagues to join me in supporting this legislation to help ensure the American worker receives a fair day's pay for a fair day's work.

THE INSPECTOR GENERAL FOR MEDICARE AND MEDICAID ACT OF 1997

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. QUINN. Mr. Speaker, I rise today to introduce the Inspector General For Medicare and Medicaid Act of 1997.

I was prompted to introduce this legislation when seniors in western New York continuously approached me at my town meetings last year with concerns about this issue. Many of us in Congress and throughout the country share their concerns that waste, fraud, and abuse within Medicare and Medicaid Programs have reached an excessive level which threatens the financial stability of our most vulnerable populations.

For instance, one of my constituents gave me copies of his personal medical statements which showed that he was billed three times for the same procedure, amounting to $2,367 in charges. Most people do not scrutinize their medical statements; which helps for fraud to be easily overlooked. in the end, seniors are forced to dip into their life savings.

My bill would establish an exclusive, full-time and independent Office of Inspector General [IG] for the Medicare and Medicaid Programs. This office would be charged with detecting, identifying and preventing waste, fraud and abuse within the Medicare and Medicaid Programs.

This IG office would be required to issue semiannual reports to Congress consisting of recommendations on preventing waste, fraud and abuse within the Medicare and Medicaid Programs.

The IG office would also be responsible for coordinating any audits, investigations, and other activities which promote efficiency in the administration of the Medicare and Medicaid Programs.

The need for this legislation comes down to dollars and cents. According to a 1995 GAO report, unchecked and improper billing alone would cost Medicare in excess of $3 billion over the next 5 years. Furthermore, health fraud has been estimated to cost between 3 and 10 percent of every $1 used to meet the health needs of America's seniors and indigent populations. I think you would agree that this funding would be better spent as a reinvestment in providing healthcare to our Nation's elderly, disabled, and poor citizens.

To further compound the problem, GAO also reported that physicians, suppliers, and medical laboratories have about 3 chances out of 1,000 of having Medicare audit their billing practices in any given year.

At the conclusion of the July 1995 GAO report to Congress, one of the main policy recommendations was to "enhance Medicare's antifraud and abuse efforts."

My bill simply responds to this need. I contend that with a separate IG office we can only expand on identifying and preventing fraud, waste, and abuse in healthcare. Based on HHS data, within a 4-year time frame, we have saved $115 for every $1 spent on inspector general operations.

In 1995, the Office of the IG saved $9.7 million per employee. This savings was accomplished with employees working on diversified case loads. It is my understanding that employees in the IG's office do not specialize in Medicare and Medicaid fraud, but must focus on several issues at one time. With a more specialized personnel, other HHS programs such as welfare and head start stand to benefit as well. By magnifying our focus to Medicare and Medicaid fraud, waste, and abuse, I am confident that we will see an increased return of our investment.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1997.

This bill, essentially identical to ones that I introduced in the 103d and 104th Congresses, is intended to provide important protection and management direction for some truly remarkable country, adding some 240,700 acres in the park to the National Wilderness Preservation System.

Covering 91 percent of the park, the wilderness will include Longs Peaks and other major mountains, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams. Indeed, the proposed wilderness will include examples of all the natural ecosystems present in the park.

The features of these lands and waters that make Rocky Mountain a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries for these areas are carefully located to assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and water supply facilities and conveyances—including the Grand River Ditch, Long Draw Reservoir, and the portals of the Adams Tunnel. All of these are left out of wilderness.

The bill is based on National Park Service recommendations. Since these recommendations were originally made in 1974, the north and south boundaries of Rocky Mountain National Park have been adjusted, bringing into the park additional land that qualifies as wilderness. My bill will include those areas as well. Also, some changes in ownership and management of several areas, including the removal of three high mountain reservoirs, make it possible to include designation of some areas that the Park Service had found inherently suitable for wilderness.

In 1993, we in the Colorado delegation finally were able to successfully complete over a decade's effort to designate additional wilderness in our State's national forests. I anticipate that in the near future, the potentially more complex question of wilderness designations on Federal Bureau of Land Management lands will capture our attention.

Meanwhile, I think we should not further postpone resolution of the status of the lands within Rocky Mountain National Park that have been recommended for wilderness designation. Also, because of the unique nature of its resources, its current restrictive management policies, and its water rights, Rocky Mountain National Park should be considered separately from those other Federal lands.

We all know that water rights was the primary point of contention in the congressional debate over designating national forests wilderness areas in Colorado. The question of water rights for Rocky Mountain National Park wilderness is entirely different, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and of Colorado—including in a decision of the Colorado Supreme Court—that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park: the court has ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water with regard to which either the park or anybody else can claim a right.

So far as I have been able to find out, this has not been a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And because the park sits astride the continental divide, there's no higher land around from which streams flow into the park, meaning that there is no possibility of any upstream diversions.

On the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there. However, as a practical matter, the Colorado-Big Thompson Project has extensive, senior water rights that give it a perpetual call on all the water flowing out of the park to the west and into the Colorado River and its tributaries. Thus, as a practical matter under Colorado water law, nobody can get new consumptive water rights to take water out of the streams within the western side of the park.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park. But it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

Against this backdrop, my bill deals with wilderness water rights in the following ways:

First, it explicitly creates a Federal reserved water right to the amount of water necessary to fulfill the purposes of the wilderness designation. This is the basic statement of the reserved water rights doctrine, and is the language that Congress used in designating the Olympic National Park Wilderness, in Washington, in 1988.

Second, the bill provides that in any area of the park where the United States, under existing reserved water rights, already has the right to all unappropriated water, then those existing rights shall be deemed sufficient to serve as the wilderness water rights, too. This means that there will be no need for any costly litigation to legally establish new water rights that have no real meaning. Right now, this provision would apply in the eastern half of the park. If—as I expect—the water court with jurisdiction over the western half of the court makes the same ruling about the park's original water rights that the eastern water court did, then this provision would apply to the entire park.

The bill also specifically affirms the authority of Colorado water law and its courts under the McCarran amendment. And the bill makes it clear that it will not interfere with the Adams Tunnel of the Colorado-Big Thompson Project, which is an underground tunnel that goes under Rocky Mountain National Park.

Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the national park. Our National Park System was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 82 years has kept most of the park in a natural condition. And all the lands that over covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wilderness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry has become an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one-tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year.

This bill will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT OF 1996—FACT SHEET

WILDERNESS BOUNDARIES

The bill will designate the Rocky Mountain National Park Wilderness, which will include 91 percent of the park. The wilderness area will include a total of 240,700 acres, in four separate sections:

The northernmost section of wilderness is 82,040 acres north of Fall River Road and east of the Grand River ditch. It includes large areas of alpine, sub-alpine-forest, wet-meadow, and montane-forest ecosystems. The dominant geographic features are the Mummy Range and Specimen Mountain. This portion of the wilderness extends to the park's north boundary, adjoining the existing Comanche Peak Wilderness on the Roosevelt National Forest.

A relatively small section of the wilderness lies between Fall River Road and Trail Ridge Road, and includes approximately 4,300 acres. This section includes forested mountainside of lodgepole pine, Englemann spruce and subalpine fir, and the park's trademark expanse of alpine tundra and sub-alpine forest.

Another fairly small section west of the Grand River Ditch, which comprises approximately 9,260 acres, is generally above timberline, featuring steep slopes and peaks of the Never Summer Mountains, including 12 peaks reaching over 12,000 feet in elevation. This area adjoins the existing Neota Wilderness on the Roosevelt National Forest and Never Summer Wilderness on the Routt National Forest.

The largest portion of the wilderness—approximately 144,740 acres—is south of Trail Ridge Road and generally bounded on the east, south, and west by the park boundary. This area contains examples of every ecosystem present in the park. The park's dramatic stretch of the Continental Divide, featuring Longs Peak (which has an elevation of 14,251 feet) and other peaks over 13,000 feet, dominate this area. Former reservoir sites at Blue Bird, Sand Beach, and Pear Lakes, previously breached and reclaimed, are included in the wilderness. The new wilderness incorporates a portion of the Indian Peaks Wilderness that was transferred to the park in 1980, when the boundary between the park and the Arapaho-Roosevelt National

Forest was adjusted to follow natural features.

AREAS EXCLUDED FROM WILDERNESS DESIGNATION

The following areas are not included in the wilderness designation:

Roads used for motorized travel, water storage and conveyance structures, buildings, and other developed areas are not included in wilderness.

Parcels of privately owned land or land subject to life estate agreements in the park are also not included.

Water diversion structures (see below).

WATER RIGHTS

The legislation explicitly creates a federal reserved water right for a quantity of water sufficient to fulfill the purposes of the wilderness designation. The priority date is the date of enactment of the bill. This general provision is identical to the provision included in the 1988 legislation designating part of Olympic National Park, in the state of Washington, as wilderness.

The legislation, however, includes special provisions reflecting the unique circumstances of Rocky Mountain National Park, where a reservation on wilderness water rights is probably just a theoretical matter. A Colorado water court with jurisdiction over the portion of the park east of the Continental Divide has ruled that the federal government already has rights to all previously unappropriated water in the park, through the federal reserved water right arising from the creation of the national park. Recognizing this, a special provision of the bill provides that for this area those existing reserved water rights shall be deemed sufficient to serve as the wilderness reserved rights; this will prevent unnecessary water rights adjudication.

West of the Continental Divide, where a different water court has jurisdiction, a determination has not yet been made of the extent of the national park's existing reserved rights in that portion of the park. If that water court determines (as the water court in the east already has) that the federal government already has reserved water rights to all previously unappropriated water in the western portion of the park, then those water rights, too, would be deemed sufficient to satisfy the reservation of new wilderness water rights for that portion of the park.

However, as a legal and practical matter, the Colorado-Big Thompson Project of the Bureau of Reclamation has senior water rights outside and downstream from the park that are so extensive that the project has a perpetual call on all water flowing into the Colorado River and its tributaries from all portions of the national park west of the Contential Divide. As a result, it is not possible under Colorado law for anybody to acquire new consumptive water rights within the western half of the park, so there could not be any new water development that could be affected by the new wilderness water rights.

Further, of course, the new wilderness water rights would be only for in-stream flows (not for diversion and/or consumption), and therefore would amount only to a guarantee or continued natural water flows through and out of the park. Once water leaves the park, it would continue to be available for appropriation for other purposes of the same extent as it is now.

EXISTING WATER FACILITIES

Boundaries for the wilderness designated in this bill are drawn to exclude existing water storage and water conveyance structures, assuring continued use of Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel of the Colorado-Big Thompson Project (CBT); CBT gaging stations; and Long Draw Reservoir. The bill includes an explicit provision guaranteeing that it will not restrict or affect the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated as wilderness by the bill). The bill also deletes a provision of the original national park designation legislation that gives the Bureau of Reclamation unrestricted authority to develop water projects within the park.

PROTECTING AMERICAN WORKERS ACT OF 1997

HON. JOHN CONYERS, JR.

OFOF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, the Protecting American Workers Act of 1997 will reform the current temporary employment immigration H-1B program and eliminate abuses by employers which hurt American workers. A recent audit by the Department of Labor's inspector general found that the programs which allow entry to thousands of temporary and permanent foreign workers fail to adequately protect the jobs, wages, and working condition of U.S. workers.

For far too long, employment based immigration has been used to displace American workers, instead of filling temporary employment shortages. My legislation will permit the Department of Labor to administer an employment based immigration program that serves the temporary needs of employers while at the same time protecting the American worker.

The bill will amend the H-1B skilled temporary visa program as follows:

No-Layoff provision to the H-1B program (Section 2(a)(2))—Under this section of the bill an employer will have to attest that an American worker was not laid off or otherwise displaced and replaced with H-1B nonimmigrant foreign workers within 6-months prior to filing or 90 days following the application and within 90 days before or after the filing of a petition based on that application.

Requirement to Recruit in the U.S. Labor Market (Section 2(a)(3)—Each petitioning employer will have to attest that it had attempted to recruit a U.S. worker, offering at least 100 percent of the actual wage or 100 percent of the prevailing wage, whichever is greater, paid by the employer for such workers, as well as the same benefits and additional compensation provided to similarly-employed workers by the employer.

Special rules for Dependent employers (Section 2(b))—A petitioning employer who is dependent on H-1B workers (4 or more H-1B employees in a workforce of less than 41 workers or at least 10 percent of employees if at least 41 workers):

a. would have to take "timely, significant, and effective steps" to recruit and retain sufficient U.S. workers to remove as quickly as reasonably possible the dependence on H-1B foreign workers.

b. would be required to pay an annual fee (based on the H-1B's annual compensation) in order to employ an H-1B worker—5% in the first year; 7.5% in the second, and 10% in the third. Fees will be paid into private industry—specific funds that would use the money solely to finance training or education programs for U.S. workers to reduce the industry's dependency on foreign workers.

Increased penalties (Section 2(c)—Penalties are increased for false H-1B employer attestations.

Job contractors obligations (Section 2(a)(5))—Petitioning employers who are job contractors (as defined by the Department of Labor), would be required to make the same attestations as would the direct employers.

Peirod of admission reduced (Section 2(d)(2))—The maximum stay under an H-1B visa is reduced to 3 years, instead of the existing 6 years.

Residence abroad requirement (Section 2(e))—H-1B workers required to have a residence abroad that they have no intention of abandoning.

For many years the hardworking American worker has been forced to compete with underpriced foreign workers. The current H-1B program allows this unfair competition to occur even on our own soil. I urge the expeditious adoption of this measure during the 105th Congress.

REPEAL THE NATIONAL VOTER REGISTRATION ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, I am again introducing legislation to repeal the National Voter Registration Act of 1993, the so-called "motor voter" bill.

The law went into effect on January 1, 1995. It requires States to establish voter registration procedures to allow individuals to register to vote through the mail and when they are conducting other government-related business, such as applying for a driver's license or at certain public assistance agencies.

Supporters of motor voter have argued that easing voter registration requirements would invigorate voter turnouts. However, as last year's elections clearly displayed, the law did not meet its goal. Although massive numbers of new voters were placed on the rolls under motor voter, they did not take the initiative to cast their ballots. In fact, a mere 49 percent of eligible Americans voted, the lowest voter turnout since 1924. More than 90 million registered voters failed to vote.

While voter apathy under motor voter is unsettling, there is another, more compelling, reason to rethink the soundness of the law. It has allowed for voter fraud on a national scale. The law does not contain a provision to preclude illegal registration and voting. Moreover, motor voter creates obstacles for State election officials who are dedicated to maintaining the accuracy of their voter rolls. It requires States to keep registrants who fail to vote or who are unresponsive to voter registration correspondence to be maintained on voter registration rolls for years. As a result, children, cats, dogs, a pig, deceased people, and noncitizens registered to vote. In North

Carolina, thanks to motor voter, a 14-year-old boy registered and voted. Mr. Speaker, participation in the electoral process is one of our most precious rights of citizenship. We should not make a mockery of voting by unnecessarily exposing it to fraud.

The National Voter Registration Act is nothing more than a costly and dispensable Federal mandate on the States. The States carry the responsibility of administering all elections. They should, therefore, be allowed to exercise their discretion over registration procedures free of unwarranted Federal intervention.

Motor voter has been tested and it failed miserably. I strongly encourage my colleagues to join me in repealing the law.

TRIBUTE TO THE LATE BRIAN D. MYERS, SR.

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SOLOMON. Mr. Speaker, it's with the deepest sorrow that I note the loss of a volunteer fireman in the line of duty in our district on the first day of the year.

Brian D. Myers, Sr., was a hero in every sense of the word. They are all heroes, these men and women from all walks of life who give so generously of their time and who, as Brian Myers' loss reminds us, risk their lives to give their rural communities outstanding fire protection.

Brian Myers, Sr., was a member of the Schuyler Hose Co., which responded to a restaurant fire on New Year's Day. The details are still not known, but we do know that Myers was last seen inside the burning structure fighting the blaze. His son, Brian Jr., and another fireman were also injured.

Mr. Speaker, as a former volunteer fireman myself in my hometown of Queensbury for over 20 years, I know the sacrifices these volunteers make. Every year, they save countless lives and billions of dollars worth of property in New York State alone. Their dedication is matched by their increasing professionalism. We owe them an enormous debt of gratitude. Tragically, our debt to Brian Myers, Sr., cannot be repaid.

Typical of volunteer firemen, Myers was active in other community endeavors, especially at his church. He will be missed by his family, his fire company, and his community.

Mr. Speaker, I ask all members to join me in expressing heartfelt condolences to his widow, Ronalee, and the rest of the family, and a posthumous salute to a fallen hero, Brian D. Myers, Sr., of Schuylerville, NY.

CONSUMER INTERNET PRIVACY PROTECTION ACT OF 1996

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. VENTO. Mr. Speaker, the age of the Internet puts more and more Americans online—evolving faster than we ever imagined. Each day new companies and industries grow out of the constant technological innovation that has come to symbolize this information superhighway. The Internet has reached into our schools, businesses, and homes. It has allowed average Americans sitting in the privacy of their living rooms to connect with and explore the world. The Internet provides us with entertainment, information, and communication. But with all the wonders of the Internet comes the potential for problems. Today, I am introducing the Consumer Internet Privacy Protection Act of 1997 in an effort to address just one such glaring problem.

To gain access to the Internet's endless web of sites, users must work through an Internet provider or server. While these servers provide a valuable service to their customers, they are also capable of collecting an enormous amount of personal information about these individual consumers. Besides the personal information an Internet server may collect when they enroll a subscriber, servers are also capable of identifying the sites their subscribers visit. Without doubt such information would be quite valuable to those interested in marketing, while providing servers with yet another source of revenue for providing such personal and private information about consumers. The result—subscribers are inundated with junk mail and/or e-mail, based on such sales of their profiles to third parties.

My legislation is intended to inform and protect the privacy of the Internet user by requiring servers to obtain the written consent of their subscribers before disclosing any of their personal information to third parties. In addition, my bill requires a server to provide its subscribers access to any personal information collected by the server on its users, along with the identity of any recipients of such personal information.

While this bill addresses many concerns, I do not view this legislation as a final draft, complete with every detail, but rather as a first step down a road we are bound to travel. Obviously, issues involving the Internet are new and complex and deserve careful and thoughtful consideration. The Internet touches an incredible and increasing number of people and industries, and it is clear that the perspective and input from these interests are vital to the success of this process.

As the Internet becomes a more integral part of our daily lives, it is important that we in Congress take a commonsense approach, like this proposed legislation, to ensure the citizens of our Nation are able to benefit and retain a voice in the use of this technology without involuntarily sacrificing their personal privacy. My legislation will not hamper the growth and innovation of the Internet in any way. It will merely provide an opportunity for the consumers of Internet services to protect their privacy if they so wish. After all, the preservation of our privacy is one of our Nation's most cherished freedoms, which unchecked technology must not be allowed to circumvent.

END THE ABUSE OF PUSH POLLS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PITTS. Mr. Speaker, in recent years, many campaigns have used unsubstantiated allegations against an opponent in their polls. While these push polls may be sound politics to some, I believe that the use of negative, suggestive, and unfounded information in a poll fails to meet the democratic goal of persuading voters with truth and fairness.

That's why I introduced the Push Poll Disclaimer Act today. This bill will discourage the practice of slandering a candidate in a Federal election under the guise of a legitimate poll. The Push Poll Disclaimer Act will require that any person or organization conducting a poll by telephone give the source of any information provided in the poll, or a statement that there is no source if this is the case. Further, my bill will require that the identity of the person or group sponsoring the poll, as well as the identity of the caller, be disclosed.

Mr. Speaker, it is vital that we work together to reduce the negative impact push polls have on the Federal election process. I urge that the provisions in my bill be included in the larger campaign finance reform bill which is expected to be considered this Congress. I thank the Speaker, and look forward to working with him during the 105th Congress on this important issue.

BASEBALL FANS AND COMMUNITIES PROTECTION ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing the "Baseball Fans and Communities Protection Act of 1997." It is time that Congress finally steps up to the plate and ends baseball's antitrust exemption which was at the root of the debilitating strike of 1994–95.

Professional baseball is the only industry in the United States that is exempt from the antitrust laws without being subject to alternative regulatory supervision. This circumstance resulted from an erroneous 1922 Supreme Court decision holding that baseball did not involve "interstate commerce" and was therefore beyond the reach of the antitrust laws. Congress has failed to overturn this decision despite subsequent court decisions holding that the other professional sports were fully subject to the antitrust laws.

There may have been a time when baseball's unique treatment was a source of pride and distinction for the many loyal fans who loved our national pastime. But with baseball suffering more work stoppages over the last 25 years than all of the other professional sports combined—including the 1994–95 strike which ended the possibility of a World Series for the first time in 90 years and deprived our cities of thousands of jobs and millions of dollars in tax revenues—we can no longer afford

to treat professional baseball in a manner enjoyed by no other professional sport.

The bill I am introducing today is based on a legislation approved by the Senate Judiciary Committee last Congress and is similar to legislation adopted by the House Judiciary Committee during the 103d Congress partially repealing the antitrust exemption. Because concerns have previously been raised that by repealing the antitrust exemption we could somehow be disrupting the operation of the minor leagues, or professional baseball's ability to limit franchise relocation or jointly negotiate network broadcasting arrangements, the legislation carefully eliminates these matters from the scope of the new antitrust coverage.

After advocating repeal of the exemption for many years, I believe the time is finally ripe for enactment of this legislation. In the past some legislators had objected to legislating in this area because of their hesitancy to take any action which could impact the ongoing labor dispute. But because the owners and players have recently agreed to enter into a new collective bargaining agreement, this objection no longer exists.

In addition, the baseball owners have agreed to work with the players to seek a partial repeal of the antitrust exemption as part of their new labor accord. Their memorandum of understanding provides, "[t]he clubs and the [Major League Baseball Players Association] will jointly request and cooperate in lobbying the Congress to pass a law clarifying that Major League baseball players are covered under the antitrust laws (i.e., that major league players will have the same rights under the antitrust laws as do other professional athletes, e.g., football and basketball players), along with a provision which makes it clear that passage of the bill does not change the application of the antitrust laws in any other context or with respect to any other person or entity."

I have asked that the bill be introduced as H.R. 21, in honor of the courageous center fielder, Curt Flood. Mr. Flood, one of the greatest players of his time, risked his career when he challenged baseball's reserve clause after he was traded from the St. Louis Cardinals to the Philadelphia Phillies. Although the Supreme Court rejected Flood's challenge in 1972, we all owe a debt of gratitude for his willingness to challenge the baseball oligarchy.

Professional baseball is now a more than $2 billion annual business and the time has long since passed when it could be contended that baseball did not constitute "interstate commerce." There is bipartisan support in both the House and Senate for taking action on this issue, and I look forward to Congress finally repealing the longstanding anomaly of baseball's antitrust exemption.

THE STATE WATER SOVEREIGNTY PROTECTION ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRAPO. Mr. Speaker, I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and proposed wilderness legislation have all been vehicles used to erode State sovereignty over its water.

It is imperative that States maintain sovereignty over management and control of their water and river systems. All rights to water or reservations of rights for any purposes in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

RAY CALHOUN DAY CELEBRATED IN CONGRESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SOLOMON. Mr. Speaker, every now and then, you come across an individual who exemplifies the spirit and ethics on which this country was found. Ray Calhoun from the town of Hoosick, NY, in my congressional district is just such a man in every aspect of his life. I have had the privilege of knowing Ray for better than a quarter of a century now in both public and private life and it is with great pride that I call him friend.

Mr. Speaker, there are so many things I admire about Ray I don't even know where to start so why not with the beginning. Ray was born on Christmas eve 1922 and raised on his father's dairy farm. They were a family farm and supplied local citizens and stores with fresh milk. As was typical at the time, Calhoun's farm became part of the fabric of the local community as the Calhoun's, Ray and his father and brother, became renowned for their service and pride in their work.

Ray remained on that farm for the first 50 years of his life. It was there, rising at the crack of dawn, plowing and tending to the fields, harvesting the crops, and looking after the herd that Ray Calhoun, the man, was shaped.

So it seems to me, Mr. Speaker, that we owe a lot to that farm. For it was there that Ray Calhoun developed his tremendous work ethic, his inner pride, and most importantly to those in Hoosick and the surrounding area, his willingness to do more than the norm.

Mr. Speaker, nothing better exemplifies Ray's pride and resolve than the event that caused him to reluctantly leave the family farm business he so loved. You see, a tragic farming accident cost Ray his leg. Yet, as he recuperated at his home, I paid him a visit along with the current town supervisor, John Murphy. It was there, in the face of so much adversity that Ray decided to serve the community he so loved and run for town supervisor of Hoosick. Little did we know then that his decision would bear a second career of 23 years in public service. Not only did Ray go on to two successful terms as town supervisor, but he served as the town clerk from 1977 until just this past December 31, 1996, when he retired from public service. But those of us who know him know that Ray will still be seen about town, whether it be at church, or at the many civic organizations he also belongs to and has served.

I've always been one to judge people based on what they return to their community. Ray Calhoun has given all he can and then some. But to me Mr. Speaker, he's even more than that. Ever since my mother and I were left by my natural father shortly after I was born, I have always looked to men I admire as a father figure. For me, Ray has always been just such a father image. Someone I more than admire, someone I have tried to model myself after in life.

Mr. Speaker, we all would do ourselves and our communities a great service to model ourselves after Ray Calhoun. At this time, I would ask that you and all Members of the House rise with me and the town of Hoosick, NY, in recognition of a great American on his day, Ray Calhoun Day, to be celebrated this January 12, 1997.

INTRODUCING CROWN JEWEL LEGISLATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. DUNN. Mr. Speaker, it gives me great pleasure today to introduce the Crown Jewel National Parks Act. This legislation will require the President to submit a specific budget request for our 54 national parks so that for the first time, our national parks would have their own specific and separate line-item to ensure that their funding is a top priority.

We are truly blessed in this Nation with a national park system that is second to none and serves this Nation as one of the top vacation choice of families, individuals and visitors world-wide.

In my State of Washington, we have the good fortune of having three national parks. Mount Rainier National Park, the North Cascades National Park, and the Olympic National Park. Like many of our older national parks, they are suffering from lack of funding creating maintenance and construction backlogs that continue to build up year after year. Also, the popularity of our parks has increased dramatically over the last decade and funding for roads and trails has not kept pace.

While we significantly increased funding for the National Park Service in the 104th Congress, we must not allow money from one

park account to be haphazardly moved to another without any constraints. Our national parks are too important to be left to the discretion of bureaucrats.

Mr. Speaker, I look forward to working with my colleagues in the 105th Congress to enact this legislation.

CREATION OF A "RETIREE VISA"

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I am introducing legislation to create a retiree visa for various people who would like to spend some of their retirement years in the United States. Let me give you an example of how this will work by using August and Gerda Welz as an example.

August and Gerda Welz have spend more than $380,000 in the United States since taking up a residence in Palm Coast, FL, 3 years ago. Native Germans, the Welzs saw Florida as an ideal place to spend their retirement years, with its pleasant climate and sound economy. They own a home, pay taxes, and volunteer in the community.

What they did not realize, however, was how many problems they would encounter in meandering through the United States' immigration laws.

To encourage more business and tourist travel to the United States, the Immigration and Naturalization Service established the Visa Waiver Pilot Program [VWPP], which has benefited many citizens from eligible countries. Narrow in scope, however, it only pertains to those who come to the United States for 90 days or less. Couples such as the Welzs represent the growing number of foreign travelers who wish to stay for an extended period of time or even retire in the United States. Unfortunately, they must still jump through an unreasonable number of hoops.

Having to navigate through such a complex set of rules and regulations is an unnecessary disincentive to foreign tourists looking to retire in the United States. My legislation would help remedy this.

The proposed visa would be available to citizens from those countries participating in the VWPP, as well as Canada. This diverse group includes countries such as Japan, Spain, and Germany. Applicants would have to be at least 55 years of age, own a residence in the United States, maintain health coverage, and receive income at least twice the Federal poverty level. The applicant would also be required to maintain a residence in his or her country of citizenship.

Perhaps the most attractive feature is that the visa would be valid for up to 4 years, alleviating the burdensome expense of frequent travel. It would be renewable as long as the application was filed from the retiree's country of citizenship.

Mr. Speaker, it is important to clarify that the proposed visa would only be available to nonimmigrants, and would not provide work authorization or eligibility for any Federal means-tested programs. In its simplest terms, the visa would serve as a much needed mechanism in which foreign retirees would have the opportunity to comfortably reside in the United States.

It goes without saying that ensuring proper immigration procedures is critical to our Nation's well-being. Still, there is absolutely no reason to discourage anyone from coming to Florida—or anywhere else in the United States—to retire.

Foreign travelers supply a healthy boost to our economy, and are an important part of many of our communities. By simplifying the process for this unique group of retirees, this proposal would provide new and exciting opportunities to couples such as the Welzs—a practice that would benefit all parties involved.

TRAFFIC STOPS STATISTICS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, African-Americans across the country are familiar with the offense of DWB, driving while black. There are virtually no African-American males—including Congressmen, actors, athletes, and office workers—who have not been stopped at one time or another for an alleged traffic violation, namely driving while black.

Law enforcement representatives may admit to isolated instances of racially targeted police stops, but they deny that such harassment is routine. the numbers belie this argument. Although African-Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. This figure is too outrageous to be a mere coincidence.

The Ninth Circuit Court of Appeals reached a similar conclusion after considering the 1993 case of a Santa Monica police officer who was found to have violated the rights of two black men he stopped and arrested at gunpoint. The court found that the case was an example of how police routinely violate the constitutional rights of minorities, particularly black men, by stopping them without just cause.

But lawsuits alone cannot solve this problem. Last November, the American Civil Liberties Union sought a fine for contempt of court against the Maryland State police, arguing that police are still conducting a disproportionate number of drug searches of cars driven by African-Americans almost 2 years after agreeing to stop as a result of a 1992 lawsuit.

Despite the agreement, State police statistics show that 73 percent of cars stopped and searched on Interstate I–95 between Baltimore and Delaware since January 1995 were conducted on the cars of African-Americans despite the fact that only 14 percent of those driving along that stretch were black. Moreover, police found nothing in 70 percent of those searches.

The evidence clearly shows that African-Americans are being routinely stopped by police simply because they are black. It is exactly this sort of unfair treatment that leads minorities to distrust the criminal justice system. If we expect everybody to abide by the rules, we must ensure that those rules are applied equally to everybody, regardless of race.

In many ways, this sort of harassment is even more serious than police brutality. Not to minimize the problem of brutality, but these stops, this sort of harassment is more insidious. Almost every African-American man will be subject to this sort of unfair treatment at least once, if not many times. And no one hears about this, no one does anything about it.

With brutality on the other hand, these days, incidents of brutality at least come to light. The culprits may not be punished for their acts, but it is getting harder for the police to brutalize minorities without any fear of reprisals.

The same cannot be said for harassing traffic stops. Police can stop the cars of minorities with total impunity. In fact, the Supreme Court recently expanded police powers by holding that police need not inform individuals stopped that they have a right not to consent to a search of their vehicles.

Thus it appears that the problem of police stops is only going to increase. For this reason, I am introducing the Traffic Stops Statistics Act. This bill will force police departments to keep track of the race and alleged traffic infractions of those they stop. It will also require them to note the rationale for any subsequent search and the contraband recovered in the course of that search. In this way, we will increase police awareness of the problem of targeting minorities for car searches and we can discover the extent of the problem and hopefully reduce the number of discriminatory traffic stops.

INTRODUCTION OF THE HIGHER EDUCATION ACCUMULATION PROGRAM ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. ESHOO. Mr. Speaker, I rise today to renew my drive to help parents save for their children's higher education by introducing the Higher Education Accumulation Program [HEAP] Act of 1997. This initiative, which I also introduced in the prior two Congresses, establishes special IRA-like savings accounts so that parents are motivated to save for their children's higher education.

There is no greater investment that families can make in their future than giving their children a chance to pursue higher education. Unfortunately, tuition increases have made college unaffordable for so many families. As a result, families are being forced to go deeper into debt or tap into their life savings in order to give their children a chance to prepare themselves for the 21st century.

Under my initiative, parents can deposit up to $5,000 per year tax deferred in a HEAP account for their child's college or other higher education. Only one child can be the beneficiary of each HEAP accounts. While multiple HEAP accounts could be established by a family, parents would be limited to a maximum tax deferment of $15,000 per year. Married parents filing separate returns would be limited to $2,500 in deferments per account, up to a maximum of $7,500.

With a HEAP account, one-tenth of any amount withdrawn for educational expenses—including tuition, fees, books, supplies, meals, and lodging—at eligible institutions would be included in the gross income of the beneficiary for tax purposes each year over a 10-year period. If a person withdrew money from a HEAP account for purposes other than paying for higher education, that money would be subject to a 10-percent penalty on top of the income tax rate that would apply at the time of withdrawal.

According to the Government Accounting Office [GAO], tuition at 4-year public colleges and universities—where two-thirds of U.S. college students attend classes—has increased 234 percent over the past 15 years. In contrast, median household income rose only 82 percent and the cost of consumer goods rose just 74 percent in the same period. GAO also has found that increases in grant aid have not kept up with tuition increases at 4-year public colleges. As a result, families are relying more on loans and personal finances to pay for school. For example, in fiscal year 1980, the average student loan was $518; in fiscal year 1995, it rose to $2,417, an increase of 367 percent.

The U.S. Department of Education reports that for the 1994–95 academic year, annual undergraduate charges for tuition, room, and board were estimated to be $5,962 at public colleges and $16,222 at private colleges. Between 1980 and 1994, college tuition, room, and board at public institutions increased from 10 to 14 percent of median family income—for families with children 6 to 17 years old. At private institutions, these costs increased from 23 to 41 percent of median family income between 1979 and 1993.

Mr. Speaker, making higher education more affordable for more families must be a top priority for the 105th Congress. I urge my colleagues to join me in this effort to provide a much-needed helping hand to American families.

REPEAL THE ESTATE TAX

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PITTS. Mr. Speaker, today I introduced a bill to repeal the estate tax which has burdened so many farmers and small business owners in the 16th District of Pennsylvania. With the repeal of this tax, more families in Lancaster and Chester Counties can hold onto their hard-earned family legacies.

Mr. Speaker, the estate tax is one of America's most illogical taxes. After a person's death the IRS collects between 37 and 55 percent of all assets transferred which are valued at more than $600,000. The "death tax" discourages savings, penalizes the sound practices of capital formation and investment, and puts many family owned farms and businesses in jeopardy after the loss of a loved one.

In addition, Mr. Speaker, the estate tax is expensive to collect. The IRS spends approximately 65 percent of the revenue it collects from this tax on enforcement of the estate tax code. Further, the estate tax accounts for less than 1 percent of annual Federal revenue. Finally, it is expected that the repeal of this tax could create an increase in revenue for the Federal Government in the future, as families will be able to invest their savings and generate more taxable income.

Mr. Speaker, the reason many people work so hard is to make life better for their children. New businesses, especially minority-owned firms, face enough obstacles without having the rewards of hard work snatched away at the end of the first generation. I think it's time that we give control of life savings back to the people who have earned them. Let's make sure that farms that have stayed in the family for generations aren't sold off due to a bad tax policy. Let's end the outrageous practice of punishing thrift and financial security. Let's end the bias against savings and capital formation. Let's encourage saving, investment, and sound, life-long financial management which can provide for a family past a single generation. Let's repeal the estate tax and empower our Nation's families.

STATEMENT ON THE INTRODUCTION OF THE SOFTWARE EXPORT EQUITY ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. DUNN. Mr. Speaker, on this, the first day of the 105th Congress, I introduce the Software Export Equity Act and urge my colleagues to support its swift enactment. The Software Export Equity Act enjoys tremendous bipartisan support as demonstrated by the members that join me as original cosponsors, Messrs. MATSUI, HERGER, JEFFERSON, CRANE, NEAL of Massachusetts, MCCRERY, MCDERMOTT, ENGLISH of Pennsylvania, and WELLER.

Today, the U.S. software industry is a vital and growing part of the U.S. economy, exporting more than $26 billion worth of software annually. U.S. software companies perform a majority of this development work here in the United States. This measure will do more to ensure the competitivess of the U.S. software industry worldwide than any other single legislative change we can enact.

Congress enacted the FSC rules to assist U.S. exporters in competing with products made in other countries which have more favorable tax rules for exports. The FSC statute was carefully crafted to ensure that only the value-added job creating activity qualified for FSC benefits. When the statute was enacted in 1971, the U.S. software industry did not exist. However, due to a narrow IRS interpretation of the FSC rules, the U.S. software industry is the only U.S. industry that does not generally receive this export incentive. Nearly every other U.S. manufactured product—from airplanes to toothpaste—qualify for FSC benefits. Although the Treasury Department recognized the inconsistency in providing FSC benefits to licenses of films, tapes and records, all industries that were in existence when the law was created, but not to licenses of software, they stated their belief that this problem needed to be addressed in legislation rather than by regulation. Treasury has further stated their strong support for legislation to extend FSC benefits for licenses of computer software.

To illustrate the inequitable IRS interpretation of FSC rules with regard to software exports, suppose we have two CD ROM's—one containing a musical recording, the other containing a multimedia software product that also provides music. If the master of the musical recording is exported with a right to reproduce it overseas, the export qualifies for FSC benefits. If the master of the computer software is exported with a right to reproduce it overseas, the export does not qualify for FSC benefits, a result that makes no sense from either a policy or practical perspective. The ability to export software, accompanied by a right to reproduce that software in the local market, is essential to the way the software industry does business. Denying the benefits of the FSC rules to software exported through established industry distribution networks poses an impediment to the competitiveness of U.S. manufactured software.

The United States is currently the world leader in software development, employing hundreds of thousands of individuals in high-wage, high-skilled U.S. jobs. Much of the expansion of the industry is due to the growth of exports. The software industry, like other U.S. exports, needs FSC benefits to remain competitive and keep U.S. jobs here at home. FSC benefits are extremely important in encouraging small and medium-sized software companies to enter the export market by helping them equalize the cost of exporting. In addition, FSC benefits are needed to help keep high-paying software development jobs in the United States at a time when foreign governments are actively soliciting software companies to move those jobs to their countries. I do not propose any special or unique treatment, nor seek any new or special tax benefit. All that I propose in this measure is fair treatment under existing law.

If the goal of this Congress is to pass legislation promoting economic opportunity and growth in America, then common sense dictates that we enact the Software Export Equity Act.

THE FAIR TRADE OPPORTUNITIES ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1996

Mr. BEREUTER. Mr. Speaker, America's precious trade leverage is being eroded by outdated trade laws which undermine our Government's credibility and provide little incentive for countries to open their markets. These laws desperately need to be revised. Today, I have introduced legislation, the Fair Trade Opportunities Act, which abolishes the MFN trade status process while giving the President of the United States broad but flexible authority to raise tariffs on those countries which are not members of the World Trade Organization or which still prohibit emigration.

American companies and workers deserve the right to compete for markets and consumers throughout the world. They deserve our best effort to pry open foreign markets so they can freely sell their products and services. Bluffing and posturing during Congress' annual MFN process does nothing to help them. Giving countries which are not members of the World Trade Organization a "free-ride" to our own markets without reciprocal benefits is not fair to American workers.

The Fair Trade Opportunities Act responds to post-cold war realities by restoring U.S. trade sanction credibility and providing the President with the tools to open foreign markets. It should be considered in the 105th Congress if the U.S. Government hopes to reclaim America's precious trade leverage and give our export companies and workers equitable access to foreign markets.

THE FAIR TRADE OPPORTUNITIES ACT

Introduced by Representative Doug Bereuter (R-NE) on January 7, 1996.—This legislation was introduced in the last few days of the 104th Congress as the Fair Trade Opportunities Act (H.R. 4289). It was slightly modified, and then reintroduced on the first day of the 105th Congress.

Eliminates outdated U.S. trade law distinction between "market" and "nonmarket" economies and replaces it with a more appropriate distinction in the post-Cold War Era between member and nonmember countries of the World Trade Organization (WTO).—Under current U.S. trade law, market economy countries receive normal tariff status automatically and nomarket economy countries must go through an annual Jackson-Vanik certification process. The Fair Trade Opportunities Act replaces this Cold War Era distinction with two categories of tariffs—normal tariff status for WTO members and potential "snap-back" tariffs for non-WTO countries.

Abolishes annual Most-Favored Nation (MFN) process for 17 countries which require annual waiver or certification of compliance with Jackson-Vanik requirements.—The President will no longer have to certify that these 17 countries meet Jackson-Vanik requirements before they are entitled to MFN or normal tariff status. Also, Congress' self-imposed, annual review of the President's certification is eliminated. [Congress retains Constitutional right (Article 1, Section 8) to raise tariffs on any country at any time.]

Abolishes Smoot-Hawley (Column #2) tariffs for all countries except those countries which have not concluded commercial agreements with the United States (i.e. Vietnam).—Realistically, these Smoot-Hawley tariffs are only imposed on pariah, bad-actor states, or countries which do not have commercial agreements with the United States. For political, economic, and domestic commercial reasons, threats to impose Smoot-Hawley tariffs on other countries are hollow and not taken seriously by foreign governments. Despite the rancorous debates in Congress over the extension of MFN to some countries, Congress is also quite unlikely to impose Smoot-Hawley tariffs because of the harm it would inflict on U.S. companies and workers.

Replaces Smoot-Hawley tariffs with broad and flexible Presidential authority to raise tariffs (snap-back) on countries which are not members of WTO.—On a one-time basis and within six-months of the enactment of the legislation, the President is required to determine if non-WTO countries are "not according adequate trade benefits" to the United States. If the President makes such a finding, then the President shall impose snap-back tariffs on that country six-months after the determination. In imposing snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rates, i.e., the Column #1 tariff rates in effect on December 31, 1994.

Enhances United States Trade Representative's negotiating leverage with countries which are not WTO members and provides a strong incentive for those countries to liberalize their trade laws and practices and to improve their WTO accession offers.—Between enactment of the legislation and the President's one-time, six-month determination and twelve-month imposition of snap-back tariffs, this legislation gives those non-WTO countries time to modify their trade regimes so as to give American exporters a fair chance to compete for consumers in their markets. After the President's determination and imposition of tariffs, the Fair Trade Opportunities Act gives the President the authority to withdraw the snap-back tariffs if that country either joins the WTO or the President certifies that the country is according the United States adequate trade benefits. In addition, the President can modify, but not eliminate, the snap-back tariffs for any reason.

Provides President with discretionary authority to impose snap-back tariffs on countries which unduly restrict emigration.—The legislation's emigration standard which triggers the presidential snap-back authority is identical to the current freedom of emigration language in the Jackson-Vanik law.

Does nothing to change current U.S. sanctions laws with regard to rogue or pariah states such as Cuba, Iran, Iraq, Libya, and North Korea.—Many countries, such as the pariah or bad-actor states, retain normal tariff status with the United States but are prohibited from some or all trading with the United States because of U.S. sanctions laws.

THE FAIR TRADE OPPORTUNITIES ACT

COMMON QUESTIONS REGARDING THE LEGISLATION'S IMPACT ON THE PEOPLE'S REPUBLIC OF CHINA

What is Congressman Bereuter's motivation for the bill?—During the Summer of 1996 in the height of the China Most-Favored Nation (MFN) debate, Congressman Doug Bereuter (R-NE) promised an attempt to "end [that] futile debate." He also vowed to introduce legislation which comprehensively solved the problems created by the MFN process, which with respect to China, he said, only served to damage Sino-American relations. Not long after his statement, Bereuter met with Administration officials and realized that many countries, as well as China, have little or no incentive to become members of the World Trade Organization because they already enjoy full WTO tariff benefits under U.S. MFN law.

Recognizing that other countries, such as the European Union, do not automatically extend MFN benefits to nonmembers of the WTO, Bereuter's legislation attempts to combine both a carrot (the equivalent of permanent MFN, i.e. normal tariff status) and a stick (minor snap-back tariff increases) approach to induce countries into joining the WTO and eventually gaining normal tariff status permanently under U.S. law. This approach steers a delicate middle ground between those who wish to assert America's commercial and foreign policy interests more aggressively and those who believe American interests are best served by engaging countries, such as China and Russia, mutliaterally.

Recognizing that the legislation is not China-specific, how would the Fair Trade Opportunities Act affect China's current trade status and its WTO accession negotiations?—If the Bereuter bill were signed into law, the President of the United States would no longer have to annually certify that China was complying with the Jackson-Vanik law. Likewise, the United States Congress would not have an automatic, expedited procedural mechanism for rejecting any Presidential decision. [Although Congress may, at any time, vote any amount of tariff increases on China because of its Constitutional authority in Article I, Section 8.] In short, the current China MFN process would be abolished.

On a one-time basis and within six-months of the enactment of the legislation, the President would be required to determine if China is "not according adequate trade benefits" (defined in existing law) to the United States. If the President makes such a finding, then the President shall impose snap-back tariffs on China six-months after that determination. In imposing snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rates, i.e., the Column #1 tariff rates in effect on December 31, 1994.

A study by the Congressional Research Service estimates that if the President were to utilize his full snap-back authority on the top 25 Chinese exports to the United States (based on 1995 figures), an additional $325 million in tariff revenue would be generated for the U.S. treasury. (This estimate is not adjusted to reflect any downward demand for the product due to the increased tariff.)

The President would be required to terminate the imposed snap-back tariffs on China on the date China becomes a WTO member or on the date the President determines that China is according adequate trade benefits to the United States, whichever is earlier. The President would also be able to modify the snap-back tariffs for any reason as long as the appropriate congressional committees are notified.

A PLAN TO BOOST SAVINGS AND INVESTMENT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I am introducing a bill today which will help all Americans save for their retirement years. It is no secret that our current savings rate is among the lowest in the industrialized world. A low savings rate not only adversely impacts a person's retirement, it does not create much capital available for savings and investment. Without this capital, our economy cannot expand at its optimal rate. It is my hope that this legislation, if enacted, would help correct this problem.

My legislation would do several things. First, it would increase the amount of money one may contribute to an Individual Retirement Account [IRA], from $2,000 to $4,500, and still receive full deductibility. This amount is also indexed to inflation to protect its value from that silent thief of inflation.

This would also remove a disincentive to establishing an IRA, that being the fear that the money will not be available without paying a substantial penalty when you need it. A person with an IRA would be able to make withdrawals, without penalty, for a first home purchase, education expenses, long-term care, financially devastating health care expenses, and during times of unemployment. Furthermore, no taxes would be paid on these withdrawals if they are repaid to the IRA within 5 years.

Current law offers no incentive for many people to establish IRA's. My bill would allow people who do not have access to a defined contribution plan—e.g., a 401(k) plan—to establish a tax-preferred IRA, regardless of their income. The legislation would also encourage the middle class to establish IRA's by raising the income phase-out levels from $25,000—$40,000 for joint filers—to $75,000—$120,000 for joint filers. This will provide not only incentives, but needed tax relief for the middle class. Again, these levels are indexed to inflation.

Turning to 401(k) reforms, currently folks are hit with tax liability when taking their 401(k) benefits as a lump sum when leaving a job even if it is rolled into an IRA. This is not fair. Therefore, under this proposal, people would not be exposed to tax liability if the lump sum distribution is rolled into an IRA within 60 days.

Just as contribution limits have been increased for IRA's in this legislation, they are increased for 401(k) plans as well. The tax-deductible contribution limits would be $20,000—in 1992 dollars—indexed to inflation.

This would also encourage more firms to establish defined contribution plans by injecting some common sense into the law. It would allow firms to meet antidiscrimination requirements as long as they provide equal treatment for all employees and ensure that employees are aware of the company's 401(k) plan. This is truly nondiscriminatory as everyone would be treated the same.

Finally, this proposal would correct some of the serious problems involved with IRA's and 401(k)'s when the beneficiary passes away. As someone who believes the estate tax is inherently unfair, indeed I advocate its abolishment, I feel that IRA and 401(k) assets should be excluded from gross estate calculations. This bill would do that. Furthermore, an IRA that is bequeathed to someone should be treated as the IRA of the person who inherited it. Current law forces the disbursement of the IRA when the deceased would have turned 70½ years old. This would change that pointless provision, allowing the inheritor to hold the money in savings until he or she turns 70½.

Similarly, anyone receiving 401(k) lump sum payments as a result of a death would not have the amount counted as gross income as long as it is rolled into an IRA. That amount would not be counted against the nondeductible IRA limit of $4,500.

Mr. Speaker, I am excited about this legislation. I expect to introduce this legislation again at the beginning of the next Congress and look forward to hearing debate on it. It is absolutely essential that we continue to encourage personal savings and this is certainly a step in the right direction.

PREVENTING GENETIC DISCRIMINATION IN HEALTH INSURANCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of comprehensive legislation to prevent genetic discrimination in health insurance, an issue vital to the health of all Americans.

Scientists are making astounding advances almost daily in decoding the secrets of our genes, especially through the contributions of the Human Genome Project. Genes have already been identified for cystic fibrosis, prostate cancer, multiple sclerosis, Huntington's disease, and many other conditions. As chair of the Women's Health Task Force of the Congressional Caucus on Women's Issues, I closely followed reports last year that increased funding for breast cancer research had resulted in the discovery of the BRCA1 gene linked to breast cancer. This knowledge has tremendous potential for improving the ways we identify, treat, and hopefully cure disorders. At the same time, there is also the very real possibility that this information could be used to discriminate against individuals.

No American should have to worry that their genes—which they did not choose, and over which they have no control—will be used against them. My legislation would prohibit health insurers from using genetic information to deny, refuse to renew, cancel, or change the terms and conditions of coverage. It would prevent insurance companies from requesting or requiring genetic tests, and would require written informed consent before an insurer may disclose genetic information to a third party.

These protections are absolutely critical, because genetic discrimination is already occurring. Numerous individual cases have been reported in the press. In addition, polls and studies demonstrate clearly how much the American people fear genetic discrimination by health insurers. This anxiety is so strong that many people are foregoing genetic testing—even when they have a clear family history of genetic illness and a positive test could lead them to take advantage of effective preventive medicine.

This is a human tragedy Congress can and must prevent. In the 104th congress, I introduced similar legislation which garnered 76 cosponsors and was endorsed by a wide range of health and consumer groups, including: Alzheimer's Association, American Academy of Pediatrics, American Cancer Society, American Heart Association, American Medical Women's Association, American Nursing Association, American Public Health Association, Center for Patient Advocacy, Council for Responsible Genetics, Foundation on Economic Trends, and March of Dimes.

Leadership Conference of National Jewish Women's Organizations, which includes: American Jewish Congress, Amit Women, B'nai B'rith, Emunah Women of America, Hadassah, Jewish Labor Committee, Jewish War Veterans, Jewish Women International, Na'amat USA, National Council of Jewish Women, Inc., National Jewish Community Relations Advisory Council, Union of American Hebrew Congregations, Women's American ORT, United Synagogue of Conservative Judaism; and National Association of Black Women Attorneys, National Breast Cancer Coalition, National Osteoporosis Foundation, National Ovarian Cancer Coalition, National Women's Health Network, National Women's Law Center, Women's Bar Association, and Women's Legal Defense Fund.

I am hopeful that the 105th Congress will build upon the foundation established by the Kassebaum-Kennedy health reform bill. With this new legislation, it is my goal to ensure that no American woman will have to worry that if she takes a genetic test for the BRCA1 or BRCA2 breast cancer gene, she will lose her insurance coverage; or, that if she develops breast cancer, she will be denied coverage for treatment because her genetic predisposition will be considered a "pre-existing condition." Congress has the power to protect all Americans from genetic discrimination in health insurance. We should do so quickly and decisively by passing the Genetic Information Nondiscrimination in Health Insurance Act.

SALUTING DIXIE WILKS-OWENS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MATSUI. Mr. Speaker, I rise today to salute Dixie Wilks-Owens, who is retiring from the California Employment Development Department after 27 years of dedicated service. Throughout her career, Mrs. Wilks-Owens has earned a reputation among her peers as an outstanding communicator and public servant genuinely enthusiastic about her job and the opportunities it provides to affect positive change.

Most recently, Mrs. Wilks-Owens served as chairperson of the 1996 Work Force Preparation Conference, a highly successful public forum on workforce preparation issues which was held in conjunction with the Federation of Conferences.

While at the office of work force policy, Mrs. Wilks-Owens was staff to the State job training coordinating councils' planning committee. She prepared agendas and policy issue papers, analyzed Federal and State legislation and made presentations to the SJTCC, task forces, and other committees on work force preparation issues.

Prior to this position, Mrs. Wilks-Owens was the manager and assistant deputy director of the EDD Marketing Services Office. In this role, she is noted for having developed the first biennial strategic marketing plan and for writing and producing the EDD employee

handbook. In addition, she was an integral force in the planning, developing, and management of a full-functioning reemployment center for displaced legislative staffers left unemployed by Proposition 140. Additionally, she oversaw the planning and coordination of a broad retraining and reemployment program serving 5,000 former General Motors workers in Fremont, CA.

Mrs. Wilks-Owens also served as a Federal legislative specialist in the EDD legislative liaison office. There, she tracked and analyzed Federal legislation, spearheaded the successful 1989 job service campaign and made legislative presentations.

As an active member of the International Association of Personnel in Employment Security [IAPES], she has served as California Legislative chair, California vice president, California president, International Legislative chair and District XV representative and California Legislative chair.

In addition to her professional pursuits, Mrs. Wilks-Owens has demonstrated a unique commitment to her community and is noted as a tireless volunteer and master organizer.

Mr. Speaker, it is with great pleasure that I rise today to recognize Dixie Wilks-Owens for her outstanding commitment to her profession. I ask my colleagues to join me in wishing her continued success in all of her future endeavors.

JOB SKILLS DEVELOPMENT ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce the Job Skill Development Act of 1997. This is a narrowly tailored bill which amends the Fair Labor Standards Act [FLSA] of 1938 to ease some of the restrictions on volunteering.

The FLSA requires covered employers to compensate individuals defined as an "employee" with minimum wage and overtime. While there are numerous exceptions for volunteers, these exceptions primarily focus on humanitarian and charitable activities. Unfortunately, individuals seeking to gain valuable work experience and exposure in a competitive profession are often prohibited from doing so because of restrictions on volunteering.

The FLSA revolves around a complex scheme of regulations and exceptions. When the Department of Labor and the Federal courts determine who is and is not exempt, they take into account the type of services provided by the individual, who benefits from the rendering of the services, and how long it takes to provide the services. Some of the most common exceptions are for trainees or student learners better known as interns. These exceptions were developed because of their educational benefit as well as the potential to learn valuable skills for future employment.

However, just as the FLSA protects some, it can be an obstacle for others. Capitol Hill provides an excellent example. Each year hundreds of college and high school students travel to Washington, DC, for interships. Many of these positions are unpaid or offer a stipend, well below the minimum wage and overtime requirements. These individuals gain a better understanding of the legislative process, develop office skills, and make contacts that are invaluable in securing employment. Meanwhile, the employer is able to evaluate the intern in a work environment. For both it is a win-win situation.

Two particular individuals on my staff volunteered in my office for several months before they were hired on as full-time paid employees. However, because these two staffers were recent college graduates and produced work that benefited my office, they would have been prohibited from volunteering their services if at the time I would have been forced to comply with the FLSA.

Though Congress has since passed the Congressional Accountability Act and now must adhere to the FLSA, the point is not moot. Congress and hundreds, if not thousands, of individuals over the years have benefited from such programs. In fact, many have become employed for the first time because of the opportunity and experience they gain through interning. I hope we could learn from these instances and not turn our backs on those who wish to gain valuable work experience.

Moreover, as we enter the 21st century and the global marketplace becomes even more competitive, we must strive to help those who wish to enter the work force. Programs like Careers and School to Work offer some the opportunity to gain the necessary skills to compete, but there is still room for improvement. Congress cannot standby and allow individuals to forego valuable training experience because we have failed to act.

The Job Skill Development Act will offer outstanding opportunities for future work forces. Its passage will help college graduates and individuals who have been out of the work force develop the professional skills and experience they need to become employed. It is a great job training program that does not cost the taxpayers a dime.

As I mentioned before, this legislation is narrowly tailored and while it eases the restrictions on volunteer activity, it does not jeopardize the important safeguards against employer coercion and worker displacement. Moreover, the intent is not to undermine any of the requirements of minimum wage and overtime, but focuses on providing individuals with the opportunity to gain the necessary skills to become gainfully employed.

Mr. Speaker, it is time to give future work forces the same opportunity Congress and many hill staffers have benefited from for many years. I look forward to working with my colleagues on passage of the Job Skill Development Act of 1997.

HOUSING LOAN GUARANTEE PROGRAM EXTENSION ACTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BEREUTER, Mr. Speaker, today this Member is introducing two bills designed to extend important alternatives to traditional Federal housing direct lending.

The first bill, the Rural Multifamily Rental Housing Loan Guarantee Extension Act of 1997, permanently authorizes the U.S. Department of Agriculture [USDA] administered section 538 program which, as the name implies, guarantees repayment of loans to build multifamily rental housing in rural communities. The section 538 program was patterned after the highly successful section 515 loan guarantee program, which is also administered by the USDA. While the section 538 program was only fully authorized in the last Congress through the Housing Opportunity Program Extension Act of 1996, it has already been well received in rural America and certainly merits permanent authorization in the 105th Congress.

The second bill this Member is introducing today permanently authorizes the section 184 loan guarantee program for Indian housing, which is administered by the U.S. Department of Housing and Urban Development [HUD]. This guarantee program, which I authored and was enacted into law in 1992, is designed to bridge the obstacles that have prevented private lenders from participating in housing finance on Indian trust land. Because of the unique trust status of these reservations, private lenders have been reluctant to make loans due to the fact that they have no legal recourse should the borrower default. Under the section 184 guarantee program, the Federal Government eliminates this obstacle by guaranteeing that the lender will be repaid should the borrower default. This program has already proven to be widely popular in Indian country and provides incentive for private lenders to participate in housing one of our Nation's most underserved populations.

Members should remember and be reassured by the fact that the disposition of loan guarantee programs provides oversight in that Congress must appropriate loan subsidies for all loans to be guaranteed under these programs. Thus, the end result of such a permanent authorization will be smoother operating programs without interruptions resulting from expired authorizations and congressional oversight maintained through the annual appropriations process.

Thank you Mr. Speaker. This Member invites his colleagues to join him as a cosponsor of both of these important housing measures.

INTRODUCTION OF THE OIL SPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MENENDEZ. Mr. Speaker, on May 10, 1996, a tanker moored in Delaware Bay spilled 10,000 gallons of light grade crude oil. Strong winds pushed the slick toward the beaches of Cape May, NJ, posing a threat to wildlife and migrating waterfowl. The tanker had been anchored 17 miles off the Cape May shore in an area known as the Big Stone Anchorage. It was involved in a process known as lightering. A tanker lighters by pumping some of its cargo into a smaller barge. This is usually done because there is insufficient depth of water to allow the tanker to safely make passage to secure oil terminals. Transferring oil over open water between two or more vessels is a risky process which greatly increases the possibility of spills or more serious accidents.

While the Cape May incident was a relatively minor accident and the environmental impacts were quickly contained, I am greatly troubled about the prospect of an accident in the New York Harbor. Thirty billion gallons of oil of every type are shipped through the Port of New York and New Jersey each year. One billion gallons is lightered from deep water anchorages beyond the Verrazano Narrows. That is 100 times the amount of oil spilled by the *Exxon Valdez* off the Alaskan coast. These barges are often single hulled and sometimes have no crew or anchor. The situation in the New York Harbor is doubly dangerous because of an institutional failure to dredge. The lightering process is used to reduce the weight of oil tankers and thereby lessen draft to enable these great ships to negotiate the shoaled-in channels and berths of the upper bay and the connecting channels in the Kill Van Kull and Arthur Kill. It is only the exceptional skill and dedication of the pilots serving the Port of New York and New Jersey that have prevented a catastrophe, but there have been a number of near collisions.

To reduce this threat, I am introducing the Oil Spill Prevention and Response Improvement Act. This legislation requires the Coast Guard to develop requirements for lightering and towing operations. It provides incentives for converting to the use of double hull vessels. The bill will also reduce the economic hardship on the victims of oil spill, particularly in fishing communities. This bill is a good starting point at improving the Oil Pollution Act and improving the safety of barges that move a commodity that is essential for our economy safely and without harm to the environment.

IN HONOR OF HOWARD W. COLES

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the life and legacy of Mr. Howard Wilson Coles, a pioneering African-American journalist, who for 62 years resided in New York's 28th Congressional District. Mr. Coles' life came to a peaceful end on December 10, 1996, at 93 years of age.

Upon completion of his formal education, Mr. Coles returned from New York City to Rochester, NY, in 1934 to become the founder and publisher of the Frederick Douglass Voice, known at this time as Rochester's only Negro newspaper. This newspaper, for 62 years, has been dedicated to showcasing the issues, challenges, and accomplishments of Rochester's African-American population.

Howard Wilson Coles shall long be remembered, not only for his journalistic talents, but also for his tireless efforts and extraordinary skills in the area of civil rights. He was as well, an author, broadcast journalist, and formerly served as president of Rochester's NAACP.

I take great pride in having known Mr. Coles, and in knowing his family; several of whom have followed in his giant footsteps as journalists. A true freedom fighter is now at rest. He will be sorely missed by his family, his numerous friends, and a community that he enhanced.

PAYING TRIBUTE TO THE AICHI KENJIN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Aichi Kenjin Kai, a social and cultural institution now celebrating its 100th anniversary in northern California.

The first large population of immigrants from Aichi-ken was established in the central valley during the late 1800's. By 1896, some 300 Aichi-kenjins had settled in the Sacramento region. For most of these immigrants, the standard of living was poor. Most of them carried their possessions in a suitcase. They made their living as seasonal workers, moving from place to place as jobs were offered.

At this time in history, there was no welfare plan offered either by the Federal or State governments to care for such individuals when they fell ill or died. As such, this community of immigrants determined that it was necessary to establish an organization which would care for their fellow countrymen should they fall ill and assist their families when they passed away.

In 1895, one of the first immigrants to northern California, Yoshio Yamada, recommended the establishment of the Aichi Club in Sacramento. He suggested collecting $50 to $60 from about 50 members who would then pay 15 cents in monthly dues. These fees were to be used to maintain a mutual aid fund, but was not accepted at the time.

Two years later, this community of immigrants agreed to form the Aichi Club and opened a temporary office in Sakuraya Ryokan. The club's mission was to maintain a high reputation, respect morality and promote friendship. In the years following, the members used the club to share their joys, sorrows, and hopes for a prosperous future in their new country.

Dues then were 15 cents per month and these fees enabled the club to assist fellow members who incurred expenses with medical care or funerals. The member accepting the assistance then paid the funds back to the club when they were able.

For many years, the club operated this way and grew to hold great significance in the Japanese-American community. The Aichi Kenjin Kai today is somewhat different. Today, with greater mobility and affluence, the Japanese-Americans have moved to all parts of the State, blending culturally with California's population. Additionally, the singular interests the early immigrants shared have given way to more diverse business and civic interests.

Other changes have reshaped the organization as well. Health insurance and "Americanized" funerals have impacted the need for the clubs' assistance in these areas. While the club still offers invaluable assistance with funeral plans and arrangements, its shift is toward a younger generation and its needs.

To attract younger generations, the Aichi Kenjin Kai has begun to host an annual Aichi golf tournament. Structured as a team grouping event, the tournament successfully promotes camaraderie within the membership and is a draw to the younger Japanese-Americans who will be relied upon to take the organization into the next century.

Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable assistance this organization has provided to its membership. I ask my colleagues to join me in wishing many years of continued success to the Aichi Kenjin Kai.

INTRODUCTION OF THE AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 1997: JANUARY 7, 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce legislation today to extend the African Elephant Conservation Act of 1988, an historic conservation measure that continues to be successful in its ongoing efforts to save the flagship species of the African Continent.

By way of background, my colleagues may recall that by the late 1980's, the population of African elephants had declined by almost half. In 1979, the total elephant population in Africa was approximately 1.3 million animals. In 1987, fewer than 700,000 African elephants were alive.

While drought, disease, and human population growth contributed to this dramatic decline, the illegal killing or poaching of elephants for their ivory tusks was the single most important reason why thousands of these magnificent animals were slaughtered. During its peak, as much as 800 tons of ivory were exported from Africa each year, equivalent to the deaths of up to 80,000 elephants annually.

In response to this serious problem, Congress enacted the African Elephant Conservation Act—Public Law 100–478. A primary objective of this law was to assist impoverished

African nations in their efforts to stop poaching and to develop more effective elephant conservation programs. To accomplish that goal, the legislation created the African Elephant Conservation Fund.

Since its creation, Congress has appropriated over $6 million to fund some 48 conservation projects in 17 range States throughout Africa. In addition, over $7 million has been generated through private matching money to augment the Federal support made available through the grant program.

With these funds, resources have been allocated for conservation projects to purchase antipoaching equipment for wildlife rangers, create a comprehensive reference library on the African elephant, undertake elephant population census, develop and implement elephant conservation plans, and move elephants from drought regions in Zimbabwe. In fact, the Zimbabwe project was the first time in history that such a large number of elephants were successfully translocated to new habitats.

Without these conservation projects, I am convinced that the African elephant would have continued to decline and would have disappeared from much of its historic range. Instead, what has happened is that the population has stabilized and, in fact, is increasing in southern Africa, the international price of ivory remains depressed, and wildlife rangers are now much better equipped to stop unscrupulous individuals who are intent on illegally killing elephants.

The African Elephant Conservation Fund has provided desperately needed capital for projects in various African countries and a diverse group of internationally recognized conservation groups, including the African Safari Club of Washington, DC, the African Wildlife Foundation, Safari Club International, and the World Wildlife Fund, has participated in these efforts. In fact, the African Elephant Conservation Fund has been the only continuous source of new money for African elephant conservation efforts for the past 8 years.

In June of last year, the House Resources Subcommittee on Fisheries, Wildlife and Oceans conducted an oversight hearing on the effectiveness of the African Elephant Conservation Fund. At that time, a representative of the U.S. Fish and Wildlife Service testified that the Fund "provided a critical incentive for governments of the world, nongovernmental organizations, and the private sector to work together for a common conservation goal. This is not a hand out, but a helping hand."

While the African Elephant Conservation Fund has facilitated the development of a number of successful conservation projects, the battle to ensure the long-term survival of the African elephant has not yet been won. In fact, it is essential that this critical investment be continued in the future. Therefore, the fundamental purpose of my legislation is to extend the authority of the Secretary of the Interior to expend money from the African Elephant Conservation Fund beyond its statutory expiration date of September 30, 1998. I am proposing that the authorization of appropriations for the fund be extended until September 30, 2002.

With this extension, I am confident that additional worthwhile conservation projects will be funded and that the African elephant will survive in its natural habitat for many future generations.

I urge my colleagues to join with me in this effort by supporting the African Elephant Conservation Reauthorization Act of 1997.

SINGLE ASSET BANKRUPTCY REFORM ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill that addresses an injustice that exists within title 11 of the United States Code regarding single asset bankruptcies. This is the same language I introduced during the 104th Congress as H.R. 2815. My understanding is that the Judiciary Committee will include this measure in their technical corrections bill; however, I am introducing this bill as stand alone legislation to highlight the importance of this specific provision. I also understand that the Bankruptcy Commission has placed a particular focus on single asset bankruptcy and they recently held hearings in Washington, DC, to discuss this important issue.

The injustice within title 11 stems from an 11th hour decision made during the 103d Congress, which placed an arbitrary $4 million ceiling on the single asset provisions of the bankruptcy reform bill. The effect has been to render investors helpless in foreclosures on single assets valued over $4 million.

My bill will rectify this problem, by eliminating the $4 million ceiling, thereby allowing creditors to recover their losses. Under the current law, chapter 11 of the Bankruptcy Code becomes a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for chapter 11 protection which postpones foreclosure indefinitely.

While in chapter 11, the debtor continues to collect the rents on the commercial asset. However, the commercial property typically is left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

My bill does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort. This usually comes after all other efforts to reconcile delinquent mortgage payments have failed. Second, the debtor has up to 90 days to reorganize under chapter 11. It should be noted, however, that single asset reorganizations are typically a false hope since the owner of a single asset does not have other properties from which he can recapitalize his business.

Finally, Mr. Speaker, my bill helps all American families by making their investments more secure and more valuable. The hard-working American families who depend on their life insurance policies and who have paid for years into their pensions will save millions in reduced costs. My bill protects the little guy from being plagued with years of litigation while a few unscrupulous commercial property owners continue to collect the rent to line their own pockets.

MINING LAW OF 1872 REFORM

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation to reform the mining law of 1872. I am pleased to note that the distinguished gentleman from California, GEORGE MILLER, is joining me in introducing this measure.

Mr. Speaker, we are sponsoring this legislation with the full knowledge that it will probably not see the light of day in the Resources Committee as long as that committee is chaired by our dear friend and colleague, the honorable DON YOUNG of Alaska. Indeed, this bill is the very same which passed the House of Representatives by a three-to-one margin during the 103d Congress. Reintroduced into the 104th Congress, our colleague DON YOUNG put it under lock and key.

This begs the question: Why reintroduce the bill?

The answer lies in the fact that there remains within the broad membership of the House of Representatives enough votes to pass meaningful reform of the Mining Law of 1872. Last Congress, for example, we reimposed the moratorium on the issuance of mining claim patents by a vote of 271 to 153 during House consideration of the fiscal year 1996 Interior appropriation bill. In addition, the bill we are reintroducing today, which was designated H.R. 357 in the 104th Congress, attracted 92 bipartisan cosponsors during that period.

The issue of insuring a fair return to the public in exchange for the disposition of public resources, and the issue of properly managing our public domain lands, is neither Republican or Democrat. It is simply one that makes sense if we are to be good stewards of the public domain and meet our responsibilities to the American people. This means that the mining law of 1872 must be reformed.

I and other Members will continue to work toward that goal during the 105th Congress. If reform can be accomplished within the context of the bill I am introducing today, so much the better. If this bill's fate is to serve as a rally cry for reform, with substantive reform efforts moving forward independently, than that is satisfactory as well. In any event, the eyes of the Nation will continue to focus, to an even greater extent than ever before, on how this Congress addresses natural resource issues such as this one. Congress ignores these matters at its own peril.

Following is a brief explanation of the Mining Law of 1872 and how the legislation I am introducing proposes to reform it:

MINING LAW OF 1872 REFORM

The year was 1872. U.S. Grant resided in the White House. Union troops still occupied

the South. The invention of the telephone and Custer's stand at the Little Bighorn were still four years away. And in 1872 Congress passed a law that allowed people to go onto public lands in the West, stake mining claims, and if any gold or silver were found, mine it for free.

In an effort to promote the settlement of the West, Congress said that these folks could also buy the land from the Federal government for $2.50 an acre.

That was 1872. This is 1977. Yet, today, the Mining Law of 1872 is still in force.

And, for the most part, it is not the lone prospector of old, pick in hand, accompanied by his trusty pack mule, who is staking those mining claims. It is large corporations, many of the foreign controlled, who are mining gold owned by the people of the United States for free, and snapping up valuable Federal land at fast food hamburger prices.

Remaining as the last vestige of frontier-era legislation, the Mining Law of 1872 played a role in the development of the West. But is also left a staggering legacy of poisoned streams, abandoned waste dumps and maimed landscapes.

Obviously, at the public's expense, the western mining interests have had a good thing going all of these years. But the question has to be asked: Is it right to continue to allow this speculation with Federal lands, not to require that the lands be reclaimed, and to permit the public's mineral wealth to be mined for free?

Today, anybody can still go onto Federal lands in States like Nevada and Montana and stake any number of mining claims, each averaging about 20 acres. In order to maintain the mining claim, until recently all that was required was that the claim holder spend $100 dollars per year to the benefit of the claim.

In the event hardrock minerals such as gold or silver are found on the claim, they are mined for free. There are no requirements that a production royalty be paid to the Federal government, or for that matter, a rental be paid for the use of the land.

It is estimated that $1.8 billion worth of hardrock minerals are annually mined from Federal lands in the western States. Yet, the Federal government does not collect one penny in royalty from any of this mineral production that is conducted on public lands owned by all Americans.

Under the Mining Law of 1872, claim holders can also choose to purchase the Federal land being claimed. They can do this by first showing that the lands have valuable minerals, and then by paying the Federal government a mere $2.50 or $5.00 an acre depending on the type of claim. This is called obtaining a mining claim patent. Perhaps a good feature in 1872, when the Nation was trying to settle the West. But today there is hardly a need to promote the additional settlement of LA, San Francisco or Denver. Note: The Interior Department is currently subject to a Congressionally imposed moratorium on the issuance of mining claim patents which must be renewed on an annual basis.

Moreover, once the mining claim is patented, nothing in this so-called mining law says that it has to be actually mined. The land is now in private ownership. People are free to build condos or ski-slopes on the land.

For example, not too long ago the Arizona Republic carried a story about a gentleman who paid the Federal government $155 for 61 acres worth of mining claims. Today, these mining claims are the site of a Hilton Hotel. This gentleman now estimates that his share of the resort is worth about $6 million.

Claim holders can also mine these Federal lands with minimal reclamation requirements. The only Federal requirement is that when operating on these lands they do not cause 'unnecessary or undue degradation.' What does this term mean? It means that they can do whatever they want as long as it's pretty much what all of the other miners are doing.

The issue of Mining Law reform does not deal with coal, or that matter, oil and gas. These energy minerals, if located on Federal lands, are leased by the government, and a royalty is charged. Further, Mining Law reform does not deal with private lands. The scope of the Mining Law of 1872 and legislation to reform it is limited to hardrock minerals such as gold, silver, lead and zinc on Federal lands in the Western States.

The Rahall bill to reform the Mining Law of 1872 would prohibit the continued giveaway of public lands. It would require that mining claims are diligently developed. It would require that a holding fee be paid for the use of the land, and that a royalty be paid on the production of valuable minerals extracted from these Federal lands. And, it would require industry to comply with some basic reclamation standards.

INTRODUCTION OF PROTECTION FROM SEXUAL PREDATORS ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, today I reintroduce the Protection from Sexual Predators Act. Like many of you, I am tired of picking up the morning paper and reading about the latest serial rapist to be caught, only to see printed a laundry list of his previous convictions for sexual assault. Our constituents deserve to be protected from the country's worst repeat sexual predators.

The Protection from Sexual Predators Act passed the House last year by a vote of 411 to 4, and allows Federal prosecution of rapes and serious sexual assaults committed by repeat offenders. The measure requires that repeat offenders convicted under this section be automatically sentenced to life in prison without parole. In other words, two strikes, and you're in—for life.

It's time we got tougher on the most violent, repeat sexual offenders. These habitual sex offenders are a different kind of criminal—their recidivism rates are incredibly high, and they are known to strike again and again. Often these serial criminals will venture from one State to another, and if they are caught, they seldom receive the harshest penalties under the current law.

When my bill is passed into law, violent sexual predators such as John Suggs of New York City will not be free to rape again, and the Supreme Court will not need to deliberate whether to release lifelong child molesters back into society as in the case *Kansas* v. *Kendricks*, currently pending before the Supreme Court. This measure will make our streets and neighborhoods safer, for children, the elderly, and the women of this country.

My bill will require courts to hand down tougher sentences, ridding our communities and neighborhoods of the most brutal offenders who prey upon the most vulnerable in our society.

HEARING CARE FOR FEDERAL EMPLOYEES ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation which will cover audiology services for Federal employees.

This legislation requires Federal health benefit insurance carriers to guarantee direct access to, and reimbursement for, audiologist-provided hearing care services when hearing care is covered under a Federal health benefit plan.

As my colleagues may be aware, the Federal Government already allows direct access to services provided by optometrists, clinical psychologists, and nurse midwives, yet fails to allow direct access to services provided by audiologists in Federal health benefit plans covering hearing care services.

It is not my intention to expand the services which can be provided by audiologists, but instead to only allow audiologists to provide what they are already licensed to do under State laws—and no more.

Currently the consumers of audiology services are people with hearing loss and related conditions. In fact, there are an estimated 28 million people in the United States—about 1 in every 10—who are affected by hearing loss. This number is expected to increase to over 40 million people during the next 10 to 20 years, as our national population continues to age.

Moreover, it is worth noting that many private health insurers model their benefits packages after the Federal employee health benefit plan. Accordingly, this bill will also provide important indirect benefits to millions of Americans with hearing loss, who are not Federal employees.

I urge my colleagues to cosponsor the Hearing Care for Federal Employees Act and support freedom of choice to the patient while providing swift and timely access to hearing care.

ELIMINATE THE MARRIAGE PENALTY FOR THE EXCLUSION OF GAIN ON THE SALE OF A PRINCIPAL RESIDENCE BY AN INDIVIDUAL OVER 55

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today I introduced legislation to correct an inequity in on our current tax system. Under current law, an individual over the age of 55 is allowed a one-time exclusion of capital gain on the sale of a principal residence. This one-time exclusion invokes a marriage penalty.

This legislation would eliminate the marriage penalty for the one-time exclusion of gain on the sale of a principal residence.

For example, two individuals over the age of 55 who decide to marry and sell their homes would only receive an exclusion for $125,000. Whereas, if they did not marry and sold their homes they each would be able to receive an exclusion for $125,000. This legislation addresses this problem. The legislation eliminates the marriage penalty by disregarding elections made before the date of marriage or elections made on homes sold after the date of marriage, but purchased before the marriage.

Fairness is an important element of tax policy. The current policy on the one-time exclusion assists individuals who are approaching retirement and it is a valuable exclusion. Our Tax Code should be fair and not discriminate against basic values such as marriage. The decision to marry should not be based on financial reasons.

I urge you to correct this inequity and support this legislation.

INTRODUCTION OF THE SIKES ACT IMPROVEMENT AMENDMENTS OF 1997: JANUARY 7, 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce this legislation to reauthorize and improve the effectiveness of the act of September 15, 1960, commonly referred to as the Sikes Act.

Since coming to Congress in 1973, I have led the fight to enhance and conserve the vital fish and wildlife resources that exist on our military lands. The Department of Defense [DOD] manages nearly 25 million acres at approximately 900 military bases nationwide. These lands contain a wealth of plant and animal life, they provide vital habitat for thousands of migratory waterfowl and they are home for nearly 100 Federally listed species.

The Department does a superb job of training our young men and women for combat. Regrettably, they often fail to do even an adequate job of comprehensive natural resource management planning. At far too many installations, management plans have never been written, are outdated, or are largely ignored. Furthermore, when these plans do exist, all too often they are not coordinated or integrated with other military activities.

While this bill will make a number of improvements in the Sikes Act, it does not undermine in any way the fundamental training mission of a military base.

What the bill does is expand the scope of existing conservation plans to encompass all natural resource management activities, require management plans for all appropriate installations, mandate an annual report summarizing the status of these plans, require that trained personnel be available, and ensure that DOD shall manage each installation to provide for the conservation of fish and wildlife, and to allow the multipurpose uses of those resources. In addition, the bill extends the act's authorization for the next 3 years at half of its previous funding level.

Mr. Speaker, this is a noncontroversial bill. In fact, during the last Congress, it was thoroughly considered by both the House Resources and National Security Committees. It was approved by the House of Representatives unanimously by voice vote on July 11, 1995.

Regrettably, the other body took no action on this measure. While I am today introducing a bill that is identical to the one that was overwhelmingly adopted by the House, I am committed to reauthorizing this longstanding conservation measure. With that in mind, I intend to meet with representatives of the Departments of Defense and the Interior, the International Association of Fish and Wildlife Agencies, and members of the House National Security Committee. I am confident that together we can develop a strong and effective reauthorization bill.

Mr. Speaker, I want to thank the Chairman of the Subcommittee on Fisheries, Wildlife and Oceans, JIM SAXTON, for joining with me in this effort and I commend the Sikes Act Improvement Amendments of 1997 to the membership of the House of Representatives.

PUBLIC HOUSING TENANT INTEGRITY ACT OF 1977

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce the Public Housing Tenant Integrity Act of 1997. This bill amends section 6103 of the Internal Revenue Code and section 904 of the Stewart B. McKinney Homeless Assistance Amendment Act to allow the Housing and Urban Development Administration [HUD] to fight fraud and abuse that has developed when public housing tenants fail to fully disclose or update their income.

As we move into the 21st century, budgetary constraints will continue to limit nondefense discretionary spending. Public housing is not immune from these constraints. Though Congress and HUD have taken steps to prepare housing for the future, there is still room for improvement. One area I believe we can make substantial inroads is to eliminate fraud and abuse. By aggressively attacking existing fraud and abuse, we can squeeze every dollar appropriated for public housing and direct it effectively to those most in need. We can also assure the American taxpayer that tenants pay their fair share.

As most of you know, when an individual applies for public housing, the key qualification is income. An applicant who meets the income requirement is required to pay rent equal to 30 percent of their income. The taxpayer subsidizes the rest. Unfortunately, housing agencies do not have independent sources to verify the applicant's wage and income data, even if the housing agency suspects the individual underreported income. Moreover, the system encourages residents to underreport their income when they apply for housing.

Despite the lack of a nationwide study, HUD has estimated the abuse at $300 million annually. Further, the General Accounting Office [GAO] issued a 1992 report that found unreported income abuse could be as high as 21 percent. Others have projected a reasonable estimate between 5 and 10 percent which is consistent with other Federal benefit programs. Whatever the number, fighting this abuse and stopping individuals who defraud the Federal Government is a commonsense goal.

Congress, HUD, and others have long recognized the need to address this particular problem and in 1988 Congress passed the Steward B. McKinney Homeless Assistance Amendments Act. The McKinney Act provided State agencies with the authority to disclose wage and unemployment data to HUD and housing authorities, but not to owners or managers. This program was somewhat successful, but it expired in October 1994.

Then in 1993, Congress passed the Omnibus Budget Reconciliation Act. It contained a provision which permits the Social Security Administration [SSA] and the Internal Revenue Service [IRS] to disclose earned and unearned income data to HUD. However, and this is very important, it did not provide for the redisclosure of income data to those local entities who directly service and oversee the tenants.

This particular program was first implemented in 1996 and matches information reported by the tenant with earned and unearned income reported to the SSA and IRS. If a discrepancy exists, HUD notifies the local housing authority that a particular tenant has underreported their income, but HUD is prohibited from disclosing how much the discrepancy is or where it exists. Thus, the local housing authority must launch their own investigation or have the tenant voluntarily disclose the information, despite the fact HUD has the information they need. HUD also informs the tenant, requesting he or she redisclose to the housing agencies their true income. Unfortunately, the individual must voluntarily do this and without giving local entities the information already complied the true effectiveness of this program will be diminished.

As you can see, steps have been taken to fight those who abuse the system, but the final step still remains. The Public Housing Tenant Integrity Act of 1997 builds on this foundation by making it possible for HUD to share the information it has to local housing agencies. Allowing local agencies to receive this information is a logical step, and it makes perfect sense. After all, local agencies are on the front line and work with public housing tenants every day.

One area of concern with computer matching is preventing the illegal disclosure of Federal tax data. However, safeguards currently exist between, and I believe we can develop further safeguards to protect the interests of all those involved including Congress and the IRS. Moreover, I believe Congress has an obligation to the taxpayer that public housing assistance is a benefit not a right.

Mr. Speaker, this legislation is designed to stop individuals who defraud the government of hundreds of millions of dollars annually. We have the technology to fight this fraud and

abuse and passage of the Public Housing Tenant Integrity Act is needed to provide local housing authorities with the necessary tools to do just that. I look forward to working with my colleagues on both sides of the aisle to pass this commonsense legislation.

LEGISLATION TO ELIMINATE MISMANAGED HUD PROGRAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BAKER. Mr. Speaker, recent allegations involving fraud in the Single Family Homes for Homeless Initiative and the mismanagement of the program by the Department of Housing and Urban Development [HUD] in New Orleans—in particular, the division of Community Planning and Development—have fueled concern over abuse of taxpayer assets.

After significant investigation, I introduced H.R. 4085 in the 104th Congress, a bill to eliminate the program. Two other Subcommittee Chairmen of the House Banking Committee—SPENCER BACHUS of the Subcommittee on General Oversight and RICK LAZIO of the Subcommittee on Housing and Community Opportunity—cosponsored the legislation with me. The bill effectively shuts the program down and returns the homes to taxpayers.

We introduce the same bill today to continue our efforts in the 105th Congress to overhaul the program for those most in need of housing and to eliminate fraud and mismanagement in the Federal Government.

Earlier this year, I contacted the Inspector General of HUD, an independent office designed to oversee the department, and requested a comprehensive investigation of Safety Net, Inc., and its participation in the homeless program. In addition, I requested a full investigation of the HUD Office in New Orleans, particularly Community Planning and Development.

The program is more accurately described as the Homes for Homeless Initiative of the Single-Family Property Disposition Program. Here is how the program works: If a person defaults on the mortgage payments of his/her home and the home has an insured mortgage by the Federal Housing Administration [FHA], then the Federal Government becomes the owner of the home. In other words, in case of default, HUD pays the mortgage to the bank, acquires the property, and is required to dispose of it.

For most of these acquired properties, HUD leases the properties to nonprofits to serve homeless persons. An acquired property is leased to a nonprofit for $1 a year for up to 5 years. The home is to be provided for those persons who are homeless. One major restriction is that the tenant must have an income that is 50 percent of the median income (in Baton Rouge $19,146 for a family of four).

The nonprofit can purchase the home at any time for 10 percent below the appraised fair market value, as established at the time the $1 lease is signed. It is possible to sell the home well below present market value 5 years after the initial appraisal. A nonprofit is restricted from reselling to anyone other than a low income homebuyer (defined at $31,450 for a family of four).

The Sunday Advocate alleges that Safety Net, Inc., violated many of the rules of the homeless disposition program. In addition, it may have broken some of the laws required to participate in the program. I have requested that the investigation answer these allegations.

It is also alleged that the HUD Office in New Orleans failed miserably to monitor the program and the participation by Safety Net, Inc., for 5 years. I have asked the Inspector General to investigate the HUD Office as well.

Moreover, the U.S. Attorney's Office in Baton Rouge has responded to the case by opening an investigation to determine whether a criminal prosecution is warranted. The U.S. Attorney's Office is working in concert with the Inspector General's Office.

As a senior member of the Subcommittee on Housing and Community Opportunity, I have long been an advocate of reform of the HUD acquired Single-Family Property Disposition Program. In 1992, I sponsored an amendment and passed into law a requirement that HUD must try first to sell the property in the private market to the highest bidder. I believe that our first priority is to recover as much taxpayer money for the acquired home. If we cannot sell the property to maximize taxpayer return, we should use our acquired properties in the most effective manner possible to house our most disadvantaged citizens without a home.

To continue rigorous oversight of this program, I requested that the Banking and Financial Services Committee conduct a hearing on this case and other abuses of this program to guarantee that we do not waste taxpayer monies and to insure we provide for our most needy citizens. Chairman BACHUS has travelled down to Baton Rouge and together, we conducted an oversight hearing in Louisiana on August 24.

I am committed to prosecuting fraud and reforming our Federal Government. Moreover, I believe we can provide a safe, decent home for our most underprivileged citizens while maintaining accountability for taxpayers.

GAS TAX RESTITUTION ACT OF 1996

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RAHALL. Mr. Speaker, today I along with Representative TOM PETRI are reintroducing legislation we sponsored during the last Congress to transfer to the highway trust fund revenues received from the 4.3 cents of the Federal motor fuel tax that is currently going to the general fund.

Many of us concerned with our surface transportation infrastructure were troubled when in 1993 this tax of 4.3 cents per gallon of motor fuel was imposed not for the purpose of bolstering receipts into the highway trust fund, but for the purposes of deficit reduction.

As we all know, the basic premise of the Federal motor fuel tax is that it is a user fee collected for the express purpose of making improvements to our road and highway infrastructure. It is one of the few taxes where Americans can see an immediate and direct result for having to pay it as they drive on the Nation's highways.

Last year we debated repealing the 4.3 cents-per-gallon tax. At the time, I offered an alternative. Restore it to the highway trust fund. Today, I do so again.

Few, if anyone in this body, can say that the areas they represent do not require road and highway improvements. The legislation I am introducing today will not only restore faith with the American people on the uses of the Federal motor fuel taxes, but will certainly assist in making needed surface transportation enhancements.

I would note that as introduced, this legislation would dedicate the entire 4.3 cents-per-gallon tax to the highway trust fund, and would not earmark any portion of this amount for mass transit, or for that matter, for any proposed new area of eligibility such as for Amtrak. This is not to say that I am necessarily opposed to the use of some portion of the 4.3 cents-per-gallon tax for these purposes and policy decisions of that nature can certainly be made during further consideration of this legislation.

IN HONOR OF TRIDENT PRECISION MANUFACTURING, INC.

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay special tribute to a distinguished company located in New York's 28th Congressional District: Trident Precision Manufacturing Inc.

President Clinton and Commerce Secretary Mickey Kantor honored Trident on December 6, 1996, by awarding it the 1996 Malcolm Baldrige National Quality Award for Small Business. The Baldrige Award, which highlights customer satisfaction, workforce empowerment, and increased productivity, is given annually to companies that symbolize America's commitment to excellence. No company could be more deserving of this award than Trident Precision Manufacturing.

Trident manufactures precision sheet metal components, electro-mechanical assemblies, and custom products. It has grown from a 3 person operation at its founding in 1979 to an employer of 167 people at its facility in Webster, NY today.

Between 1991 and 1995, Trident's employees submitted more than 5,000 process-improvement recommendations—and Trident's management implemented 97 percent of those ideas. It is a testament to Trident's workers and management that over that 5-year period, Trident made significant gains in productivity, efficiency, customer satisfaction, sales, and profitability. Sales per employee jumped 29 percent, time spent on rework decreased nearly 90 percent, and customer complaints fell by 80 percent. Defect rates have fallen so consistently that Trident now offers a full guarantee against defects in its custom products.

In 1995, Trident's five major customers rated the quality of Trident's products at 99.8 percent or better. The company has never lost a customer to a competitor.

I am delighted that President Clinton and Commerce Secretary Kantor chose to recognize Trident for its strong record of quality and its excellent business performance. This award was a result of Trident's exceptional commitment, not only to the company's bottom line, but to its employees and customers. Trident's efforts to train and reward its workers are to be particularly commended. Since 1989, Trident has invested an average of 4.4 percent of its payroll on training and education. This is a remarkable investment for a small company, and two to three times above the average for all U.S. industry.

Trident represents the very best in American business: putting its customers first, trusting its employees, building quality into products and services, and being responsible corporate citizens. I am proud of Trident's success, its achievement, and of the contribution it makes to our community. Congratulations to everyone at Trident who shares in this honor.

INTRODUCTION OF THE NEW WILDLIFE REFUGE AUTHORIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing the New Wildlife Refuge Reauthorization Act of 1997.

By way of background, our National Wildlife Refuge System is comprised of 91.7 million acres of Federal lands that provide essential habitat for hundreds of species and offer recreational opportunities for millions of Americans.

The first wildlife refuge at Pelican Island, FL, was created in 1903 when President Theodore Roosevelt signed an Executive order setting aside three acres of land as a preserve and breeding grounds for native birds. Today, the system has 511 refuges, which are located in all 50 States and 5 territories. These units range in size from the smallest of less than 1 acre at Mille Lacs National Wildlife Refuge in Minnesota, to the largest of 19.3 million acres in the Arctic National Wildlife Refuge in Alaska. In the last decade, more than 80 new refuges have been added to the system.

The vast majority of our Nation's 511 refuge units were created administratively. In fact, less than 70 refuges have been designated by Congress. The authorizing committees, therefore, have had little, if any, input in the establishment of the other 460 refuges, which include the 192,493-acre Great White Heron National Wildlife Refuge in Florida, the 254,400-acre Hawaiian Island National Wildlife Refuge, and the 572,000-acre Sheldon National Wildlife Refuge in Nevada. These Executive orders have set aside a huge amount of privately owned lands.

Under current law, funding for refuge acquisitions comes from two primary sources: No. 1, annual appropriations from the Land and Water Conservation Fund [LWCF], and No. 2, the Migratory Bird Conservation Fund, which is financed from the purchase of a yearly duck stamp and refuge entrance fees.

In the past, more than $1 billion in taxpayer money has been appropriated from the Land and Water Conservation Fund to acquire lands that become additions to existing units or entirely new wildlife refuges. This represents a substantial expenditure of money by the U.S. Fish and Wildlife Service [USFWS] without adequate input by Congress.

By contrast, the Migratory Bird Commission, whose membership includes four bipartisan Members of Congress, regularly meets to evaluate and decide how Migratory Bird Conservation Fund will be spent. Under normal conditions, a Governor of a State, after consulting with local citizens, will recommend that a new refuge be created or that additional land be added to the system. It is a process that has worked effectively for a number of years.

Regrettably, the checks and balances that exist on the uses of the Migratory Bird Conservation Fund simply do not exist in the allocation of money from the LWCF. Therefore, lacking such a review mechanism, we have a responsibility to carefully examine the recommendations of the USFWS and, if we so choose, to legislatively create any new wildlife refuge using LWCF money in the future. This is an essential change.

Under the terms of the New Wildlife Refuge Reauthorization Act, no funds could be expended from the Land and Water Conservation Fund to create a new refuge without prior congressional authorization. This bill does not affect any land additions to the existing 511 wildlife refuges or those created with money from the Migratory Bird Conservation Fund.

Mr. Speaker, Congress must have a more meaningful role in the acquisition of hundreds of acres of new Federal lands. We should authorize new wildlife refuges just as we authorize new flood control projects, highways, national parks, scenic rivers, and weapons systems. After all, we are talking about the expenditure of millions of taxpayers dollars. Furthermore, at a time when the U.S. Fish and Wildlife Service has a $440 million backlog of unfinished wildlife refuge maintenance projects, a comprehensive review of the service's priorities is appropriate.

I urge the adoption of the New Wildlife Refuge Authorization Act and want to thank our distinguished colleague from California, RICHARD POMBO, for his leadership in this important effort. By enacting this legislation, we will ensure that private property owners and their tax dollars are more adequately protected in the future.

SUPPORT THE POSTAL CORE BUSINESS ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to join my colleague from San Diego, Mr. HUNTER, in introducing the Postal Core Business Act of 1996. This legislation, which is similar to H.R. 3690 from the 104th Congress, will prevent the U.S. Postal Service [USPS] from unfairly competing with a small business industry, known as Commercial Mail Receiving Agencies [CMRA]. The livelihoods of those who own and operate small commercial packing stores throughout the country, like Mail Boxes Etc. and Postal Annex, are threatened.

More than 10,000 CMRA businesses may be forced to close their doors due to the USPS' tax-free expansion into services already provided by private packaging stores. These expanded services include wrapping, packaging, and shipping of items, and the USPS may expand beyond that. The USPS is opening stores throughout the country, many in locations very near private companies who already provide these services.

The fact is that the USPS is not a fair competitor with private enterprise. The USPS is not forced to charge State or local tax on retail items, it is insured by the Federal Government, and it often does not pay the same Federal, State, and local taxes that private companies must pay. These are only some of the advantages enjoyed by the USPS, creating a playing field tilted against private industry. Moreover, when a customer brings an item to be packaged by the USPS, the USPS requires that the customer send the package through U.S. mail. Commercial mail companies do not require this of their customers.

In addition, on December 16, 1996, the Postal Rate Commission [PRC] declared that the USPS' packaging service, Pack and Send, is subject to the PRC's ratemaking. In its decision, the PRC found that "the Pack & Send service is 'postal' in character, and that establishment of the service and recommendations concerning its fees are functions that the Postal Reorganization Act contemplates to be within the jurisdiction of the Postal Rate Commission." The USPS must now either discontinue the service or submit the service for a rate with the PRC.

Under our bill, the USPS will return to focusing on the core services that it was offering as of January 1, 1994. This is a reasonable approach to protecting jobs and satisfying American consumers seeking postal services. I encourage my colleagues to join me in cosponsoring Mr. HUNTER's legislation.

COMPREHENSIVE PREVENTIVE HEALTH AND PROMOTION ACT OF 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, we are all aware of rising health care costs and reports of abuses by private health insurance companies. The United States spends far more per capita on health care than any other major nation; according to 1993 estimates, national health expenditures totaled $884 billion, or 13.4 percent of the gross domestic product [GDP]. Projections on health care expenditures indicate that consumer spending for

health services will exceed 18 percent of GDP in the year 2000.

As health care costs continue to climb, insurance carriers have increasingly used experience ratings and underwriting practices to reduce their expenses. This has caused insurance companies to compete for business based on risk selection rather than on efficiency or service to the customer. Essentially, insurers find themselves competing for the healthiest, lowest-cost groups—a situation that leaves individuals, small businesses, families, and high-risk groups searching for affordable, accessible health insurance.

Making matters worse are reports which continue to surface describing practices by HMO's which restrict patients access to quality health care. Examples include health plan restrictions governing their relationships with providers, limiting consumer access, and failing to cover or offer adequate preventive health care.

Accordingly, I rise today to introduce legislation which will help produce a healthier Nation. This measure will cover individuals for periodic health exams, as well as counseling and immunizations.

The Comprehensive Preventive Health and Promotion Act of 1997 will direct the Secretary of Health and Human Services [HHS] to establish a schedule of preventive health care services and to provide for coverage of these services under private health insurance plans and health benefit programs of the Federal Government.

More specifically, the Secretary of HHS, in consultation with representatives of the major health care groups, will establish a schedule of recommended preventive health care services. The list of preventive services will follow the guidelines published in "The Guide to Clinical Preventive Services" and "The Year 2000 Health Objectives." The preventive services will cover periodic health exams, health screening, counseling, immunizations, and health promotion. These services will be specified for both males and females, and for specific age groups.

Additionally, HHS will publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history for businesses, providers of health care services, and other appropriate groups and individuals.

Moreover, prevention and health promotion workshops will be established for corporations and businesses, as well as for the Federal Government. A wellness program will be established to make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees. The wellness workshops can include: counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

Finally, my legislation directs HHS to set up a demonstration project which will go to 50 counties over a 5-year period to provide preventive health care services at health clinics. This program will cover preventive health care services for all children, adults under a certain income level. If above the determined income level, fees will be based on a sliding scale. Additionally, the project will entail both urban and rural areas in different regions of our Nation to educate the public on the benefits of practicing preventive health care, the need for periodic health exams, and the need for establishing a medical history, as well as providing services.

Mr. Speaker, we can all agree that our current health care system needs to be improved, and our Nation needs to become healthier. Experts have concluded that practicing preventive health care does work, and will produce a healthier Nation. Although there is a consensus on the benefits of practicing preventive health care, only approximately 20 percent of health insurance companies offer coverage for periodic health exams.

Accordingly, to all my colleagues who share my concern regarding the importance of producing a healthier Nation, I invite and urge you to cosponsor this measure, sending a clear message to our Nation's citizens that Congress is taking significant steps to improve our Nation's health care system.

REFORM OF THE FEDERAL BLACK LUNG PROGRAM

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation that I have sponsored for several Congresses now to form the Federal Black Lung Program.

This legislation reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

As it now stands, disabled miniers who suffer from the crippling effects of black lung disease are faced with the Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

In fact, today we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard-working citizens who have dedicated their lives to the energy security and economic well being of this Nation.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory commitment Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their Government. And they are people who now see their Government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows, and families who are being victimized by this program, the very program that was intended to bring them relief.

In general, this measure contains the following proposals:

I. New Eligibility Standards: A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

II. Application of New Eligibility Standards: The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

III. Elimination of Responsible Operators: All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

IV. Widows/Dependents: A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

V. Offsets: The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

THE REINTRODUCTION OF THE FAIRNESS IN POLITICAL ADVERTISING ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, in this past election season, spending levels for Federal elections shattered all previous records, for an estimated total of $1.6 billion. Given the vast sums of money required to run for office, wealthy individuals have a significant advantage over ordinary citizen candidates. That is hardly representative government. The cost of running for political office in America has simply become too high, and I am determined that we find a better way.

On election night, I vowed to redouble my efforts to clean up our out-of-control campaign finance system. Today I am reintroducing the Fairness in Political Advertising Act, which would both reduce the cost of elections and level the playing field by requiring broadcast stations to make free political advertising time available to candidates, as a condition of those stations renewing their licenses. And because so many voters have expressed dismay over negative advertising, my bill would also require that the programming consist of unedited segments in which the candidate speaks directly into the camera. In this way, candidates would be directly accountable for any statements made.

My first responsibility in this Congress is to see that the people of New York's 28th Congressional District, as well as our Nation, experience fair and clean campaigns in the years to come. The Fairness in Political Advertising Act would go a long way toward reducing the influence of money on our elections. I urge Congress to enact it now.

A BEACON-OF-HOPE FOR ALL AMERICANS: LORRELLE HENRY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle of the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable services. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines ad BEACONS-OF-HOPE.

Lorrelle Henry is one of these BEACONS-OF-HOPE residing in the central Brooklyn community of New York City and New York State. Ms. Henry served as the director of libraries for the New York City school system until her retirement. She now serves as an adjunct professor at the Borough of Manhattan Community College.

Although retired from the school system, Ms. Henry continues to work as an advocate for children. Ms. Henry serves as president of the Central Brooklyn Martin Luther King Commission; vice president of the New York City Martin Luther King Commission; treasurer of the Brooklyn Women's Political Caucus; member of ALA Caldecott Committee, which selects outstanding children's books; member of the Coretta Scott King Award Jury, which selects outstanding children's books by black authors; member of the board of directors of the Great Day Chorale; member of the Lincoln Place Block Association; and member of the Award of the Americas Committee, which selects outstanding children's books portraying Latin American and Caribbean life. Moreover, she is a recipient of numerous awards including the School Library Service Award and the New York State Martin Luther King, Jr. President's Award.

Lorrelle Henry is the oldest of two children and grew up in Harlem during the exciting times of Langston Hughes, Adam Clayton Powell, and others. Lorrelle's parents always emphasized the necessity for donating time and energy to neighbors and community. In addition, her parents encouraged their children to be political activists.

Lorrelle Henry is a native New Yorker who attended the city's public schools. She later graduated from Brooklyn College and obtained a master's in library science from St. John's University.

Ms. Henry is the mother of three children, Michelle, Gairre, and Scott. And she is the proud grandmother of Kahlil, Shaniqua, Naren, and Jordan.

Lorrelle Henry is a BEACON-OF-HOPE for all of central Brooklyn and for all Americans.

COMPUTER MAINTENANCE COMPETITION ASSURANCE ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill to ensure that a computer owner may authorize the activation of their computer by a third party for the limited purpose of servicing computer hardware components. This is the same language that I worked with former Chairman Carlos Moorhead to include in H.R. 1861, section 7, "Limitations on Exclusive Rights; Computer Programs," during the 104th Congress. Under suspension of the rules, H.R. 1861 was passed by voice vote.

The specific problem is when a computer is activated, the software is copied into the Random Access Memory [RAM]. This copy is protected under section 117 of the Copyright Act, as interpreted by the Fourth and Ninth Circuits Court of Appeals. This technical correction is extremely important to Independent Service Organizations [ISO's] who, without this legislation, are prohibited from turning on a customer's computer. A wave of litigation has plagued the computer repair market. The detrimental effect is that ISO's are prevented from reading the diagnostics software and subsequently cannot service the computer's hardware. The financial reality is that the multibillion dollar nationwide ISO industry is at risk.

My bill provides language that authorizes third parties to make such a copy of the limited use of servicing computer hardware components. My bill does nothing to threaten the integrity of the Copyright Act and maintains all other protections under the act.

The intent of the Copyright Act is to protect and encourage a free marketplace of ideas. However, in this instance, it hurts the free market by preventing ISO's from servicing computers. Furthermore, it limits the consumer's choice of who can service their computer and how competitive a fee can be charged.

BANKRUPTCY LAW TECHNICAL CORRECTIONS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing the Bankruptcy Law Technical Corrections Act of 1997. This legislation provides a number of much-needed technical corrections and updates to our bankruptcy laws.

Many of the changes identified in the bill are designed to remedy drafting errors in the Bankruptcy Reform Act of 1994, while others relate to provisions in the Bankruptcy Code which pre-date the 1994 changes. The legislation is based in part on a series of changes brought to Congress' attention by the nonpartisan National Bankruptcy Conference last Congress, many of which were incorporated into S. 1559, the Bankruptcy Technical Corrections Act of 1996.

Among other things, the bill I am introducing today updates a number of definitions, clarifies that debtors' attorneys may be compensated out of the debtor's estate, clarifies the types of professional services which are eligible for administrative expense treatment, and provides that the 1994 amendments to section 525(c) apply only to bar discrimination concerning students loans and grants because of prior bankruptcies.

The bill also specifies that in 1994, when Congress overruled the *Deprizio* line of cases, we intended the new law to apply to transfers of liens in property. In addition, the bill modifies section 365 of the Bankruptcy Code to, among other things, make it clear that subsection (b)(2)(D), providing an exception to the obligations which must be cured in order for the trustee to assume a lease, covers penalty rates as well as penalty provisions, thereby overruling *In re Claremeont Acquisition Corp.*, 186 B.R. 977, 990 (C.D. Cal. 1995).

The bill also clarifies and updates a number of matters relating to trustees. Among other things, the legislation clarifies the procedure for electing private trustees in chapter 11 cases, specifies that trustees may operate in a full range of professional capacities and retain brokers who work under a range of compensation arrangements, and eliminates the outdated trustee residency requirement in chapter 7 cases.

Finally, the bill eliminates the construction of the Bankruptcy Code which prevented nonindividuals from bringing actions for violations of the automatic stay, and conforms the grace period for filing security interests under section 547 to 20 days—consistent with other provisions in the Bankruptcy Code.

With a record million plus bankruptcy filings in 1996, it is essential that we act to smooth the operation of our insolvency laws. These technical changes will benefit both debtors

and creditors, and it's my hope that Congress can quickly take up and pass this bill during the 105th Congress.

IN HONOR OF MARTIN LUTHER KING, JR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, later this month Americans will commemorate the birthday of an outstanding patriot and great moral leader, the late Rev. Dr. Martin King, Jr.

Rev. King is so vital in the memory of those of us who are old enough to remember him that it is hard to imagine that, had he not been so tragically murdered, he would be celebrating his 68th birthday this month. Dr. King was such a vibrant personality and so reflective of his times one can only wonder what his role would be today had he not been taken from us at such a young age.

Today, the entire Nation is in debate regarding Proposition 209 in California, with both sides claiming that theirs is the path to true racial justice. A popular current motion picture depicts the 30 year struggle to bring the assassin of Medgar Evers at long last to justice. Our talk shows and pundits have devoted a great deal of time debating the policy of the Oakland, CA, school system in treating ebonics as a separate language. Americans everywhere have been appalled throughout the past year regarding the burning by arsonists of predominantly Afro-American churches throughout the Nation but especially in the South. A few weeks ago, Dr. King's assassin lay near death in a Tennessee hospital, with people all around the world hoping that, on his deathbed, he would finally reveal the truth of that tragic day in 1968, and if he indeed acted alone.

One can only speculate on what Dr. King's comments would have been in these and other controversies.

We do know, however, that Dr. King would have reminded us in each and every one of these instances of the message he devoted his life to deliver, and which cost him his life. Rev. King's message was that "hate destroys the hater more than the hated."

We have a long way to go before prejudice and intolerance are eradicated. It behooves us all on the birthday of this great American, to recall his vital and timeless message.

Martin Luther King's birthday is an appropriate time for all Americans to remember that we must continue to move forward, until the day when all of us are afforded full opportunity, and that none of us have to be concerned that race, color, creed, or ethnic heritage are a hindrance to any individual, or to our nation as a whole.

Dr. King kept urging his fellow Americans to free themselves from the shackles of hatred. Let us resolve, in these last few years of the 20th century, to recommit ourselves to the goals with which Martin Luther King inspired us all over a quarter century ago.

A PROPOSAL TO BRING OUR SCHOOLS INTO THE 21st CENTURY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to discuss our education system and to propose legislation that I am developing to help accelerate our society's private investment in our young people.

The key to the continued success and survival of America and of individual Americans is the quality of our children's education. As we approach the 21st Century, our education system and our young people alike face tremendous challenges.

We agree that today's classrooms are supported by dedicated teachers, involved families, and bright young children. But many of our Nation's classrooms lack the important technological resources that they need to train both teachers and students in the ways of the future. Most jobs today, and a vast majority of jobs in the future, demand familiarity and skill with high technology. Technological literacy has long been a must for our scientists and engineers. But technological literacy is increasingly a prerequisite for factory production workers, law enforcement personnel, office staffs and thousands of other careers less frequently associated with technology and the present revolution in telecommunications.

How is our system of education meeting this tremendous change? Despite good intentions, it is not doing well enough. Less than one in eight of our classrooms has a phone jack. Fewer than 1 in 50 classrooms are connected to the Internet, one of the fastest-growing and most dynamic information tools of our time. Fortunately, Congress last year enacted comprehensive telecommunications reform legislation which will heavily discount the rates schools will pay for interactive connectivity.

But the challenge extends beyond needs for technological linkups and hardware. Too many of our teachers lack the hardware, software, or training to teach young people about technology, or to harness technological advancements to improve education as it has transformed commerce and communications.

Without early training in computer programming or digital technology, many of our future leaders will start off in life at a severe disadvantage.

Many private interests already make significant investments in education technology. In my San Diego County congressional district, major employers like Sony, Pacific Bell and Qualcomm invest significant time and resources into adopting local public schools. My annual High Tech Fair introduces thousands of high school students to our community's leading high-tech employers and the work they are doing for the future. An organization called the San Diego Science Alliance gathers together dozens of companies and university research organizations to expand student and teacher interest in technology, science, and research. The Detwiler Foundation, located in La Jolla, CA, has expanded nationally its innovative plan to accept donations of computers, refurbish them to the state-of-the-art, and install them in classrooms. And several major education software firms, including Jostens and the Lightspan Partnership, are working on bringing technology into classrooms from headquarters in San Diego County.

As a father, as a former teacher, coach and top gun instructor, and as the past chairman of the House Subcommittee on Early Childhood, Youth and Families, I am more convinced now than ever before that the need is so great that more must be done to bring the education of our young people into the 21st Century. Congress is now investing about $1 billion annually into education technology, but this is a drop in the bucket. Years of Government overspending, deficits and debt make a more massive direct Federal investment program unfeasible and unlikely. We should instead work to direct the innovation and energy of private enterprise to the education of our young people.

This is why I am developing legislation to expand tax incentives for American businesses to invest privately and directly in their local classrooms. Today, companies can deduct from taxable income the depreciated value of products which are donated to charitable tax-exempt organizations. Under my plan, companies such as telephone companies, computer networking firms, software companies, and perhaps even professionals in high-tech training would be offered an expanded tax incentive to donate equipment or services to local schools.

This type of tax incentive would expand private investment in the technological literacy of America's young people. It would accelerate the equipping of our young people for the high-tech environment that exists today, and tomorrow as well.

Such legislation raises important questions. Should the expanded tax credit be available for donations to private schools and homeschooling organizations, in addition to public schools? How can the credit be limited only to those donations that are part of a school's own education technology plan. It should not be an incentive for companies to dump obsolete equipment or software on schools that do not want it. What constitutes appropriate products and services that would be eligible for the expanded credit, and how should they be valued?

These issues should not stop us from taking action. The job of bringing the education of our children into the 21st Century is a tremendous task. But while the task is great, I remind my colleagues that the opportunity for this proposal to benefit our country and our children is greater still.

Mr. Speaker, as I continue to develop this important legislation, I encourage my colleagues to discuss this important matter with families, teachers, school staffs, employers and universities in their own congressional districts. Recommendations and suggestions are most welcome, and should be directed to my Washington office.

SMALL COMMUNITIES CDBG MULTIPURPOSE FACILITIES ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, today I am pleased to introduce legislation that will enable small towns across our Nation to fully benefit from the community development block grant program available through the Department of Housing and Urban Development.

My bill would amend the community development block grant regulations to allow municipal employees in towns of 5,000 or less population to use not more than 25 percent of the square footage in facilities purchased, constructed or renovated with CDBG funds.

I am introducing this legislation after learning of a problem in the Village of Grady, a small community in eastern New Mexico. Strapped for adequate office space, municipal employees sought and received what they thought was appropriate Government approval to move into a small space in a facility built with CDBG funds. But lo and behold, once the move took place, a further examination of Government regulations revealed that the village is prohibited by law from occupying any space in a building built with CDBG funds. The financially strapped village is now stuck with a $13,500 expense to remain in the building.

A small town has a severely limited tax base. It cannot afford to construct separate buildings for every essential service offered its residents. It cannot afford to purchase duplicate office equipment and supplies nor to pay insurance, utilities, and maintenance expenses on several buildings.

Citizens who are hired for municipal jobs in small communities, such as clerks, policemen, firemen, and emergency medical service employees, must often share job responsibilities. Not only is it not economically feasible, but it is very difficult for these employees to work form separate buildings in terms of job communication and coordination.

Small towns must provide vital services to their residents. To do so efficiently, municipal employees must be able to conduct business in decent, affordable, and convenient facilities. We must give our small communities special consideration and enable them to make the best use of limited funding resources. A multipurpose use of facilities purchased, built or renovated with community development block grants is the only answer.

IN HONOR OF THE FAIRPORT FIRE DEPARTMENT MARCHING BAND

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, I rise to pay tribute to the Fairport Fire Department Marching Band, which celebrated its 25th anniversary on January 4, 1997.

Over the past 25 years, this group of talented musicians has spread its reputation across New York State. The band regularly participates in the St. Patrick's Day Parade in Syracuse, NY, and the "Christmas In July" Parade in Clayton, NY. It has received numerous prizes and honors, including winning the State championship 5 of the past 7 years. The band also has had the honor of displaying its musical talent to Vice President AL GORE.

In addition to parading and competing, the players perform numerous concerts throughout the Rochester area. The Rochester community benefits immeasurably from the contributions of this dedicated and talented group of people.

I extend my congratulations to them as they celebrate 25 years of making music.

BEACON-OF-HOPE FOR ALL AMERICANS: EVY PAPILLON

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as BEACONS-OF-HOPE.

Evy Papillon is one of these BEACONS-OF-HOPE residing in the Central Brooklyn community of New York City and New York State. Throughout the years, Evy Papillon has worked diligently in positions that she found to be beneficial to the community. She is directly responsible for community enhancement efforts that impact the social-human services and health care. Every Saturday, Ms. Papillon devotes her time toward feeding the homeless at her own expense. A member of Foyer Chretien since 1993, she assists Haitians and Haitian-Americans with problems regarding illiteracy and financial challenges. She also helps individuals obtain visas, gain residency, and encourages them to fulfill civic responsibilities.

Recognizing the importance of early detection of breast cancer, Evy Papillon brought the annual Community Health Fair to her church, St. Catherine's of Genoa in Brooklyn. Her socially conscious political work has brought her talents to a number of important organizations. She is one of the founding members of two organizations: Caribbean Women's Health Association and Community Action Project [CAP]. Ms. Papillon's community focus continues in her work with the Community Affairs Department of the New York City Police 67th Precinct. She is also an enthusiastic member of 100 Women for Major Owens; second vice president of the Martin Luther King Commission; member and past membership chair of the Brooklyn Women's Political Caucus, and a liaison for the Democratic Party for Haitian-American Democrats in Brooklyn.

Among the many awards and commendations received by Evy Papillon are: Kingsboro Psychiatric Center Family Care Program Award; New York City State Employees Federated Appeal Recognition Award; Director's Award, Kingsboro Psychiatric Center; and the Central Brooklyn Martin Luther King Commission Award.

Evy Papillon emigrated to the United States from Jeremie, Haiti in 1959. She is a graduate of St. Joseph's College LaChine at the University of Montreal where she received a bachelor of arts degree in nursing and attended St. Joseph's College in New York where she received a bachelor of arts in 1983, and a master of arts in 1986 in health administration.

Evy Papillon is a BEACONS-OF-HOPE for Central Brooklyn and for all Americans.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, today, I am pleased to be introducing legislation to help lead the battle to end fetal alcohol syndrome. The Comprehensive Fetal Alcohol Syndrome Prevention Act will establish a well-coordinated prevention program to help end one of the most devastating conditions afflicting our Nation's children today.

Fetal alcohol syndrome is a frustrating problem in our society today. It is completely preventable. Very simple. No alcohol. No birth defects. It sounds like it would be easy to eliminate this problem but it's not.

Fetal alcohol syndrome remains one of the top three causes of birth defects in this Nation and the leading known cause of mental retardation. In my home State of New Mexico, some parts of the State have rates of fetal alcohol syndrome from two to five times higher than the national average.

The bill being introduced in the House today is an important step in the right direction toward eliminating this problem. This legislation will help create comprehensive public education, prevention, and research programs within the Department of Health and Human Services. The bill will give us a coordinated system to begin to really reduce the incidence of this very costly birth defect.

The bottom line is that we must get Federal funds to the areas that count: to schools, to community health centers, and to clinics. In those places, the funds can be used to spread the word about the dangers of consuming alcohol during pregnancy.

It's obvious that we have not yet found an effective way to prevent women from consuming alcohol during pregnancy. In fact, recent studies have shown that the number of

those born with fetal alcohol syndrome is actually on the rise. We have been given a challenge to our Nation's public health and we have so far failed to meet it.

As we begin to earnestly debate how to reform our health care system, it only makes sense that we work to eliminate health care problems in our country that can be completely prevented.

We must face these challenges and meet them head on. Eliminating these completely preventable problems will not only go a long ways toward improving our health care system, but also the lives of our people.

MACBRIDE PRINCIPLES BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, today I rise to introduce the Federal MacBride Principles bill. I am pleased once again to be joined by my distinguished colleague and Ad Hoc Committee for Irish Affairs co-chair, Mr. MANTON of New York, as an original cosponsor of this important bipartisan antidiscrimination measure dealing with employment practices in Northern Ireland.

Fair employment for Catholics in Northern Ireland is an issue that has for many years concerned me, as well as millions of Irish here in America, and all around the globe.

I was very pleased in the 104th Congress to not only hold congressional hearings on this subject matter, but to also lead the effort for the first ever congressional passage of the MacBride Fair Employment Principles as part of our United States taxpayer contribution to the International Fund for Ireland [IFI].

This bill, which we introduce today, incorporates all of the minor changes we made in the MacBride Principles, i.e., principles of economic justice as defined and passed by the last Congress as part of the U.S. contribution to the IFI in the foreign aid bill I referenced earlier. The MacBride Principles have not been changed in any substantive way.

We must treat equally those who would receive any United States foreign assistance, the very same as we do United States employers doing business in Northern Ireland. The changes made in the Federal MacBride bill I am introducing today governing these United States employers doing business there, will also serve to make our approach to both recipients of foreign aid and United States employers doing business in Northern Ireland, totally consistent, and identical, as well.

Our bill would prohibit all United States companies in Northern Ireland from exporting their products back to the United States, unless they are in compliance with these simply straightforward MacBride Principles intended to deal with, and help promote economic justice in the north of Ireland. These principles serve as a set of guidelines for fair employment by establishing a code of corporate conduct, which explicitly does not require quotas, or any form of reverse discrimination.

The MacBride Principles campaign has been the most effective and meaningful effort by Irish America, and their many allies around the world, against the systemic and longstanding anti-Catholic discrimination in employment practices in Northern Ireland. I have been pleased to work with the Irish National Caucus, and AOH, and other outstanding Irish-American groups, and the American labor movement, in this very important cause.

The MacBride effort has played a vital role in keeping the issue of anti-Catholic discrimination in Northern Ireland visible and in the public eye, including as part of any United States foreign assistance to Northern Ireland. The initial campaign was instrumental in bringing about the British Government's Fair Employment Act of 1989.

Much more still needs to be done to address a serious and continuing problem in Northern Ireland, where Catholics are still twice as likely to be unemployed as that of their Protestant counterparts. This is unfair and must change if lasting peace and justice are ever to take hold in Northern Ireland.

The bill we are introducing today will help bring about much needed additional change, at least as to employment practices of the many United States firms doing business in the north of Ireland today.

The MacBride Principles have the support of many in the Irish Government, the European Parliament, and both major political parties here in the United States we are also pleased to see this same support for MacBride included for the first time ever in both major political party platforms this past presidential election year here in the United States.

Mr. Clinton as a candidate pledged during the 1992 Presidential campaign that he would support the MacBride Principles. However, during the 104th Congress he forgot that pledge while his administration fought from the outset my efforts at inclusion of the MacBride Principles are part of the U.S. contribution to the IFI in the foreign aid bill.

The President says he continues to support the MacBride Principles. These principles have been passed into law in 16 States, including our own State of New York. Many American cities and towns have also passed laws or resolutions on the principles. Indeed, the U.S. Congress allowed the principles to become law for the District of Columbia on March 16, 1993; and we passed them last year as part of the foreign aid authorization bill, but regret some we were not able to overcome the President's veto of this bill, and make them law.

The President after his veto of the foreign aid bill during the 104th Congress, ordered his U.S. Agency for International Development Administrator Brian Atwood, and our U.S. observer to the IFI to work to ensure that the IFI complied as least as to the U.S. contribution, with our provisions included as part of the foreign aid bill (H.R. 1561). His move represented some progress, but we must do more, and codify these principles into law. We would welcome the President's support for these efforts.

We must be all we can to help address and bring focus to bear on the twin problems of unemployment and discrimination, especially in the Catholic community in Northern Ireland. The U.S. can help play an important role in the chances for lasting peace and justice in Northern Ireland by working to ensure that Northern Ireland had shared economic development and provides for economic justice among both traditions.

Only then can peace and justice take firm and lasting hold in Northern Ireland. The Macbride Principles provide a vital tool to help ensure that the United States neither accepts nor in any way helps maintain the totally unacceptable status quo of twice the level of Catholic unemployment as that of the other tradition which still exists in Northern Ireland today.

Accordingly, I urge all my colleagues concerned about lasting peace and justice in Northern Ireland to support this bill we are introducing today.

INTRODUCTION OF INDEPENDENT COUNSEL LAW REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing a new bill that will amend the independent counsel law to reform many of the current law's clear blemishes.

Although this bill is not intended to embarrass or target the Whitewater independent counsel Ken Starr, the need for serious revisions to the independent counsel law has become clear to me after observing the abuses taking place in the Whitewater case. Whatever your view of Whitewater, you may be surprised to learn that the investigation of Whitewater has already cost more money and involved more FBI agents than the investigation of the World Trade Center bombing.

No matter how serious you think Whitewater may be, there is absolutely no comparison between a land deal that occurred over 17 years ago and a terrorist conspiracy to blow up a major American landmark and office building, killing many people, injuring scores of others, reeking havoc and mayhem on the entire city of New York, and causing millions of dollars in damages.

The office of the independent counsel has run amok. It is time that we stopped allowing independent counsels to run off on their own with no accountability to run up bills running into the millions of dollars with little to no benefit for the American people.

The prosecution of Whitewater has also brought up many ethical matters—beginning with the initial appointment process. My bill will require all ex parte communications relating to the appointment of an independent counsel by the judges who appoint the counsel to be memorialized.

The appointment of Ken Star has also flagged several other ethical issues that should be considered before the appointment of any future counsels.

Are lawyers who have previously represented people with interests adverse to the target of the investigation truly able to be independent? Ken Starr represented Paula Jones, the woman who is suing the President for sexual harassment, and the Bradley Foundation,

a conservative organization known for its vitriolic coverage of Whitewater. Such prior representation raises, to my mind, at the very least, the appearance of a conflict.

In addition, while pursuing the Whitewater matter, Judge Starr has remained affiliated with the law firm of Kirkland & Ellis where he pulls down over a million dollars a year. Do we want an independent counsel who will investigate the matter and do his or her job as quickly as possible without distractions or do we want someone who fits the investigation in around other commitments so as not to diminish his high salary?

Mr. Starr's continued affiliation with his firm raises other troubling ethical questions—should an independent counsel be in the position of questioning individuals who are in turn questioning his own law firm about their prior activities—in this case the Resolution Trust Corporation?

It seems to me that the special court should at least consider such conflicts when appointing an independent counsel and my bill will require the court to consider such issues.

As important as these ethical questions are, an even greater problem is that these questions distract us from the main issue—the Whitewater investigation itself. In recent months you have not been able to read a single article about Whitewater before bumping into a discussion of Ken Starr's ethical jungle. Because the office of the independent counsel is so important and so high profile, those appointed to the position should not have even the appearance of conflicts.

My bill would require a court appointing an independent counsel to look at the potential counsel's past and present conflicts and to consider whether the counsel should work on the investigation full time.

I also want to note my grave disappointment over the politicization of efforts to revise the independent counsel law.

Last February, the Crime Subcommittee held a hearing on this matter and there appeared to be widespread bipartisan agreement that the statute is in need of revisions.

I hope that Chairman HYDE will consider this bill, and in the spirit of bipartisanship that was exhibited during the independent counsel hearing, schedule a markup as quickly as possible.

CONYERS' INDEPENDENT COUNSEL LAW—SECTION BY SECTION

SECTION 1. SHORT TITLE.

The title of the bill is the "Independent Counsel Accountability and Reform Act of 1997."

SEC. 2. EXTENSION.

This section reauthorizes the Independent Counsel Act.

SEC. 3. APPOINTMENT AUTHORITY.

This section requires at least one member of the division of the court appointing an independent counsel to have been named to the Federal bench by a President of a different political party than the other two members of the court.

This section gives the District Court for the District of Columbia jurisdiction over the special division.

This section provides that the members of the special division shall be bound by the Judicial Code of Conduct. It authorizes the judges appointing an independent counsel to seek comments about potential nominees, but requires them to memorialize, not the substance, but the fact of those communications.

This section requires the special division to consider whether: (1) a potential independent counsel has any conflicts of interest; (2) will devote him or her self to the investigation full time; and (3) the potential counsel has prosecutorial experience.

SEC. 4. BASIS FOR PRELIMINARY INVESTIGATION.

This section requires the Attorney General to conduct a preliminary investigation whenever she has received specific information from a credible source that an individual subject to the Independent Counsel Law has committed any federal felony or any federal misdemeanor for which there is an established pattern of prosecution.

SEC. 5. SUBPOENA POWER.

This section gives the Attorney General the power to issue subpoenas duces tecum when conducting a preliminary investigation.

SEC. 6. LEVEL OF EVIDENCE.

This section allows the Attorney General to determine that there is no basis for an investigation to continue if, by a preponderance of the evidence, she determines that the subject of the investigation lacked the requisite state of mind.

SEC. 7. PROSECUTORIAL JURISDICTION OF INDEPENDENT COUNSEL.

This section limits the scope of the independent counsel's investigation to those matters for which the Attorney General has requested the appointment of the counsel and matters directly related to such criminal violations, including perjury, obstruction of justice, destruction of the evidence, and intimidation of witnesses.

SEC. 8. CONSULTATION WITH THE DEPARTMENT OF JUSTICE.

This section allows an independent counsel to consult with the Department of Justice regarding the policies and practices of the Department if such consultation would not compromise the counsel's independence.

SEC. 9. AUTHORITIES AND DUTIES OF INDEPENDENT COUNSEL.

This section requires the independent counsel to comply with the Department of Justice's policies for handling the release of information relating to criminal proceedings.

This section requires the independent counsel to petition the court, after 2 years, for funding to continue the investigation. This section also requires the periodic reports filed by the independent counsel to include information justifying the office's expenditures.

SEC. 10. REMOVAL, TERMINATION AND PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.

This section adds the subject of the investigation to the list of those who can seek the termination of the independent counsel on the ground that the investigation has been completed or that it would be appropriate for the Department of Justice to complete the investigation or conduct any prosecution.

This section requires the independent counsel to petition the court for reappointment every 2 years and allows the court to appoint a new counsel if the court finds that appointed counsel is no longer the appropriate person to carry out the investigation.

SEC. 11. JOB PROTECTIONS FOR INDIVIDUALS UNDER INVESTIGATION.

This section protects individuals whose positions are not excepted from the competitive service on the basis of confidential, policy-determining, policymaking, or policy advocating character from being terminated for the sole reason that the person is the subject of an independent counsel investigation.

PROTECT CALIFORNIA'S COASTLINE WITH A MORATORIUM ON OIL AND GAS DEVELOPMENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to extend the moratorium on oil and gas development in the Outer Continental Shelf [OCS] off the coast of California. This legislation is similar to H.R. 219 from the 104th Congress.

Californians strongly favor continuing this moratorium. The State of California has enacted a permanent ban on all new offshore oil development in State coastal waters. In addition, California Gov. Pete Wilson and State and local community leaders up and down California's coast have endorsed the continuation of this moratorium.

I believe that the environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil using current technology. A 1989 National Academy of Sciences [NAS] study confirmed that new exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment. Cultivation of oil and gas off the coast of California could have a negative impact on California's $27 billion-a-year tourism and fishing industries.

This legislation focuses on the entire State of California, and would prohibit the sale of new offshore leases in the southern California, central California, and northern California planning areas through the year 2007. New exploration and drilling on existing active leases and on undeveloped leases in the same areas would be prohibited until the environmental concerns raised by the 1989 National Academy of Sciences study are addressed, resolved, and approved by an independent peer review. This measure ensures that there will be no drilling or exploration along the California coast unless the most knowledgeable scientists inform us that it is absolutely safe to do so.

I am proud to be working to protect the beaches, tourism, and the will of the people of California. I ask my colleagues to join me in cosponsoring this legislation.

A BEACON-OF-HOPE FOR ALL AMERICANS: EDENA C. GILL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this nation has completed another cycle for the ongoing democratic process which makes America great. The electoral

process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right of life, liberty and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as BEACONS-OF-HOPE.

Edena C. Gill is one of these BEACONS-OF-HOPE residing in the central Brooklyn community of New York City and New York State. During the 1960's, Ms. Gill became involved in the Civil Rights Movement and was motivated by such mentors as Jitu Weusi, Al Vann and many others who were involved in the Ocean Hill-Brownsville fight. She even worked with assemblyman Roger Green on his first campaign.

Currently, she is a member-at-large of the Thrugood Marshall Democratic Club; recording secretary for the Central Brooklyn Martin Luther King Commission; member of the 100 Women for Major R. Owens; and member of the First Baptist Church of Crown Heights. Among her other affiliations, Ms. Gill is involved with the National Association of Business and Professional Women's Club, Inc. where she serves as President. Elena Gill also became active with the Lefferts Avenue Mothers, an offshoot of the Lefferts Avenue Block Association. She joined the Melvin Walker Democratic Club which later became part of the Partners for Progress Democratic Club.

Married and a mother of two, sons Kyle and Gary, Edena Gill has distinguished her life as one of dedication to community, God and to family.

Edena Gill is a BEACONS-OF-HOPE for Central Brooklyn and for all Americans.

INTRODUCING NURSE PRACTITIONERS MEDICAID REIMBURSEMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, I am proud to introduce legislation to provide Medicaid coverage for all certified nurse practitioners and clinical nurse specialists for services they are legally authorized to perform.

Nurse practitioners provide vital primary care services to the underserved populations in our country. It is time we take full advantage of the quality, cost-effective primary care provided by nurse practitioners.

The legislation I am introducing would enable all nurse practitioners, regardless of specialty, to provide care to Medicaid recipients. Currently, patients are able to access the care of certain nurse practitioners such as family and pediatric nurse practitioners, but others such as adult and women's health nurse practitioners are not accessible.

Over 400 studies have confirmed that the health care provided by nurse practitioners in a variety of urban and rural primary care settings is of the highest quality. Nurse practitioners are particularly capable to provide health care to the indigent. Their educational programs emphasize the provision of care to patients who have limited financial resources. In a national survey conducted by the American Academy of Nurse Practitioners, over 60 percent of the patients seen by these providers had family incomes of less than $16,000 per year. Nurse practitioners rate as high in financial efficiency as they do in consumer satisfaction. Their ability to focus on preventative and curative medical services contribute to the quality as well as the cost-effectiveness of the care they provide.

It is well known that a majority of our underserved populations are located in rural and inner city settings across the Nation. While nurse practitioners are willing and able to provide services in these settings, not all nurse practitioners are currently being reimbursed by Medicaid for their services in these areas.

Nurse practitioners can play a central role in achieving our national goal of providing quality, cost-efficient health care for all citizens. I am hopeful this legislation will help to eliminate disparities in access to care for rural and inner city Medicaid populations by providing direct reimbursement to nurse practitioners and clinical nurse specialists who have proven their ability to deliver quality care in a cost effective manner.

DEFEND THE RIGHT TO LIFE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of the right to life. Tragically, this most basic of human rights has been disregarded, set aside, abused, spurned, and sometimes altogether forgotten. Even more tragically, the U.S. Government has been a willing partner in this affair, and the sad consequence is the sacrifice of something far more important than just principle.

One of the things that sets America apart from the rest of the world is the fact that in this country, everyone is equal before the law. Regardless of race, religion, or background, each person has fundamental rights that are guaranteed by the law. However, we too often overlook the rights of perhaps the most vulnerable among us—the unborn. When abortion is legal and available on demand, then where are the rights of the unborn? When abortion is sanctioned and sometimes paid for by the Government, then how do we measure the degree to which life has been cheapened? When an innocent life is taken before its time, then how can one say that this is justice in America?

My amendment would establish beyond a doubt the fundamental right to life. Congress has an obligation to do what it has failed to do for so long, fully protect the unborn. I urge this body to move forward with this legislation to put an end to a most terrible injustice.

INTRODUCING THE SECOND NATIONAL BLUE RIBBON COMMISSION TO ELIMINATE WASTE IN GOVERNMENT—A NEW GRACE COMMISSION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to create the Second National Blue Ribbon Commission to Eliminate Waste in Government Act. This legislation is similar to H.R. 217 from the 104th Congress. Building upon the example set by the Grace Commission in 1982–84, my legislation creates an independent private sector commission to help Congress eliminate Government waste.

The Grace Commission, officially established as the President's Private Sector on Cost Control in the Federal Government, marshaled the considerable private sector resources of more than 2,000 business professionals at no cost to the taxpayers. After 2 years of investigating the Federal Government for more cost-effective ways of doing the Nation's business, the Grace Commission delivered its final report to President Reagan in 1984. This effort yielded more than 2,000 commonsense, cost-cutting recommendations, two-thirds of which have become law and saved taxpayers nearly $450 billion. In addition, this commission helped establish the private, nonpartisan organization known as Citizens Against Government Waste.

Building upon that example, my legislation establishes a commission to take several additional steps toward curbing waste in Government. First, the commission would survey the private sector for management and cost control methods to be used in the Federal Government. Second, the panel would conduct in-depth reviews of executive branch operations. Third, the panel would review and reevaluate past reports by agencies such as the Congressional Budget Office and the General Accounting Office.

This 12-member commission would be appointed by the President and the bipartisan leadership of Congress, with no more than six members of the same political party. After the thorough review, the commission would report its findings and recommendations to Congress. The commission's finding would serve as a basis for Congress to reduce waste and streamline Government operations.

I hope that all my colleagues will join me to promote greater fiscal responsibility and more effective Government by cosponsoring this legislation.

WILLIAM DAVIDSON'S GIFT TO CREATE THE FIRST SCHOOL FOR MANAGEMENT OF TECHNOLOGY IN ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending Mr. William Davidson, president and CEO of Guardian Industries Corp., and managing partner of the National Basketball Association's Detroit Pistons Basketball Club. Bill Davidson has made a remarkable gift of $30 million to establish a world-class business school at the Technion-Israel Institute of Technology in Haifa. Mr. Davidson's great vision and philanthropy will ensure that Israel will continue to develop and expand its highly advanced technology-based industries. Furthermore, the international business community will gain an unparalleled resource in the study of management of technology.

The Technion, founded in 1924, is Israel's leading science and technology university. With this gift, the Technion will establish a premier business school with the unique combination of a Masters of Business Administration program, advanced technological educations, and international management strategy.

Bill Davidson firmly believes that education is the best tool for promoting economic growth. To that end, he has focused enormous philanthropic efforts over the years. In 1992, he gave $30 million to the University of Michigan at Ann Arbor to create an institute to assist nations around the world in making successful transitions to market economies. In 1994, a gift of $15 million was made to establish a graduate school of Jewish education at the Jewish Theological Seminary of America in New York City.

This latest gift to the Technion demonstrates Mr. Davidson's conviction that technology-based industries represent a tremendous opportunity for Israel to expand its economy, attract foreign capital, and, in turn, enhance its long-term economic security. The new Davidson school will allow the Technion to leverage its vast technological capabilities through targeted management education and research and thereby make a critical contribution in Israel's quest for economic independence.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Bill Davidson's generosity and vision in creating a remarkable new business school at one of the world's great scientific institutions. This gift will enrich the lives of countless people in Israel and around the world.

INTRODUCING THE INDIAN CHILD ADOPTION ASSISTANCE AND FOSTER CARE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, today I am introducing legislation that will allow Native American tribes to better serve children who are in foster care or in need of adoption assistance.

My bill will reimburse tribes under the title IV–E Foster Care and Adoption Assistance Program for children placed by tribal courts. Currently, only States qualify for the Federal funds for adoption assistance and foster care. This means if a native American child is placed with a family by a tribal court, that family receives no additional financial support. If that same child was adopted or placed in foster care by a State court, that family would be provided with extra resources to care for that child.

Last year, the Congress was wise to pass bipartisan welfare reform legislation which preserved the entitlement status of the adoption assistance and foster care programs. These programs reflect our Nation's commitment to taking care of some of the most financially and emotionally needy children in our country. It is a tragedy that any child would be left out of our country's support system.

I hope that you will join me in working to pass this bill in the 105th Congress and provide equal and deserved financial assistance to thousands of Indian children.

A BALANCED FEDERAL BUDGET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise this afternoon to fulfill the pledge I made to the citizens of southern Missouri to introduce and work tirelessly to pass an amendment to the Constitution of the United States that requires a balanced Federal budget. Over the course of the past several decades, fiscal irresponsibility has produced a Federal debt that is fast approaching $5 trillion. That's trillion, with a "t," Mr. Speaker. A debt of $5 trillion is a mind-boggling figure, but it can be placed in a much clearer perspective. A child born today immediately inherits nearly $20,000 of debt, owed directly to Uncle Sam. The same is true for every American. The era of continuing annual budget deficits must end, and it is clear that the only way to restore conservative fiscal values to the Nation's budget is to pass the balanced budget amendment to the Constitution.

The stakes in this debate could not be more important. The fiscal future of the United States hinges on the ability of Congress and the President to make the difficult choices required to balance the Federal budget. It's more than debating trillion dollar figures. It's about making our economy stronger and providing every working American family with a better chance to make ends meet. A balanced budget will strengthen every sector of our economy with lower interest rates that will help families stretch each paycheck further. Home mortgages, automobiles, and a better education will become more affordable to every working family, making the American Dream closer to reality for all.

Mr. Speaker, I am committed to working with my colleagues in the new Congress to see that the balanced budget constitutional amendment is passed and sent to the States for ratification. A constitutional amendment is certainly no substitute for direct action on the part of the Congress. However, we have seen time and time again instances where those who object to conservative fiscal responsibility find convenient excuses to deny the American people a balanced budget. An unbreakable enforcement mechanism is clearly needed to ensure that those who would continue to spend our children's future further into debt are not able to do so.

I also want to make plain that the Social Security trust fund has no place in this debate. The independent trust fund is a sacred trust between generations and must never be used to balance the budget or hide the true size of the deficit.

Commonsense conservatives in Congress and the American people are committed to balancing the budget. I look forward to working throughout this session with all of my colleagues and the White House to pass the balanced budget constitutional amendment on a bipartisan basis. The obligations we owe to hard working American families, their children, and our Nation's future generations deserve nothing less than decisive action to preserve our future by balancing the budget. A constitutional amendment will ensure this outcome.

FAIR CLEAN AIR COMPLIANCE DOWNWIND FROM POLLUTERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation that requires the Environmental Protection Agency to consider the downwind transportation of air pollution when determining a region's air quality compliance. This legislation is similar to H.R. 1582, which I introduced in the 104th Congress with the support of the county of San Diego.

In 1990, Congress amended the Clean Air Act to base the smog control requirements for each area on the severity of the area's pollution problem as indicated by the nonattainment area classification. The EPA has established five such classifications: marginal, moderate, serious, severe, or extreme. Under current law nonattainment status is determined without addressing air pollution transported from upwind areas.

Due to pollution blown downwind from the Los Angeles basin, San Diego was initially given a nonattainment classification of severe. San Diego was later reclassified to serious because the ozone design value, 0.185 parts per million, was at the lowest limit of severe. Had the design value been outside that narrow window, San Diego would have been forced to carry out excessively stringent and costly control programs to combat air pollution created and transported from elsewhere.

This situation affects many other communities, too. I encourage all of my colleagues to join me by cosponsoring this legislation.

INTRODUCTION OF LEGISLATION TO PROVIDE A TAX DEDUCTION FOR EMPLOYER-PROVIDED EDUCATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today, Mr. LEVIN introduced legislation which makes permanent the tax deduction for employer-provided education. I am an original cosponsor of this legislation which would include graduate education. The Small Business Job Protection Act extended this deduction from December 31, 1994 until January 1, 1997. The provision only included graduate education until December 31, 1995.

The Democrats of the Ways and Means Committee worked to have graduate education included until January 1, 1997. Unfortunately, our efforts fell short. The legislation introduced is extremely important as it would make this deduction permanent and include graduate education.

We should do all that is possible to make education more affordable. Our economy is becoming more global and we need skilled workers in order to compete. Our job growth is occurring in fields which require high skilled workers. We need to provide employees and employers incentives to further their education.

Recently, the General Accounting Office released a report on this provision. This report backs up my belief that this provision of the Tax Code is used in all fields of business. Large and small businesses take advantage of this provision.

As a former professor, I have taught many students who have benefited from this provision. I urge my colleagues to cosponsor this legislation. Hopefully, we can make this valuable deduction permanent. This is the type of legislation we should all be able to support.

IN HONOR OF ROBINSON SECONDARY SCHOOL'S DECA CHAPTER AND THEIR EFFORTS TO PROMOTE ORGAN AND TISSUE DONATION AMONG YOUTHS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the work and dedication of the members of the Distributive Education Clubs of America [DECA] Chapter at Robinson Secondary School in Fairfax, VA. Along with the Washington Regional Transplant Consortium and the Coalition on Organ and Tissue Donation, the Robinson DECA Chapter has launched an educational campaign aimed at each high school across the Nation in an effort to promote organ and tissue donation among young people.

Promoting their national theme "Youth United, For A Second Chance At Life," the Robinson DECA Chapter was one of three groups organizing a rally of nearly 300 high school students, Members and Congress including myself and Senator BYRON DORGAN, organ and tissue recipients, and donor family members for an organ and tissue donation rally at the U.S. Capitol last month. The turnout and mood of the crowd was inspiring, and their presence represented the first giant step towards creating awareness among America's youth about the importance of becoming organ and tissue donors.

Currently, they are nearly 50,000 people on a national register awaiting organ and tissue transplants. Unfortunately, not every person in need of an organ or tissue is able to receive what they must have to survive; one American dies every three hours because of a shortage of donor organs. More than 50 people can be helped by a single donor but each year, 12,000 to 15,000 people die who are medically suitable to be organ and tissue donors. For these crucial reasons, we must focus our local and national efforts on educating young people and their families about the serious need to decide now—rather than wait until it is too late—on whether or not they will commit to becoming an organ and tissue donor. While there are many private sector organizations which promote public awareness of the need for organ donation, I am truly proud of the students of Robinson's DECA Chapter and their unprecedented effort to ignite the compassion and understanding of their peers.

Mr. Speaker, I know my colleagues will join me in applauding the members of Robsinson's DECA Chapter for their enthusiasm and diligent work in helping each other understand the necessity of deciding to become an organ donor and for aiding their fellow Americans who desperately need all of us to become organ and tissue donors.

THE POSTAL PRIVACY ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the Postal Privacy Act of 1997. This legislation is intended to protect the privacy of each U.S. resident who files a change of address notice with the U.S. Postal Service. The bill is identical to a bill that I introduced in the 104th Congress.

Few people are aware that when they tell the Postal Service about an address change, the Postal Service makes the information public through a program called National Change of Address [NCOA]. NCOA has about two dozen licensees—including many large direct mail companies—who receive all new addresses and sell address correction services to mailers. If you give your new address to the Postal Service, it will be distributed to thousands of mailers. People always ask "How did they get my new address?" The answer may be that it came from the Postal Service. People who want their mail forwarded—and who doesn't—have no choice. File a change of address notice and your name and new address will be sold.

NCOA is a reasonable program because it saves the Postal Service and the mailing community money by making everyone more efficient. There are consumer benefits as well. I support NCOA, but it needs one small change. Individuals who file a change of address notice should be given a choice. They should have the option of having their mail forwarded without having their name and address sold to the world of direct mail advertisers and others who traffic in personal information. This is what the Postal Privacy Act will do. It will give people a choice. It will not end the NCOA program.

Who might be concerned about keeping a new address private? Anyone who has fled an abusive spouse does not want the Postal Service giving out a new address. An individual who files a change of address notice on behalf of a deceased relative will not want the new address sold. Imagine sorting through the affairs of a deceased family member only to receive a mound of unwanted mail offering new products and services to that family member from marketers who assume that the person has moved to a new home. Jurors in highly visible trials, public figures, and others may have a special need for privacy as might elderly people who may be more vulnerable to unwanted solicitations.

The bottom line is that everyone should have a choice about how his or her name and address is made available to others. You don't have to have a justification. It should be your decision. The Postal Service should not make this decision for you.

A few years ago, the Postal Service announced that it would provide some protection to individuals who have court orders protecting them against spousal abuse. This was a small step in the right direction, but it was not enough. Only those who have gone to the trouble and expense of obtaining a court order receive protection. Everyone should be entitled to the same option, but without the need for a court order. The Postal Service has demonstrated that it is possible to provide protection to people selectively. I want to extend the option to everyone.

There is nothing new about giving consumers a choice. The Direct Marketing Association, a trade association for the direct marketing industry, has been a strong supporter of opt-out procedures which give individuals a choice about what type of mail they receive. The association supports its own mail preference service that offers consumers an option. There is no reason why the Postal Service cannot do the same thing.

The Postal Privacy Act of 1997 is based on work done by the Government Operations Committee. Those who seek more information about NCOA should read Give Consumers A Choice: Privacy Implications of U.S. Postal Service National Change of Address Program (House Report 102–1067).

There have been several interesting developments since that 1992 congressional report. In 1996, the General Accounting Office investigated the NCOA program and found that oversight of NCOA licensees by the Postal Service was inadequate to prevent, detect, and correct potential breaches of licensing agreements. The report was prepared at my request, and it showed that the Postal Service's NCOA protections were poorly administered. GAO found weaknesses in the seeding

program, in the audit of NCOA licensees, and in the review of licensee advertising. GAO also found that the use by licensees of NCOA data for the purpose of creating a new movers list violates the Privacy Act of 1974. This adds to findings in the Government Operations Committee report that the NCOA program is operating in violation of several laws. The GAO report is titled "U.S. Postal Service: Improved Oversight Needed to Protect Privacy of Address Changes" (GAO/GGD–96–119) (August 1996).

Another new development recently came to light courtesy of the Internet. An organization called Private Citizen recently suggested in an Internet privacy discussion group that there is already a way to stop the Postal Service from selling a new address. The change of address form allows consumers to indicate if a new address is permanent or temporary. If you check the permanent box, your first class mail is forwarded for a year and your new address is sold through the NCOA program. If you check the temporary box and indicate that the move is for 364 days, you will receive the same mail forwarding service, but the Postal Service does not sell addresses when a move is temporary. I verified with the Postal Service that this is correct.

There is even a bonus of sorts for those who check the temporary box. The Postal Service will not honor mailer ancillary service endorsements requesting a new address through an address correction requested endorsement. This is another way that the Postal Service releases new addresses of its customers to anyone who asks. Those who check the temporary box can evade this form of disclosure as well.

The Postal Service's treatment of the addresses of temporary movers suggests two interesting consequences. First, the existing system demonstrates that the Postal Service already can distinguish between addresses that are to be sold and those that are not to be sold. Arguments that giving consumers a choice will be difficult or expensive are false. At worst, complying with my bill will only require a change in the form and minor adjustments to notices and procedures.

Second, consumers who want a choice about the disclosure of their new address can obtain it today. They can keep the Postal Service from releasing their new addresses. My bill will make sure that everyone has that choice. We should not restrict this option to those few who learn of this sneaky method of forcing the Postal Service to do the right thing. Let's tell everyone about this option.

A "SUNSET ACT"

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Sunset Act. This legislation, which is similar to H.R. 216 from the 104th Congress, would require Congress to reauthorize Federal programs every 5 years. Programs that are not reauthorized or extended by Congress would be terminated.

Too many Federal programs are automatically reauthorized, often years after they are no longer needed. This legislation will require any new Federal program to terminate no later than 5 years after its date of enactment, unless reauthorized by Congress. Entitlement programs will be exempted from this legislation.

By requiring Congress to reevaluate and reauthorize Federal programs every 5 years, we ensure greater accountability in the programs we create and help curb Government waste. I invite my colleagues to join me in cosponsoring this legislation.

THE HEALTH INSURANCE FAIRNESS ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, today I proudly introduce legislation of the utmost importance to millions of American small businesses and the self-employed. The Health Insurance Fairness Act will once and for all provide small business owners and the self-employed with the same health insurance tax benefits enjoyed by larger corporations—the ability to deduct 100 percent of their health insurance premium costs.

Making health care costs fully deductible is not an arcane Tax Code issue known only to accountants and IRS auditors. This is an issue that touched the lives of millions of Americans who own or work at a small business. It is especially important to rural areas, like my district in southern Missouri, where small businesses and self-employed individuals, especially farmers and ranchers, form the backbone of the regional economy. However, they have too long been denied access to affordable health insurance for their families, children, and employees because the Tax Code makes it too expensive to purchase. The Health Insurance Fairness Act I am introducing today will help make health insurance more affordable to the self-employed, small business operators, their employees, and equally important, their families.

The previous Congress took an important first step, Mr. Speaker, by enacting legislation to ultimately increase the insurance premium deductibility to 80 percent by the year 2006. Regrettably, this increase is phased-in too slowly, and will hamper the important work we must do to make health care less expensive and easier to get for all Americans—not through Government-run health care, but through private market incentives.

The Health Insurance Fairness Act will increase the premium deductibility rate to 100 percent in the first taxable year after enactment. Millions of self-employed, small business operators, workers and their families will be able to immediately enjoy the security afforded by a health insurance policy. It represents the type of results-oriented legislation the American public has asked this Congress to produce, and I ask my colleagues to support this important measure.

A BEACON-OF-HOPE FOR ALL AMERICANS: DR. JAMES MALONE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Dr. James A. Malone is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Dr. James Malone currently serves as a professor of counseling and director of the Academy for Intergenerational Education at John Jay College. He taught 2 years in the Newark, NJ public schools before moving to John Jay College where he held the following positions: SEEK director, dean of students and vice president of administrative services.

Throughout the years, Dr. Malone has worked diligently in top positions that uplifted his community. His past civic offices include the president of the board of Weeksville and member of the District School Board #17 and Community Board #9. Dr. Malone is a member and trustee of the Church of the Evangel. In 1971, Dr. Malone developed the city sponsored Hawthorne Corners Day Care Center where he served as the first board president. Dr. Malone also helped to develop the Rutland Road Block Association and was elected the second president. He headed a research effort, "They're All My Kids," which reaffirmed the necessity of commitment to our children, our schools, and our community.

Dr. Malone received a bachelor of science degree from the University of Akron; master of science in social work from Rutgers University; and a doctorate of philosophy in higher education from Union Graduate in Cincinnati, OH.

James Malone is a Beacon-of-Hope for central Brooklyn and all Americans.

INTRODUCTION OF THE DEVIL'S SLIDE TUNNEL ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LANTOS. Mr. Speaker, as we in the West cope with another series of devastating

winter storms and floods, residents along the San Mateo County coast are relieved to find that a section of Highway 1, known locally as Devil's Slide, which lies precariously on a sea cliff high above the roaring surf of the Pacific Ocean, is still intact. Devil's Slide is a breathtaking, and all too often lifetaking section of California's scenic coastal highway which has slowly been sinking into the Pacific Ocean as it is battered by waves 600 feet below. Winter storms in previous years have closed Highway 1 at Devil's Slide for up to 6 months, leaving residents and businesses dangerously isolated. This area is 12 miles south of San Francisco in my congressional district.

Perennial closures of Devil's Slide have had a devastating effect on our coastal community. Residents have endured unbearable commutes, access to emergency medical care and other services have been threatened, businesses have lost thousands of customers, and some businesses have failed. For residents and businesses along the San Mateo County coast, it is absolutely essential to have Highway 1 open around Devil's Slide.

Mr. Speaker, 12 years ago, in 1984, Congress closely studied the closure of this vital transportation link and lifeline. After heavy winter rains washed out the road, leaving a 250-foot-long crevice in the road which made the road impassible for 4 months. Then Chairman Glenn Anderson of the Surface Transportation Subcommittee held a series of field hearings in Half Moon Bay and Pacifica, CA, and committee members carefully surveyed the unstable roadway which was sliding 3 inches a day into the sea. Committee members viewed 8-foot-deep cracks and fissures in the roadbed and determined that this vital transportation link was eligible for emergency Federal funds. At my request, the Congress provided funding for the permanent repair of Highway 1 at Devil's Slide.

The California Department of Transportation [CALTRANS] made temporary repairs to the roadway and proposed building a controversial 4.5 mile long bypass around Devil's Slide. Some residents opposed the bypass on environmental and antidevelopment grounds and blocked bypass construction in Federal court for over 10 years. A false sense of security brought on by 10 years of drough ended in January 1995, when heavy rains again closed Devil's Slide for 6 months. For the second time in 12 years this vital transportation link was severed, again disrupting the lives and livelihoods of tens of thousands of residents and businesses.

Mr. Speaker, after decades of debate and lawsuits, the voters of San Mateo County have put an end to the battle with CALTRANS over how to resolve the problem of Devil's Slide. Voters decided overwhelmingly in favor of a local referendum to approve a mile-long tunnel at Devil's Slide instead of a bypass which would involve extensive cutting and filling of Montara Mountain. The referendum amends the local coastal plan, substituting a tunnel as the preferred permanent repair alternative for Highway 1 at Devil's Slide, and prohibits any other alternative unless approved by the voters. Following the release of a Federal Highway Administration sponsored study which found that the tunnel is environmentally feasible and its costs would not differ significantly from the costs of a bypass, CALTRANS reversed it opposition to a tunnel at Devil's Slide.

Mr. Speaker, today I am introducing important legislation to ensure that funds already appropriated and obligated for Devil's Slide will remain available to CALTRANS to build the tunnel at Devil's Slide. This legislation, entitled the "Devil's Slide Tunnel Act," will provide greater flexibility to State transportation officials to use Federal funds already appropriated by Congress to fix this vital transportation link. Joining me as cosponsors of this legislation are bipartisan members of the bay area congressional delegation whose constituents are most affected by the Devil's Slide highway problem—my colleagues, TOM CAMPBELL, of San Jose, ANNA ESHOO of Atherton, and NANCY PELOSI of San Francisco.

Mr. Speaker, if local and State agencies and the citizens of a region determine that a better transportation alternative exists than the alternative for which funds have been obligated, then the Federal Government should grant greater funding flexibility, as long as all other Federal laws are compiled with. It is important that we not permit these funds to lapse. The rebuilding of a severely damaged highway in its existing location may no longer be feasible, and in such cases funds already available to a community should continue to be available.

History tell us that Devil's Slide will wash out again—it is only a matter of time. It is my hope that swift enactment of this legislation will ensure a permanent solution to the residents of the Coastside. I urge my colleagues to support the "Devil's Slide Tunnel Act."

STATEMENT OF THOMAS M. DAVIS IN HONOR OF MR. EVANS RICHARDSON, III

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to express my deep appreciation for the invaluable service Mr. Evans Richardson III has provided to me and the constituents of the 11th District of Virginia over the past 11 months. An executive manager with McDonnell Douglas in St. Louis, MO, Evans brought a unique and thoughtful perspective to my office in working on legislative and constituent matters as a 1996 Brookings Congressional Fellow. Almost immediately after he joined my personal staff, he took on a great deal of responsibility, focusing on several key issues such as transportation, environment, affirmative action, and banking. Evans performed his duties with admirable dedication and enthusiasm.

Evans lives in St. Louis, MO, with his wife, Betty and their son Evans IV. He is a graduate of Washington University, and has worked for McDonnell Douglas for 12 years.

Taking an active role in one's community is a responsibility we all share, but which few of us fulfill. Evans actively works for the betterment of his community by serving on the board of directors of several community organizations, including the St. Charles Chamber of Commerce, Herbert Hoover Boys and Girls Club, and the Marygrove Catholic Home for Children.

It has been an honor and a privilege to have Evans Richardson on my staff. I have not only looked to him for legislative counsel, but I trust him as a valued confidante. His candid advice and opinion is always appreciated. I know that my staff and I will dearly miss him. Mr. Speaker, I know my colleagues will join me in thanking Evans for his service to the 104th Congress and wish him continued success in his future endeavors.

FAIR HEALTH INFORMATION PRACTICES ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the Fair Health Information Practices Act of 1997. The purpose of this bill is to establish a uniform Federal code of fair information practices for individually identifiable health information that originates or is used in the health treatment and payment process.

This is the third time that I have introduced a health privacy bill, and I hope that the third time is the charm. In the 103d Congress, I introduced H.R. 4077. The bill was the subject of several days of hearings in 1994. In August 1994, the bill was reported by the Committee on Government Operations and became the confidentiality part of the overall health care reform effort. While my bill died along with the rest of health care reform, it was one of the only noncontroversial parts of health reform. In the 104th Congress, I introduced H.R. 435, a bill that was identical to the version reported by the Committee on Government Operations in 1994. A lengthy explanation of the bill can be found in the Government Operations Committee report, House Report 103–601 part V. That report remains highly relevant to this year's bill as well.

During the last 2 years, most of the action on health privacy took place on the Senate side. The leading Senate bill was S. 1360 which was introduced by Senator BENNETT. His bill and mine have many similarities in language and structure, but there are also numerous smaller but significant differences. In addition, my bill covers several aspects of health privacy that were not included in Senator BENNETT'S original bill. I am aware that several interim drafts were developed by Senator BENNETT during the course of the Congress, and these drafts narrowed some of the differences between our two bills. I look forward to the new version of the Senate bill. My bill is largely similar to H.R. 435, but I have made several changes based on new ideas and developments that emerged in the last 2 years. The substantive changes in this year's proposal are:

(1) References to health information service organizations have been dropped. This was a place holder for other institutions that were being developed in the context of broad health care reform. The references are no longer meaningful.

(2) The section on "Accounting for Disclosures" has been retitled as "Disclosure History." Nothing substantive was changed, but the new language is more descriptive.

(3) In section 1.01, I added language to the patient access section making it clear that copies of records have to be provided to the patient in any form or format requested by the patient if the record is readily reproducible by the trustee in that form or format. The language was inspired in part by the recently passed Electronic Freedom of Information Amendments. The purpose is to make sure that a patient can have a record in a format that will be meaningful to the patient or useful to other health care providers.

(4) Also in section 1.01, the exception to patient access for mental health treatment notes has been eliminated. The policy of the bill is that a patient should have broad access to his or her health record. Exceptions are provided only when there is a direct conflict with another interest or when access is meaningless or pointless. The only substantive exception had been for mental health treatment notes. Given the broad sweep of the access provision, I am not sure that this exception can be justified any more. I left it out this year so that the advocates of the exception would have to come forward to argue for its inclusion and make their case on the public record.

(5) New language in section 301(d) creates an Office of Information Privacy in the Department of Health and Human Services. The head of the office is the Privacy Advisor to the Department. This is not really a new office. The Department recently established a private Advocate. The purpose of the new legislative language is to define the health privacy functions of this office with more precision and permanence.

(6) Section 304 of the bill deals with preemption of State laws. This is a difficult subject that clearly need more work and thought. I added one new idea this year. New language provides that the States may impose additional requirements on its own agencies with respect to the use or disclosure of protected health information. The idea is a simple one. If a State wants to impose more stringent restrictions on the ability of State police, State fraud investigators, or other State offices to use or disclose protected health information, it may do so.

In this instance, higher standards will not interfere with access to or use of information by other authorized users or by the Federal Government. The goal is to allow States to set as high a floor as they choose with respect to their own activities. This will not undermine the uniformity principle otherwise reflected in the bill, and it will not affect the drive for administrative simplification or uniform technical standards. Only State agencies will be affected by my new language. I thought that this idea was worth including so that it would attract comment. The language itself may need further tweaking.

The need for uniform Federal health confidentiality legislation is clear. In a report titled "Protecting Privacy in Computerized Medical Information," the Office of Technology Assessment found that the present system of protecting health care information is based on a patchwork quilt of laws. State laws vary significantly in scope and Federal laws are applicable only to limited kinds of information or to information maintained only by the Federal Government. Overall, OTA found that the present legal scheme does not provide consistent, comprehensive protection for privacy in health care information, whether that information exists in a paper or computerized environment. A similar finding was made by the Institute of Medicine in a report titled "Health Data in the Information Age."

A public opinion poll sponsored by Equifax and conducted by Louis Harris and Associates documents the importance of privacy to the American public. Eighty-five percent agree that protecting the confidentiality of people's medical records is absolutely essential or very important in national health care reform. The poll shows that most Americans believe protecting confidentiality is a higher priority than providing health insurance to those who do not have it today, reducing paperwork burdens, or providing better data for research. The poll also showed that 96 percent of the public agrees that it is important for an individual to have the right to obtain a copy of their own medical record.

Health information is a key asset in the health care delivery and payment system. Identifiable health information is heavily used in research and cost containment, and this usage will only grow over time. The Health Insurance Portability and Accountability Act of 1996 passed in the last Congress recognized that confidentiality legislation was essential to the fair management of health information. The law established a 3-year timetable for congressional action on confidentiality. That clock is ticking already, and we don't have much time to waste.

By establishing fair information practices in statute, the long-term costs of implementation will be reduced, and necessary protections will be uniform. This will assure patients and health professionals that fair treatment of health information is a fundamental element of the health care system. Uniform privacy rules will also assist in restraining costs by supporting increased automation, simplifying the use of electronic data interchange, and facilitating the portability of health coverage.

Today, few professionals and fewer patients know the rules that govern the use and disclosure of medical information. In a society where patients, providers, and records routinely cross State borders, it is rarely worth anyone's time to attempt to learn the rules of any one jurisdiction, let alone several jurisdictions. One goal of my bill is to change the culture of health records so that everyone will be able to understand the rights and responsibilities of all participants. Common rules and a common language will facilitate broader understanding and better protection. Physicians will be able to learn the rules once with the confidence that the same rules will apply wherever they practice. Patients will learn that they have the same rights in every State and in every doctor's office.

There are two basic concepts that are essential to an understanding of the bill. First, identifiable health information that is created or used during the health care treatment or payment process becomes protected health information, or individually identifiable patient information relating to the provision of health care or payment for health care. This new terminology emphasizes the sensitivity of the information and connotes an obligation to safeguard the data. Protected health information generally remains subject to statutory restriction no matter how it is used or disclosed.

The second basic concept is that of a health information trustee. Anyone who obtains access to protected health information under the bill's procedures becomes a health information trustee. Trustees have different sets of responsibilities and authorities depending on their functions. The authorities and responsibilities have been carefully defined to balance legitimate societal needs for data against each patient's right to privacy and the need for confidentiality in the health treatment process. Of course, every health information trustee has an obligation to maintain adequate security for protected health information.

The term trustee was selected in order to underscore that those in possession of identifiable health information have obligations that go beyond their own needs and interests. A physician who possesses information about a patient does not own that information. It is more accurate to say that both the record subject and the record keeper have rights and responsibilities with respect to the information. My legislation defines those rights and responsibilities. The concept of ownership of personal information maintained by third-party record keepers is not particularly useful in today's complex world.

A key element of this system is the specification of the rights of patients. Each patient will have a bundle of rights with respect to protected health care information about himself or herself that is maintained by a health information trustee. A patient will have the right to seek correction of information that is not timely, accurate, relevant, or complete. A patient will also have the right to expect that every trustee will use and maintain information in accordance with the rules in the Act. A patient will have a right to receive a notice of information practices. The bill establishes standards and procedures to make these rights meaningful and effective.

I want to emphasize that I have not proposed a pie-in-the-sky privacy code. This is a realistic bill for the real world. I have borrowed ideas from others concerned about health records, including the American Health Information Management Association, the Workgroup for Electronic Data Interchange, and the National Conference of Commissioners on Uniform State Laws. Assistance provided by the American Health Information Management Association [AHIMA] was especially helpful in the development of this legislation several years ago. AHIMA remains a valuable source of knowledge on health records policies and an ardent supporter of Federal health privacy legislation.

I believe that we do not have the luxury of elevating each patient's privacy interest above every other societal interest. Such a result would be impractical, unrealistic, and expensive. The right answer is to strike an appropriate balance that protects each patient's interests while permitting essential uses of data under controlled conditions. This should be happening today, but record keepers do not

know their responsibilities, patients rights are not always clearly defined, and there are large gaps in legal protections for health information.

My bill recognizes necessary patterns of usage and combines it with comprehensive protections for patients. There will be no loopholes in protection for information originating in the health treatment or payment process. As the data moves to other parts of the health care system and beyond, it will remain subject to the Fair Health Information Practices Act of 1997. This may be the single most important feature of the bill.

The legislation includes several remedies that will help to enforce the new standards. For those who willfully ignore the rules, there are strong criminal penalties. For patients whose rights have been ignored or violated by others, there are civil remedies. There will also be administrative sanctions and arbitration to provide alternative, less expensive, and more accessible remedies.

The Fair Health Information Practices Act of 1997 offers a complete and comprehensive plan for the protection of the interests of patients and the needs of the health care system in the complex modern world of health care. More work still needs to be done, and I am committed to working with every group and institution that will be affected by the new health information rules. I remain open to new ideas that will improve the bill.

In closing, I want to acknowledge the limits of legislation. We must recognize and accept the reality that health information is not completely confidential. It would be wonderful if we could restore the old notion that what you tell your doctor in confidence remains absolutely secret. In today's complex health care environment, characterized by third party payers, medical specialization, high-cost care, and increasing computerization, this is simply not possible. My legislation does not and cannot promise absolute privacy. What it does not offer is a code of fair information practices for health information.

The promise of that code to professionals and patients alike is that identifiable health information will be fairly treated according to a clear set of rules that protect the confidentiality interests of each patient to the greatest extent possible. While we may not realistically be able to offer any more than this, we surely can do no less for the American public.

THE COMMUNITY PROTECTION ACT OF 1997

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, Americans want us to work together to sensibly combat crime. Putting more, better-equipped and fully trained cops on the beat can be a strong part of any anticrime effort. It is for that very reason that today I am introducing the Community Protection Act of 1997.

The bill will allow qualified, properly trained active and retired law enforcement officers to carry concealed handguns. Too often State laws prevent highly qualified officers from assisting in crime prevention and protecting themselves while not on duty. For example, a man who has spent his life fighting crime is often barred from helping a colleague in distress because he cannot use his service revolver—a handgun that he is required to train with on a regular basis. That same officer, active or retired, isn't allowed to defend himself from the criminals that he put in jail.

My bill seeks to change that by empowering qualified law enforcement officers to be equipped to handle any situation that may arise, wherever they are.

The community protection initiative covers only active duty and retired law enforcement personnel who meet the following criteria:

First, employed by a public agency—security guards are not covered.

Second, authorized by that agency to carry a firearm in the course of duty—all beneficiaries will have received firearms training and appropriate screening.

Third, not subject to any disciplinary action.

Retired police officers must meet all of these criteria and have retired in good standing.

In the tradition of less government, this bill offers protection to police officers and to all of our communities without creating new programs or bureaucracies, and without spending more taxpayer dollars.

Because this is a sensible, nonpartisan bill, it gained tremendous support in the 104th Congress. By the close of legislative business, the Community Protection Act was cosponsored by more than 130 Members of the House from both parties and from all regions of the country. It also gained the interest of the Crime Subcommittee, which held a hearing on the bill in July 1996.

I am proud to once again introduce this important piece of legislation and look forward to working with my colleagues to pass it as soon as possible.

THE NOTCH BABY ACT OF 1997

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, today I am introducing long-overdue legislation to correct an injustice done to well over 6 million senior citizens by the Social Security Amendments of 1977. My legislation, the Notch Baby Act of 1997, will adopt a transitional computation method to assure that America's "Notch Babies" born between 1917 and 1921 receive equitable Social Security benefits.

Contrary to what many think, Mr. Speaker, the Social Security Notch is a simple problem that is greatly in need of an obvious solution. Seniors born in the 5-year period after 1916 have seen lower average Social Security benefit payments than those born shortly before or after. This disparity is directly attributable to the revised benefit calculation formula that resulted from the Social Security Amendments of 1977. The facts are clear and Congress must take action to correct this unintended error.

In December 1994, the Commission on the Social Security Notch issued its final report and recommendation to Congress. The commission cited an example of two workers who retired at the same age with the same average career earnings. One of these workers was born on December 31, 1916. The other was born 48 hours later, on January 2, 1917. If both retired in 1982 at age 65, the worker born in 1917 would receive $110 less in monthly Social Security benefits. And yet the Commission on the Social Security Notch concluded that "benefits paid to those in the 'Notch' years are equitable, and no remedial legislation is in order." Mr. Speaker, I beg to differ. One-hundred and ten dollars per month represents a lot of money to any family, but even more so to the millions of retirees who live on a limited, fixed monthly income.

The time for Congress to take action to correct the "Notch" injustice is long overdue. I urge all of my colleagues to review the Notch Baby Act of 1997 and cosponsor this important piece of legislation.

A BEACON-OF-HOPE FOR ALL AMERICANS: DR. RUBIE M. MALONE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Currently, the dean, director and chairperson of the SEEK program at CUNY's John Jay College of Criminal Justice, Dr. Rubie Malone has tirelessly dedicated her life to making our society better. She is directly responsible for community enhancement efforts that impact education, social/human services, and health care.

Dr. Malone's civic contributions began at an early age when she began working with high school seniors at Bethany Baptist Church. After transferring to the Church of the Evangel United Church of Christ, she continued working with youth and adult groups. In the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Inc., she has served as president and second vice-president and coordinator of committees and projects including School America, voter registration, health fairs, book and college fairs, teen lift, social action and political

awareness, and oratorical contests. She is a member of the Brooklyn Chapter of Links, Inc., where she serves as parliamentarian and is involved in various community projects. Dr. Malone is also a former president of Jack and Jill of America.

Dr. Rubie Malone, who is the eldest of twelve children, received a bachelor of science in mathematics from Clark College; a master's degree from CUNY's Hunter College; and a doctorate of philosophy in social services from Columbia University.

Rubie Malone is a Beacon-of-Hope for central Brooklyn and for all Americans.

HOUSE SHOULD ELECT INTERIM SPEAKER

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. ABERCROMBIE. Mr. Speaker, article I, section 2 of the Constitution requires the House of Representatives to choose a Speaker. It is customary at the commencement of every Congress for members of each party to vote for the candidate decided upon by his or her caucus. Because governance of the House conforms to the democratic principles which undergird our Republic, there is no doubt that the votes of the majority will determine who shall be our Speaker.

Today, however, we are choosing a presiding officer in unprecedented circumstances. Never before has there been an election for Speaker in which one of the candidates stands formally accused by the Committee on Standards of Official Conduct of violating the rules of the House. It is not my intention today to argue the merits of the charges against the gentleman from Georgia or what if any sanctions should be imposed. I focus instead on the implications of the committee's statement of alleged violation for today's election for Speaker, for the Speakership as an institution, for the House of Representatives, and for our Nation itself.

The facts are these: The Committee on Standards of Official Conduct alleges that the gentleman from Georgia violated the rules of the House. As of this date the committee has not completed its consideration of the case, and no resolution has been achieved. When resolution does occur, it may very well involve sanctions which make the gentleman from Georgia ineligible to hold the post of Speaker.

Removal of a Speaker under those conditions would be debilitating for the House and the Nation. It would cause chaos within the House and further undermine public confidence in democratic institutions. Even if resolution of the case against the gentleman from Georgia does not result in his ineligibility for the Speakership, his election as Speaker at this time would be inadvisable for two reasons: No. 1, the time, attention, and energy he must devote to his case will diminish the personal resources available for the discharge of his duties as Speaker of the House; and No. 2, the shadow of doubt and suspicion cast by the proceedings against him will undoubtedly fall on every action of the House and bring into question the integrity of this institution.

I believe, therefore, that until the case against the gentleman from Georgia is resolved, the House should choose an interim Speaker. I reiterate my acknowledgement that the majority has the right to determine who that individual shall be. However, in order to ensure that the business of the House is conducted in an undistracted manner, free of doubts about the integrity of the institution and its governance, that person should be someone not involved in the ethical issues in which the gentleman from Georgia finds himself enmeshed.

AGRICULTURAL WATER CONSERVATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Agricultural Water Conservation Act.

Over the past few years I have read countless articles on the need to conserve water and the role Federal Government has with this mission. While discussing water conservation methods with farmers in my district, I found cost was their overriding concern. The outlays required to implement water conservation systems—that is, drip irrigation, sprinkler systems, ditch lining—are a tremendous burden on the agriculture industry. While I firmly believe most agriculture interest are genuinely concerned about conserving water, cost has crippled the ability to implement conservation methods on farms.

For example, in the San Joaquin Valley, CA, a study was done by the San Joaquin Drainage Program. This report indicates a cost ranging from $21.06 per acre for surface irrigation to $131.40 per acre for linear irrigation. Drip irrigation was measured at a cost of $272.07 per acre. As you can see, with cost ranging from 623 to 1,294 percent above the least-cost approach method of surface irrigation, there are limited incentives at this time for farmers to switch toward better water maintenance practices.

The Agricultural Water Conservation Act is not a mandate for expensive water conservation systems, it is a tool and an option for farmers. Specifically, it will allow farmers to receive up to a 30 percent tax credit for the cost of developing and implementing water conservation plans on their farm land with a cap of $500 per acre. The tax credit could be used primarily for the cost of materials and equipment. This legislation would not require them to change their irrigation practices. However, it would allow those farmers who want to move towards a more conservation approach of irrigation but can not afford to do it during these tough economic times.

This measure is not the end-all solution. This is just the beginning toward the demand for not only in California, but over the United States, to conserve water. I believe farmers will contribute to solving water supply problems when given the opportunity, as they already have through conservation transfers and crop changes. I also believe providing for the long-term water supply needs of environmental, urban, and agricultural users is a critical part of the solution.

The Agricultural Water Conservation Act will provide another vehicle for farmers to contribute to the solution and offer a modest credit to share the cost with the true beneficiaries—the public.

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 "Agricultural Water Conservation Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Federal Government has an historic commitment to assisting areas of the Nation in need of developing adequate water supplies,

(2) water is becoming increasingly scarce and expensive in many parts of the United States, which is compounded when multiple years of drought occur,

(3) in most areas of the United States, farms are overwhelmingly the largest water consumers, and

(4) it is in the national interest for farmers to implement water conservation measures which address water conservation needs and for the Federal Government to promote such conservation measures.

SEC. 3. CREDIT FOR PURCHASE AND INSTALLATION OF AGRICULTURAL WATER CONSERVATION SYSTEMS.

"(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30B. PURCHASE AND INSTALLATION OF AGRICULTURAL WATER CONSERVATION SYSTEMS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the water conservation system expenses paid or incurred by the taxpayer during such year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) with respect to any water conservation system shall not exceed the product of $500 and the number of acres served by such system.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if—

"(A) at least 50 percent of such taxpayer's gross income is normally derived from a trade or business referred to in paragraph (3)(C), and

"(B) such taxpayer complies with all Federal, State, and local water rights and environmental laws.

"(2) WATER CONSERVATION SYSTEM EXPENSES.—

"(A) IN GENERAL.—The term 'water conservation system expenses' means expenses for the purchase and installation of a water conservation system but only if—

"(i) the land served by the water is entirely in an area which has been identified, in the taxable year or in any of the 3 preceding taxable years, as an area of—

"(I) extreme drought severity on the Palmer Drought Severity Index published by the National Oceanic and Atmospheric Administration, or

"(II) water shortage (due to increasing demands, limited supplies, or limited storage) by the Natural Resources Conservation Service of the Department of Agriculture or the

Bureau of Reclamation of the Department of the Interior.

"(ii) the taxpayer has in effect a water conservation plan which has been reviewed and approved by such Service and Bureau.

"(iii) such expenses are consistent with such plan, and

"(iv) there is an irrigation water savings of at least 5 percent which is attributable to such system.

For purposes of clause (iv), water savings shall be determined and verified under regulations prescribed jointly by such Service and Bureau.

"(B) WATER CONSERVATION SYSTEM.—The term 'water conservation system' means materials or equipment which are primarily designed to substantially conserve irrigation water used or to be used on farm land.

"(C) FARM LAND.—The term 'farm land' means land used in a trade or business by the taxpayer or a tenant of the taxpayer for—

"(i) the production of crops, fruits, or other agricultural products,

"(ii) the raising, harvesting, or growing of trees, or

"(iii) the sustenance of livestock.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection 9a) for any taxable year shall not exceed the excess (if any) of—

".(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—If the amount of the credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for the taxable year, the excess shall be carried to the succeeding taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section, and any increase in the basis of any property which would (but for this subsection) result from such expense shall be reduced by the amount of credit allowed under this section for such expense."

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of the paragraph (25), by striking the period at the end of paragraph (26) and inserting " and", and by adding at the end the following new paragraph:

"(27) to the extent provided in section 30B(d), in the case of amounts with respect to which a credit has been allowed under section 30B."

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 30B. Purchase and installation of agricultural water conservation systems."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

TRIBUTE TO RICHARD FLORES TAITANO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. UNDERWOOD. Mr. Speaker, last Saturday evening on Guam, my island lost one of its most outstanding public servants, Richard Flores Taitano. His passing is an enormous loss for Guam as well as for me and my family. He was Uncle Richard to us and those in his extended family, but he was—Senator Taitano, the quintessential public servant—to the rest of the island. Generous to a fault, ethical in all of his dealings, intelligent as well as intellectual, he embodied the best which Guam has ever produced.

Richard Taitano achieved much in his 75 years of life. He was the first and only native of the territories to ever serve as director of the Office of Territories in the Department of Interior. He served as deputy high commissioner of the Trust Territory of the Pacific Islands at a critical time of transition for the Trust Territory. As significant as this service was during the Kennedy and Johnson administrations, this is not the service for which he is remembered on Guam.

Instead, it is his service at home for his people on Guam. As a young director of finance in the post-Organic Act Guam, he became the first Chamorro to become responsible for monitoring the finances of the new civilian Government of Guam. He did so with intelligence and a high standard of ethics which he expected of himself as well as others. He served four terms in the Guam Legislature from 1972 to 1980. During these terms, he applied the same high standards in overseeing the spending plans of government agencies without regard to friendships, political alliances, or family connections. As a young educator, I had the opportunity to testify in front of him on political status issues. I was afforded no special treatment and, in fact, given some difficult questions to respond to.

For most political leaders on Guam, he was a great Democrat partisan. He served as State chairman of the Democratic Party of Guam from 1967 to 1969. He was the architect of a political machine that was built on hard work, collaboration, boundless energy, unmatched intellect, and powerful grassroots. He was a role model for two generations of politicians and politician wannabees who saw in him the embodiment of the drive for political mastery and the desire to be of public service.

For all in Guam's governmental matrix, he was the best that the island has ever had in devotion to duty combined with the highest of ethical standards. Whether it was his service as a land surveyor, as director of the Department of Finance, as the legislative overseer of the Government's finances, he was Guam's model for ethical public service. There was never any "deal" to be made when it involved the public's money. He made the sun shine in on his public service and he shined that same light on every agency head that came before him. He didn't just talk sunshine politics, he lived it and he did so in a way no other Guam public servant has ever matched, before and especially since. He is the role model for those who aspire to ethical public service.

For those of us who were related to him and who grew up in his shadow, he touched us in ways which he himself probably never understood. He was diminutive in size, came from a Baptist family in a very Catholic island and was reared in unprivileged circumstance. He demonstrated to us that stature was measured from the neck up. He showed that a keen intellect and hard work could always overcome advantage. He understood religion to be a personal force and not a public display. During his service as Guam Senator, the Legislative Building and Catholic Cathedral were across the street from each other. I remember well all the times he refused to cross the street to go to the Cathedral for an Inaugural mass for the Guam Legislature prior to the swearing in of the new legislature.

If Richard Taitano were your uncle, he would be the biggest giant in your extended family. If you wanted a lesson in hard work, he provided the role model. If you needed a lesson in service to family and parents and siblings and nephews and nieces, he was the lesson. If you wanted to know almost anything about anything whether it was agriculture or religion or Guam or ethics or the Federal Government, you could always ask him. And if you needed a lesson in humility, he would teach you one through the application of his wry humor.

Like others in the Taitano family, the Kueto clan, he had the sharp tongue to match the sharp mind. He came from a large family whose reputation for hard work and sharp minds is well-known. He applied this to becoming one of the first young Chamorros to become educated in the immediate post-World War II period. Attending to his parents and siblings during the Japanese Occupation of Guam, he came out of the war a very mature and experienced person. He went to Berea College in Kentucky and the Wharton School of Economics in Pennsylvania. He came back to Guam educated and ready to apply his knowledge and understanding of his people to government service, both on Guam and in the Federal sector.

As he had been taught by his parents, he knew that his education and his intelligence required a high level of responsibility from him. He knew that being gifted was just that—a gift. He didn't earn being smart or talented or hard-working. These were the result of his parentage, his heritage, and his place in the world as God intended for him. Personal arrogance was not part of his demeanor, but he certainly enjoyed using his wits to confront arrogance wherever and whenever he saw it.

Uncle Richard was my personal lesson in how to use your wits and how to use hard work to great advantage in life. But that is not the end of the lesson. You see the world is full of witty people, even those who work hard at being witty and those who take full advantage of it. The difference for those who become truly great is that only a handful, only a select few, use those talents in the service of people.

He saw that people needed help and that it was his responsibility to help them, not by bending the rules, but by changing the rules. He was that there was much which was unfair and he challenged the unfairness not by hitting below the belt, but by exposing unfairness

whenever he saw it. He saw that there was injustice in government, but he confronted the purveyors of injustice. He didn't pander to the victims of injustice, he went at those who routinely practiced injustice. He was outspoken, but even his silence could convey a powerful message, as when he quietly walked out of the first Guam Commission on Self-Determination when Chamorro self-determination was not going to be the first item on the agenda. He never went back.

He didn't come to this role easily. In carrying out his duties as a Federal official, he engaged in activities which he didn't particularly relish. He appeared in front of the United Nations to defend U.S. policies and was sometimes a caustic critic of local governmental actions. But in his service as Guam Senator, we bore witness to the wisdom which that experience gave him. He could speak with authority not only about local aspirations, but about Federal intent. Although illness eventually pulled him from the mainstream, political novices and experienced elected officials continued to seek his counsel and advice.

Leadership through personal example is a trite phrase, but an appropriate one when speaking about Richard Flores Taitano. Guam will miss him. His legacy is one that should inspire future generations. As may be appropriate and as he desired, he will probably not get the public honor that he so richly merits. He requested that no "state funeral" be held for him because he didn't want people standing up to tell "lies" about him.

But I know that it really doesn't matter. He was always in it to do the right thing and never for the glory. May that spirit touch us today, elected leaders and government officials. He really was the lamp at the door to a fair and just government on Guam.

The island's heartfelt condolences go out to his widow, Magdalena Santos Taitano, his children Taling, Richard, John, and Carmen and nine grandchildren. His family was a source of strength for him during his extended illness. He also leaves behind brothers and sisters Esther Taitano Underwood, Frank Flores Taitano, Jose Flores Taitano, Henry Flores Taitano, Candelaria Taitano Rios and William Flores Taitano.

Si Yu'os ma'ase' nu todu i che'cho'-mu para i minaolek i taotao-mu yan i tano'-mu.

CASA MALPAIS NATIONAL HISTORIC LANDMARK

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. HAYWORTH. Mr. Speaker, today I am reintroducing legislation which would authorize the Secretary of the Interior to provide assistance to the Casa Malpais National Historic Landmark in Springerville, AZ. The Casa Malpais National Historic Landmark is a 14.5 acre archeological site located near the towns of Springerville and Eager in northeastern Arizona. The site was occupied around A.D. 1250 by one of the largest and most sophisticated Mogollon communities in the United States.

Casa Malpais is an extraordinarily rich archeological site. Stairways, a Great Kiva complex, a fortification wall, a prehistoric trail, catacombs, sacred chambers, and rock panels are just some of the features of this large masonry pueblo. Due to its size, condition, and complexity, the site offers an unparalleled opportunity to study ancient society in the Southwest and, as such, is of national significance.

My legislation would establish the Casa Malpais National Historic Landmark as an affiliated unit of the National Park Service. Affiliated status would authorize the resources and protection necessary to preserve this treasure. As a member of the family of affiliated national landmarks, the public would also have greater exposure to the Casa Malpais site.

The communities in the area support this legislation. Local officials have taken steps to ensure that all research and development of the site is conducted in consultation with local native American tribes.

I ask my colleagues to support this measure. It will enhance the landmark's attributes for the enjoyment and education of local communities, the State of Arizona and the Nation. By supporting this legislation, we can help open this unique window of history through which we can study and learn about our rich heritage.

FRIENDSHIP IS ESSENTIAL TO THE SOUL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. PAYNE. Mr. Speaker, November 17, 1996 marked the 85th anniversary of the founding of the Omega Psi Phi Fraternity. The fraternity was founded by three undergraduate students and their faculty advisor at Howard University. These gentlemen—Edgar Amos Love, Oscar James Cooper, Frank Coleman, and Dr. Ernest Everett Just—began an organization that would play a major role in the cultural, social, and civic lives of communities of color.

The Omega Psi Phi Fraternity is one of eight members of the National Pan-Hellenic Council. The fraternity's motto is "Friendship Is Essential To The Soul" and its cardinal principles are manhood, scholarship, perseverance and uplift. The first chapter, the Alpha Chapter, was organized by 14 charter members on December 15, 1911. Today, Omega Psi Phi is composed of 11 districts and has more than 500 active chapters around the world.

The Upsilon Phi Chapter represents the greater Newark, New Jersey area. It was founded on October 27, 1927 to promote the fraternity's cardinal principles in the community. The 63-member organization has continued the tradition of providing service and support to our community and its people.

The brothers of the Omega Psi Phi Fraternity were very active in America's struggle for social change. Thousands of Omega men from every part of the country were involved in the fight to eliminate racial discrimination. The Omegas financially supported other organizations, including the NAACP and Urban League, that were fighting on the same battle field for social justice.

It is said to forget one's history is to be doomed to repeat one's mistakes. In 1921 at its Nashville Grand Conclave, the Omegas adopted Carter G. Woodson's concept of a National Achievement Week to promote the study of Negro life and history. Today, Mr. Woodson's concept is observed in the month of February as Black History Month. The Achievement Week is still observed during the month of November where tribute is paid to members of the community who have served it in an exemplary manner.

On November 9, 1996, the Upsilon Phi Chapter held its 1996 Achievement Week Awards Breakfast on the campus of the New Jersey Institute of Technology in Newark, New Jersey. The event was a gathering of family, friends, brothers and associates who came together to recognize and thank those who have made a difference. Student Awards were presented to Willie D. Graves and Michael Brown, students of Orange High School and St. Benedict's Prep School, respectively; Irving A. Childress received the Community Service Award; the Citizen of the Year Award went to Milton L. Harrison; the Superior Service Award was accepted by Brother James G. Hunter; the Basileus Award was presented to Brother Felix H. Bryant, Jr. and Brother William H.L. Oliver became Omega Man of the Year.

In their acceptance speeches each gentleman thanked his family for the role each has played in his life. The words role model kept coming up. Felix Bryant thanked his mother who received an Achievement Award in 1995; presenter Louis Childress thanked his awardee brother, Irving, who although younger had been a role model for him; William Oliver recognized his two daughters, Shelly and Krystal and his granddaughter, Kourtney. The theme of being of service to one's community also took a prominent place in everyone's remarks.

Mr. Speaker, I was honored to be the recipient of the 1994 Citizen of the Year Award from the Upsilon Phi Chapter of the Omega Psi Phi Fraternity. It was very gratifying to be recognized for my work by a group of distinguished professional gentlemen who in their own rights make differences in the lives of many people every day. Greatness, commitment and service have permeated the legacy of the Omegas through the memberships of many famous African-American men including marine biologist Ernest E. Just who was recognized recently with the issuance of a commemorative U.S. postal stamp, discoverer of plasma Charles Drew, poet Langston Hughes, developer and initiator of the current Black History Month Carter G. Woodson, attorney and former head of the National Urban League Vernon Jordan, astronaut Ronald McNair, America's first African-American Governor L. Douglas Wilder, and author of "Lift Every Voice and Sing" James Weldon Johnson. This list of luminaries would not be complete if it did not include two gentlemen who were instrumental in establishing a sound and functional foundation for the fraternity. They are H. Carl Moultrie who served as the fraternity's first national executive secretary (executive director) and Walter H. Mazyck who was the fraternity's preserver of records (historian).

Mr. Speaker, I would like to take this opportunity to enter into the annals of U.S. history, the names of the members of the Upsilon Phi Chapter; hereby thanking them for being such good role models and supporters of our community. The 1996 membership roster includes Lee A. Bernard, Jr., Basileus; William H.L. Oliver, 1st Vice Basileus; Patrick D. Todd, 2nd Vice Basileus; Ronald D. Coleman, Keeper of Records and Seal; Felix H. Bryant, Jr., Keeper of Finance; Derrick Hurt, Keeper of Peace; Rev. John G. Ragin, Chaplain; and members Dwayne R. Adams, Donald D. Baker, James R. Barker, Jr., Stephen Barnes, Richard A. Bartell, Jr., James E. Bennett, Victor Cahoon, Louis Childress, Jr., Steve Cooper, Michael A. Davidson, Adrian C. Desroe, Edward Von Dray-Smith, Daniel Eatman, Leon Ewing, Jeffrey C. Gaines, Alfred C. Gaymon, Tyrone Garrett, Hugh M. Grant, Richard Greene, Bruce D. Harman, Keith Harvest, Pearly H. Hayes, Thomas V. Henderson, Bruce A. Hinton, James G. Hunter, George W. James, IV, James Sharpe, Michael W. Johnson, Kenneth J. Jones, Ronald M. Jordan, Jr., Calvin R. Ledford, Jr., Melvin D. Lewis, Jr., Gilbert D. Lucas, Samuel M. Manigault, Samuel T. McGhee, Maxie A. McRimmon, Clifford J. Minor, Ronald J. Morse, Jr., Roy Oller, Sedgewick Parker, Alfred Parchment, S. George Reed, Autrey Reynolds, Arthur J. Smith, III, Zinnerford Smith, Rhudell A. Snelling, Jessie L. Stubbs, Jr., Kenneth Terrell, Lloyd Terrell, Antionne Thompson, Charles W. Watts, H. Benjamin Williams, Robert Wilson, Jr., James C. Wilkerson, Rashad Wilkerson, and Ennis D. Winston.

Mr. Speaker, I am sure my colleagues will want to join me as I offer congratulations to the award recipients and extend best wishes for a prosperous, healthy and happy 1997 to the members of Omega Psi Phi Fraternity, particularly the membership of the Upsilon Phi Chapter of Newark, New Jersey.

INTRODUCTION OF THE TRUTH IN BUDGETING ACT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to introduce, along with the ranking member of the Transportation and Infrastructure Committee, Representative OBERSTAR, the Truth in Budgeting Act, which takes off-budget four user-financed, deficit proof transportation trust funds.

In the 104th Congress, the House, on April 17, 1996, voted by nearly a two to one margin (284–143) in favor of the same bill that we are introducing today. The support for that legislation was overwhelmingly bipartisan.

The reason for this support is simple. The issue before the House was not a budget question but rather a matter of honesty with the taxpayer. Members concluded that they no longer wanted to continue the charade of collecting dedicated gas, airline, waterway, and harbor taxes and using the funds—not to fund infrastructure improvements—but rather to mask the size of the general fund deficit.

The Truth in Budgeting Act is very simple. It removes four trust funds (Highway, Aviation, Inland Waterways, and Harbor Maintenance) from the Congressional Budget. The trust funds still remain subject to all current authorizing and appropriations controls. Indeed, the legislation includes provisions guaranteeing that the funds can never deficit spend.

All spending from these trust funds would still require authorization and appropriate spending controls could still be set by the Appropriations Committee. Further, spending from the funds are still subject to line item veto and would be included in calculations under balanced budget constitutional amendments.

America's infrastructure needs are staggering. For highways, we should be spending $60 billion per year but are only spending $30 billion. Similar levels of neglect exist in our bridge and transit programs. Our air traffic control system is still literally running on vacuum tubes.

There are numerous costs to this under investing: increased commuting times and delay, additional cost from wear and tear, decreased industrial productivity and international competitiveness, and increased transportation costs for businesses.

Perhaps the greatest cost is in diminished safety. Fatal accidents on four-lane divided highways may be one half that of two-lane roads. Improvements from the National Highway System (NHS) may save 1,400 to 3,600 lives yearly as well as savings in human suffering and economic loss. Aviation safety is the top priority of the air traffic control system.

When these trust funds were established, the American taxpayer consented to paying dedicated excise taxes (for example, the gas tax and the airline ticket tax). In return, the Federal Government promised to spend these use-related taxes for infrastructure improvements. To signify the fiduciary responsibility the Federal Government was undertaking, trust funds were established to keep track of receipts and spending. The government further promised that any unspent balances would be invested in the safest security possible—U.S. Government securities.

The current existence of over $30 billion in cash balances in these funds makes a mockery of these promises. For years, we have attempted to appropriately spend the funds in these trust funds, yet the balances continue to rise. This bill is the best available means to the real goal of insuring that these dedicated funds are spent for their intended purposes.

Support for the Truth in Budgeting bill is entirely consistent with support for a balanced budget or a constitutional amendment to balance the budget. According to CBO, the Truth in Budgeting Act does not, by itself, spend any additional funds. We have always been committed to working out reasonable spending levels to draw down the balances while continuing on track to reach a balanced budget. Indeed, due to their self-financing nature, these trust funds are model programs for how to balance the budget.

In addition, due to the unique nature of these four transportation trust funds, there will not be a stampede of other trust funds deserving of the same off-budget treatment. Unlike other trust funds, these four funds are totally user financed, deficit proof, not entitlements, and annually controlled.

There is a strong argument that releasing these funds for infrastructure improvements will actually make it easier to balance the budget. A recent study funded by the Department of Transportation found that since the 1950's, industry realized production cost saving of 24 cents for each dollar of investment in highways. In other words, a dollar of highway investment paid for itself within 4 years.

A $1 billion expenditure on highways supports 56,600 full time jobs: 42,100 of these jobs are in highway construction and supply industries and an additional 14,500 jobs are in other industries throughout the economy.

A well-managed program of infrastructure investment improves the Nation's productivity and economy, making it easier to balance the budget.

A wide cross-section of business, labor, and government organizations recognizes these facts and supports the Truth in Budgeting Act. In all, 94 organizations are part of a Truth in Budgeting Coalition working to pass this legislation.

Support for the Truth in Budgeting Act is a win-win situation. Taking the transportation trust funds off-budget restores faith with the American taxpayer over the promises made when these taxes were enacted. Spending from the trust funds is still completely subject to congressional control, is consistent with a balanced budget, and can help the economy, making it easier to reach a balance.

COMMON LANGUAGE, COMMON SENSE: THE BILL EMERSON ENGLISH LANGUAGE EMPOWERMENT ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, today I introduce legislation making English the official language of the U.S. Government. Similar legislation in the 104th Congress (H.R. 123) drew 197 bipartisan House cosponsors, and won a bipartisan 259–169 House vote on August 1, 1996.

The Bill Emerson English Language Empowerment Act represents a common-sense, common language policy. The legislation:

Names English as the official language of the Government of the United States;

Recognizes our historical linguistic and cultural diversity, while finding that English represents a common bond of Americans, and is the language of opportunity in the United States;

Requires the U.S. Government to conduct its official business in English, and to conduct naturalization ceremonies in English;

Entitles every person in the U.S. to receive official communications in English;

Includes commonsense exceptions to the policy, such as for international relations, national security, teaching of languages, preservations of Native Alaskan or Native American languages, and for any use of English in a nonofficial or private capacity;

Is supported by 86 percent of all Americans, 81 percent of immigrants (Luntz, 1996), and a broad range of mainstream citizen organizations, such as U.S. English, the Veterans of Foreign Wars, the American Legion and others.

The only substantial difference between this bill and the H.R. 123 adopted by the House in 1996 is that the House-passed bill incorporated a repeal of the Federal bilingual ballot mandate, H.R. 351, and this bill does not. I continue to support repeal of the Federal bilingual ballot mandate. This arrangement helps simplify the bill's referral to only one House committee.

Our late colleague, Representative Bill Emerson worked for many years to make English the official language of the U.S. Government. Through his goodwill, we had an historic and successful first-ever House vote on the issue in the 104th Congress. His widow and successor, Representative JoAnn Emerson is the first cosponsor of this legislation in the 105th Congress.

I invite Members to cosponsor the Bill Emerson English Language Empowerment Act in the 105th Congress, so we may enact this positive and constructive legislation.

VOLUNTARY SCHOOL PRAYER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment to ensure that students can choose to pray in school. Regrettably, the notion of the separation of church and state has been widely misrepresented in recent years, and the Government has strayed far from the vision of America as established by the Founding Fathers.

Our Founding Fathers had the foresight and wisdom to understand that a Government cannot secure the freedom of religion if at the same time it favors one religion over another through official actions. Their philosophy was one of evenhanded treatment of the different faiths practiced in America, a philosophy that was at the very core of what their new Nation was to be about. Somehow, this philosophy is often interpreted today to mean that religion has no place at all in public life, no matter what its form. President Reagan summarized the situation well when he remarked, "The First Amendment of the Constitution was not written to protect the people of the country from religious values; it was written to protect religious values from government tyranny." And this is what voluntary school prayer is about, making sure that prayer, regardless of its denomination, is protected.

There can be little doubt that no student should be forced to pray in a certain fashion or be forced to pray at all. At the same time, a student should not be prohibited from praying, just because he-she is attending a public school. This straightforward principle is lost on the liberal courts and high-minded bureaucrats who have systematically eroded the right to voluntary school prayer, and it is now necessary to correct the situation through a constitutional amendment. I urge my colleagues to support my amendment and make a strong statement in support of the freedom of religion.

A BEACON-OF-HOPE FOR ALL AMERICANS: KENNETH TAYLOR

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Kenneth Taylor is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. In 1982, Mr. Taylor offered his services as a volunteer in the office of Congressman MAJOR OWENS and later rose to the position of deputy district director. During the course of his tenure there, he assisted thousands of constituents with various problems. He became an expert at resolving immigration problems and was recognized throughout the city. After nearly 13 years with Congressman OWENS, Mr. Taylor retired; however he remains active in his community.

Kenneth Taylor also devotes much of his time to music. He serves as an organist, composer, and arranger for his church in Brooklyn. Moreover, he is vice president of the 100 Men for Major Owens; member of District 65; and member of Sigma Alpha Delta.

Shortly after his arrival from his native country of Cuba, Kenneth Taylor enlisted in the United States Army and was stationed in France and Germany. At the end of his enlistment, he received an honorable discharge. He, thereafter, attended Bernard Baruch College where he graduated with a bachelor of arts in management. He also received a certificate in paralegal studies from Long Island University and completed an internship with the corporate counsel of the city of New York.

Kenneth Taylor is a Beacon-of-Hope for central Brooklyn and for all Americans.

SALUTE TO JAMES JOHN LENIHAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. LOFGREN. Mr. Speaker. In an era when hard work and dedication to the public good sometimes seem outdated, we need to be reminded what personal character and long-term commitment mean. It is the men and woman who work hard, raise children and contribute to the quality of their neighbor's lives who are the true heroes of American life.

Jim Lenihan is such a person. Jim graduated from the University of San Francisco, married his wife, Nancy, and began a long and successful career in the insurance business which lasted forty years. During this time, Jim and Nancy raised their five children, while Jim found time to engage in a host of civic activities in Mountain View and Santa Clara County. A dedicated family man who also worked hard to give back to his community, Jim is much loved in Mountain View. In 1960, Jim began his other career in the water resources field by being elected Board Director of the Santa Clara Valley Water Conservation District, the predecessor to today's Santa Clara Valley Water District in San Jose, CA.

Jim has served for 36 years on the Santa Clara Valley Water District Board as a guiding force for thoughtful water resources management. During his tenure, Jim had a leading role in the critical decisions facing the District in the development of a reliable water supply for the County. Specifically, Jim was involved in the development of the San Felipe Water Importation System, the Guadalupe River Flood Control Project, the State Water Project and a host of state and federal water policy issues. His early involvement and effective leadership to secure local, state and federal finding in support of the State Water Project and the federal Central Valley Project has helped make Santa Clara County and the State of California leaders in the stewardship of our water resources. One of Jim's key successes and one which our County long profit from was Jim's hands-on involvement and support for the approval and construction of the San Felipe Division of the Central Valley Project. This project, for the first time, brought federal water into our County. His leadership was critical at a time when many did not think it was possible to overcome all the hurdles involved in bringing Federal water to our area. But Jim did.

Throughout his career, the governors of California have sought out Jim's counsel and leadership naming him to numerous boards and task forces on California's more difficult water issues ranging from Auburn Dam to the transfer of the Central Valley Project to the state. Jim also served for ten critical years as a governor's appointee to the California Water Commission. This assignment brought him to Washington to make California's case for increased funding for our water initiatives. Many stories are told of Jim's tenacious, but thoughtful support for California's projects among the appropriations committee staff and federal agencies—and what a difference he made.

I was privileged to see Jim in action last spring as he led a San Jose contingent to Washington to make the case for key funding levels for the Guadalupe River Project. His sincere feeling for the protection of his constituents, coupled with his knowledge of the appropriations process and his Irish wit and good humor made for a winning combination. This enabled the County's federal representatives to secure federal funding in difficult financial times. Jim's been working his magic for our County now for 36 years—we cannot afford for him to retire.

But retire he will in late January 1997 to Watsonville, CA, with Nancy where he will enjoy his five children and plan for the next phase of his tremendous career. We know Jim will stay involved in California water issues and as the County's elder statesman on water policy, we look forward to calling on him for his wisdom and insight in the years ahead.

And so Mr. Speaker, I would like to extend my fellow Californians' utmost gratitude to Mr. Jim Lenihan for a job well-done earning him a list of sterling achievements rarely matched among our state's leaders in water policy development.

A TRIBUTE TO THE RAIDERS OF MOWEAQUA, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. POSHARD. Mr. Speaker, I want to honor a group of dedicated high school athletes that I am proud to say are from my district. The Central A&M Raiders football team recently won Second Place in the Illinois Class 2A State Football Championship and finished their season with a record of 12 wins and 2 losses.

The consolidated school districts of Assumption and Moweaqua have produced a football dynasty in central Illinois. This season the Central A&M Raiders made their third appearance in the Illinois State High School Football Championship Game and this is also the third time that the Raiders have brought home the second place trophy. Unfortunately for the Raiders, the third time was not the charm for the State championship. However, I believe that there are no losers in a State championship game, because both of the teams playing are winners already.

Having the opportunity to play in a State championship game in any sport is a great accomplishment that cannot be attained without hard work. I commend the Raiders students, coaches, and fans for their hard work and dedication to the sport of football as well as the loyalty that they have shown for their school.

For the record, I would like to list the names of the players, coaches, managers, cheerleaders, and pom-pom squad members involved in the success of the 1996 Central A&M Raiders Football Team. First, the players: Jim Dial, Ryan Dorsey, Craig Fathauer, Ross Forlines, Joe Gould, Matt Hite, Jim Hunt, Travis Kerby, Drew Moore, Aaron Potsick, Tim Prosser, Trent Rodman, Wes Shanks, Wes Temples, Jeremy Buckles, Jason Churchill, Virgil Coffman, Bob Hogan, B.J. Jordan, Perry Jordan, Mike McLain, Jeremy Medler, Brad Reatherford, Jon Simmons, Richard Stuart, Darin Wall, Derek Wall, Tim Webster, Jeff Carter, Brent Damery, Graham Danyus, Justin Dirks, Jacob Elder, Adam Germscheid, Ross Minott, Josh Monson, Nathan Morrison, Chris Stringer, Andy Tibbs, and Brandon McVey. Coaching the Raiders were Mark Ramsey, Gerald Temples, Brett Hefner, Doug Morrell, Brad Kerby, Mike Lees, and Jerit Medler. Team managers were John Allison and Jesse Adrian, The cheerleaders included Amanda Bilyeu, Bidget Bilyeu, Amber Blades, Jody Burckhartt, Michelle Matlock, Courtney Nicol, Jennifer Ramsey, Abbey Seifert, Amy Seifert, Jenny Vincent, Brianne Wempen, and Hilary Wooters. Members of the pom-pom squad are Brooke Boitz, Kelly Clutter, Amanda Dorsey, Amanda Flemming, Jennifer Ludlum, Neely Sloan, Ronda Sloan, and Tiffany Wilson.

On behalf of the 19th District of Illinois, I extend my congratulations to the Central A&M Raiders on another successful season. As the words to your fans' favorite cheer says, "We are proud of you."

PROTECT VOTING RIGHTS FOR THE HOMELESS; THE VOTING RIGHTS OF HOMELESS CITIZENS ACT OF 1997

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LEWIS of Georgia. Mr. Speaker, as the 105th Congress convenes today, I am pleased to reintroduce the Voting Rights of Homeless Citizens Act of 1997. The purpose of this legislation is to enable the homeless, who are citizens of this country, to vote. The bill would remove the legal and administrative barriers that inhibit them from exercising this right. No one should be excluded from registering to vote simply because they do not have a home. But in many States, the homeless are left out and left behind. That is not right. It is not fair. It is not the way of this country.

During this century, we have removed major obstacles that prevented many of our citizens from voting. Not too long ago, people had to pay a poll tax or own property to vote. Women and minorities were prohibited from casting the ballot.

Before the Civil Rights Movement, there were areas in the South where 50 to 80 percent of the population was black. Yet, there was not a single registered black voter. In 1964, three young men in rural Mississippi gave their lives while working to register people to vote. Many people shedded blood and some even died to secure voting rights protection for all Americans.

Mr. Speaker, over 30 years ago, President Lyndon Johnson proposed that we "eliminate every remaining obstacle to the right and opportunity to vote." Eight months later, the Voting Rights Act of 1965 was signed into law, making it possible for millions of Americans to enter the political process. The time is long overdue to ensure that every American has the opportunity to exercise this fundamental right.

Our Nation has made progress. The 19th amendment finally gave women the right to vote. The motor voter law made voter registration more accessible to working people. Yet, despite tremendous progress, we still have work to do. I have dedicated my life to ensuring that every American is treated equally and that everyone has the right to register and vote. I ask my colleagues to join me in opening the political process to every American—even those without a home. I urge my colleagues to join me by cosponsoring and supporting passage of the Voting Rights of Homeless Citizens Act of 1997.

HONORING GARRISON KEILLOR

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. EHLERS. Mr. Speaker, It is with great pleasure that I take this time today to recognize America's most gifted, thoughtful, and talented entertainer, writer, and storyteller, Garrison Keillor. I recently had the opportunity to welcome Garrison to the Great Lakes State for a wonderful Christmas performance at the University of Michigan.

Born in the eastern Minnesota town of Anoka in 1942, Garrison Keillor has been providing radio listeners with a serious, yet humorous, view of everyday life through his descriptive and creative stories since his undergraduate days at the University of Minnesota. After graduating Garrison went to work for The New Yorker, where he exhibited his writing skills and explored new interests. However, it wasn't until 1974 that Mr. Keillor began a new radio program that has become a weekly tradition for his almost 2 million listeners worldwide.

"Prairie Home Companion," Garrison's variety show creation in 1974, has been a family favorite in my home for over 20 years. Heard on close to 350 public radio stations across the country, with listenership growing, PHC has created a welcome and enjoyable atmosphere reminiscent of radio of years past by providing unique entertainment and strong mental images that only radio can present. Mr. Keillor exhibits a superb knack for story spinning that is refreshing, and a nice change of pace from the pressures we all face in our everyday lives. Because I grew up in the small town of Edgertown, MN, I cherish the moments I am able to enjoy listening to Garrison's radio imagery and reliving some of the joys of my midwestern youth.

Mr. Keillor's work is not limited to his superb activities over radio airwaves. Readers of The New York Times and The Atlantic are enriched and entertained by the thoughts of Garrison through his contributed articles. He is also the author of numerous books: "We are Still Married," "Happy to be Here," "Lake Wobegon Days," "WLT," "Leaving Home," "The Book to Guys" and the children's book "Cat, You Better Come Home," He has also broken box-office records in performances with orchestras across the country and overseas.

While his work is obviously appreciated by his fans, as evidenced by his loyal listenership, there is also a mutual respect and admiration from his peers. During the first 13 years of PHC, Garrison received the prestigious George Peabody and Edward R. Murrow Awards, along with a medal from the American Academy of Arts and Letters for his work. He has also received two ACE Awards, a Peabody, and a Grammy, along with several Grammy nominations. The Museum of Broadcast Communications has also paid tribute by inducting him into their Radio Hall of Fame.

I especially appreciate Mr. Keillor's discussions of everyday religious activities of Americans. Although this subject is considered taboo by most media performers, Garrison treats religious beliefs as a normal part of human activity, which it truly is for most people. He discusses it intelligently, thoughtfully, and respectfully, but does so with his superb sense of humor. He points out the foibles of human behavior vis a vis people's religious beliefs, yet does so in a way that humorously causes us to reflect on our faith and actions and how they relate to the greater meaning of life.

Mr. Speaker, I ask my colleagues to join me in thanking Garrison Keillor for his gifted contributions to our society. His dedication, talent, and writing are a true delight for those who have had the opportunity to enjoy his work.

HOUSING AND ILLEGAL ALIENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GALLEGLY. Mr. Speaker, today I am introducing legislation which is designed to correct a drafting error which appeared in Public Law 104–208 and which pertains to the ability of ineligible aliens to receive Federal housing assistance.

Amendments made to section 214 of the Housing Act, as incorporated into the Immigration Reform bill adopted last year, were designed to make it more difficult for illegal aliens to receive housing assistance. The fact is, illegals are currently receiving housing assistance and every day newly arrived illegal aliens are applying for assistance. HUD, in the past has been very inconsistent in enforcing the laws designed to prevent this funding from going to ineligible families.

Unfortunately, in attempting to correct the obvious flaws in the law, we made a drafting mistake and now HUD is threatening to make the proverbial mountain out of the mole hill.

In considering the potential problems large public housing authorities may encounter as they try to implement mandatory verification of citizenship or immigration status of all applicants for housing assistance, the Senate tried to provide an opt-out provision which would allow HA's to grant housing assistance before all verification was completed if the verification process was taking too long or if the waiting period began to result in an unusual amount of vacant units. While House Members were at first reluctant to put this opt-out into statutory language, it was included in the final version of the bill signed into law.

Unfortunately, HUD has now interpreted the opt-out language to mean that HA's could opt-out of the entire section 214. In other words, If HUD's view prevailed, HA's could legally give housing assistance to illegal aliens without any questions being asked. Needless to say, I totally disagree with the interpretation the Department has rendered on the issue. How HUD's lawyers could come to the conclusion that while adopting legislative changes to section 214, which were intended to make it more difficult for illegal aliens who have been determined by the HA's to be ineligible for new or continued assistance, the Congress would then intend to allow the HA's to turn around and not enforce section 214, is beyond me.

For the record, and as the principal author of the section 214 changes, I will again, state that under no circumstance did the Congress intend any interpretation of the legislation which gives any HA the option of following the law as written in section 214.

It is clear to me, as it was to all of the Members involved, that the author of the opt out only intended to allow HA's with high turnover to be able to place families in housing without having to wait for a verification from the INS. Again, it is inconceivable to me how HUD could say that our intent was to allow HA's to completely ignore a law we were trying to tighten.

The effect of HUD's conclusions would suggest that HUD is now telling the HA's that if they do not want to enforce section 214 they do not have to. This means that HUD is telling the HA's that they may now elect to grant housing assistance to illegal aliens or continue to provide assistance to illegals even after they had been determined to be ineligible. I do not believe this is the official position of the Department.

My legislation is intended to clear up any doubt among HUD or the housing authorities.

APPRECIATION TO THE PEOPLE OF MASSACHUSETTS 3D DISTRICT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McGOVERN. Mr. Speaker, today I took my oath of office to represent faithfully the people of the 3d district of Massachusetts. As I stood on the floor of the House with my 6-year-old niece, Courtney, I remembered the faces of all the families—the men, women and children—with whom I'd met throughout the 3d district during this past year. The pledge I took today is to work in support of their dreams and aspirations, not only for today, but for the lives of their children and grandchildren.

To be elected to the House of Representatives is to take on a sacred trust. I feel privileged and deeply appreciative to the people of the 3d Congressional District. And on this day, I honor you and your faith in America and our joint future.

RURAL HOUSING LOAN SERVICING PRIVATIZATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Rural Housing Loan Servicing Privatization Act.

Since 1988 the Congress has mandated that the Farmers Home Administration [FmHA], now the Rural Development Administration [RDA] establish an escrow accounting system for the section 502 single-family housing program. It is now 1997 and little progress has been made towards this goal. Since 1990, FmHA has been studying the benefits and advantages of centralizing and contracting out the section 502 program.

A review of efforts to improve the delivery of the section 502 single family-housing program shows that the program is troubled by mismanagement, an unwieldy structure and inferior technology. by FmHA's own admission, it costs $20 million per year to maintain a system that inadequately monitors the program. Because this system cannot be redesigned to maintain a mortgage escrowing program, the agency must pay an additional $20 million per year to voucher property taxes for borrowers. This practice is detrimental to both the borrower and the lender.

In September of 1992, studies by the FmHA and GAO concluded that estimated operating savings could be around $106 million by making these reforms. Unfortunately, trivial action has been taken towards this end at a time when the Congress and the Federal Government are working towards reorganizing and streamlining Government.

The Rural Housing Loan Servicing Privatization Act, will move this process along. This legislation would require the Secretary of Agriculture to implement centralized servicing in the section 502 housing program by entering into contracts with entities "qualified and experience conducting loan servicing."

One important aspect that this bill provides is competition between Federal Government and private entities for borrowers. Allowing private companies to compete for the borrowers currently serviced at the local level would fundamentally change the way the RDA does business. It could also mean reaping the benefits of the competitive marketplace, greater efficiency, increase focus on customer needs, and improving morale.

Given the budget and fiscal restraints facing Congress, I believe now is the time for us to work towards the goal of Rural Housing Loan Servicing Privatization Act. By doing this we would lower delinquency rates, reduce loan losses, have escrow account ability, and lower operating costs.

H.R.—

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 "Rural Housing Loan Servicing Privatization Act".

SEC. 2. REQUIREMENT TO TRANSFER SERVICING OF SECTION 502 LOANS.

Section 502 of the Housing Act of 1949 (42 U.S.C. 1473) is amended by adding at the end the following new subsection:

"(i) TRANSFER OF LOAN SERVICING.—The Secretary shall enter into contracts under section 510(k) providing for the servicing of all loans made by the Secretary under this section, to the extent entities qualified and experienced in conducting loan servicing for residential mortgage loans are available and agree to enter into such contracts.".

SEC. 3. ADMINISTRATIVE PROVISIONS.

Section 510 of the Housing Act of 1949 (42 U.S.C. 1480) is amended—

(1) in subsection (j) by striking "and" at the end;

(2) by redesignating subsection (k) as subsection (l); and

(3) by inserting after subsection (j) the following new subsection:

"(k) enter into contracts (having such provisions as the Secretary considers appropriate) with entities qualified and experienced in conducting loan servicing for residential mortgage loans to conduct the servicing for loans made by the Secretary under this title, which shall provide for such entities to receive scheduled periodic payments from borrowers pursuant to the terms of loans, including amounts for any escrow accounts, and making payments of principal and interest and such other payments with respect to the amounts received from borrowers as may be required pursuant to the terms of loans and may provide for such entities to retain a fee for servicing from loan payment amounts received; and".

A BEACON-OF-HOPE FOR ALL AMERICANS: ANNIE NICHOLSON

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Annie Nicholson is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Since 1982, Annie has served as case worker for Congressman MAJOR OWENS. She has gained critically needed emergency services for people in need, and she has recovered thousands of dollars in entitlement funds for citizens who have been unjustly treated by government agencies. Few people know their way through the social service bureaucracy as well as Annie Nicholson.

Ms. Nicholson is a rare combination of case worker and community activist. She is a member of the board of directors of the Paul J. Cooper Human Services Center; a member of the board of the Atlantic Avenue TAP Center; and a member of 100 Women for Major Owens.

Annie Nicholson is a native of Gulfport, MI where she graduated from the 33d Avenue High School. She later attended Kingsboro Community College and received training for manpower and career development counseling; welfare advocacy; and legal service advocacy. Annie is also the proud mother of two sons—Jerry and Rodney Nicholson.

Annie Nicholson is a Beacon-of-Hope for central Brooklyn and for all Americans.

IN MEMORY OF REVEREND SUMPTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MILLER of California. Mr. Speaker, this past Saturday I had the chance to join many in my community to both mourn the death and celebrate the life of Rev. Percel Napoleon Sumpter, pastor of Solomon Temple Missionary Baptist Church. For more than 30 years Reverend Sumpter has been a leader in our community. He worked tirelessly to promote a better understanding between various factions of our community, getting the police to understand our youth and helping young people work with the police, trying to provide job opportunities for those on public assistance, and seeking better housing for the elderly and low income. Our community owes a great deal to Reverend Sumpter.

Like the hundreds of people who attended his homegoing celebration on Saturday, I will miss Reverend Sumpter and all of his wisdom and counsel.

Our entire community conveys to the Sumpter family our deepest sympathy.

I am enclosing below an obituary of Reverend Sumpter that may inspire many of us as we seek to help our own communities.

OBITUARY

"The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord." Luke 4:18–19

The Reverend Dr. Percel Napoleon Sumpter was born in Columbia City, Florida, on December 22, 1925, to his proud parents, the late Mr. Lewis and Mrs. Eva Sumpter. Dr. Sumpter was one of seven children.

He was preceded in death by one brother, Reverend Lazarus Sumpter; two sisters, Mittiean Latson and Rosa Fashaw.

Dr. Sumpter was reared in a Christian home and taught Christian principles by his parents. He confessed Christ and was baptized at an early age and united with Bethel Baptist Church in Fort Pierce, Florida. Reverend C. Byrd was his pastor.

He received his education in the public schools in Columbia City, Florida, and received his Masters Degree in Manual Carpentry from Lincoln Park Academy of Columbia City, Florida.

He was always interested in gospel music. As he grew older, he was inspired by God and his interest grew stronger. At the age of eighteen, he was blessed to organize and sing with the Truetone Gospel Singers and the Golden Bell Jubilee Singers of Fort Pierce, Florida. He became a professional singer and was blessed and privileged to tour through most Southern, Midwestern and Western States, singing in concert with renowned recording artists. He was noted as the star leader of the singing group. He and his singing group was blessed and honored to sing for branches of the United States Armed Services.

In 1954 he changed his place of residence from Florida to Vallejo, California. He united with the St. John Baptist Church of Vallejo, California, and joined the choir, known as the Voices of St. John.

On April 9, 1964, he confessed his calling to the ministry under the leadership of Dr. Calvin Miller. He was licensed May 14, 1964, and ordained September 12, 1965, by Dr. Calvin Miller. He served as the assistant pastor of Good Samaritan Baptist Church of Vallejo, California, where Dr. Calvin Miller was pastor. Dr. Sumpter retained his membership at Good Samaritan Baptist Church, where Reverend M.D. Slade is pastor at this time.

Dr. Sumpter continued his education at Solano College for three semesters. He received an honorary Doctorate of Achievement Degree from the United Theological Seminary of Monroe, Louisiana, by Dr. S. Henry White, Registrar. He attended the Progressive Baptist Seminary in Vallejo, California. He also attended the National Congress, U.S.A., Inc. and taught classes on "Jesus and His Teaching in Light of the New Testament".

In February, 1967, Solomon Temple was in need of a pastor; one that would spiritually motivate the congregation. The Church prayerfully searched for that special God-sent man. Several ministers were given appointments to speak to the membership. Dr. Sumpter was included.

Dr. Sumpter delivered to the Church a message from God. He closed his message with a song: "It's Another Day's Journey, and I'm Glad About It".

On February 26, 1967, Dr. Sumpter was installed as the pastor of Solomon Temple Missionary Baptist Church by Reverend J.L. Johnson, pastor of Elizabeth Baptist Church, Richmond, California.

Under the dynamic Christian leadership of Dr. Sumpter, many stimulating auxiliaries and classes have been organized for the purpose of nurturing Christian growth.

He was employed by the Hoffman Company in Concord, California, as a master carpenter for twenty-five years until retiring in 1984.

Dr. Sumpter shared liberally his time, his God-given talents and his strong Christian influence and material possessions so that each of us may know through his visual example how to become true Stewards of Christ.

He was currently serving as an Instructor for the St. Vincent de Paul Employee Training Program.

November 24, 1996, Dr. Sumpter preached his last sermon at Solomon Temple Missionary Baptist Church from scriptures: Psalms 72:16 and Psalms 73:1–2. The subject: "Christ, Our Sufficiency".

On December 27, 1996, Dr. Sumpter answered the welcome voice of his Savior, and

was translated into the presence of Jesus. He leaves to cherish his memory; his loving and devoted wife of forty-two years, Mrs. Arimentha Sumpter, Vallejo, California.

Four daughters: Margaret Cooley, Vallejo, California; Joyce Balkum Sumpter, Rochester, New York; Sonja Reese, Fort Meyers, Florida; and Sadie Shivers, Dale City, Virginia.

Three sons: Terry Sumpter, Vallejo, California; Aaron Sumpter, Petersburg, Virginia; and Calvin Smith, Fort Pierce, Florida.

Godson: Victor A. Jones, San Diego, California.

One sister: Anna Wilson, Lake City, Florida.

Two brothers: Reverend Nathaniel Sumpter, Quincy, Florida and Aaron Sumpter, Lake City, Florida.

Fifteen grandsons, a special grandson, Paul Cooley, Sr., Vallejo, California, nine granddaughters, eleven great-grandchildren, a special great grandson, Paul Cooley, Jr., Vallejo, California; a host of other relatives, Solomon Temple Church family and many, many friends.

SERVANT OF GOD, WELL DONE!

Thy glorious warfare's past;
The battle's fought, the race is won,
And thou art crowned at last.

Dr. Sumpter's affiliations, recognition awards, certificates and community services are many and are not listed by request of the family.

TRIBUTE TO THOMAS P. CAMPBELL, JR.—FATHER, GRANDFATHER, SCHOLAR

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KING. Mr. Speaker, I rise today, the historic opening session of the 105th Congress, to pay tribute to Prof. Thomas P. Campbell, Jr., of Waban, MA, an outstanding American and friend of my office who passed away in November after a long illness.

Professor Campbell's life was marked by his extraordinary devotion to his family, his faith, his community, his profession, and his country. He led a life of involvement and accomplishment and was truly the embodiment of the American Dream.

My thoughts and prayers are with Professor Campbell's family. On behalf of every Member of this House, I want to extend good wishes to his wife Anne, sons Tom, Ned, and Jim, daughter Molly, his daughters-in-law and, of course, his four grandchildren. Like Professor Campbell, they demonstrated great courage and dignity during many difficult times in recent months.

Mr. Speaker, at this time, as part of my tribute to Thomas P. Campbell, Jr., I want to offer into the CONGRESSIONAL RECORD an article from the November 13, 1996 edition of the Boston Globe that discusses his many achievements and his lasting legacy.

[From the Boston Globe, Nov. 13, 1996]

THOMAS CAMPBELL JR., PROFESSOR OF LAW AT NORTHEASTERN; AT 58

Thomas P. Campbell Jr., a Northeastern University law professor renowned for his legal scholarship and compassion for students, died of cancer Monday at his home in Newton. He was 58.

Mr. Campbell was a professor at Northeastern since 1970. He was honored by the university with a distinguished teaching award in 1994, and was repeatedly chosen by graduation classes to address them at commencement.

"Tom Campbell will be remembered as the pillar of teaching excellence at this law school," Northeastern Law School Dean David Hall said yesterday. He taught property law in a way that students learned what they were supposed to learn."

Born in Manhattan and raised in White Plains, N.Y., Mr. Campbell attended Brown University and the University of Virginia Law School. He practiced on Wall Street and served as assistant general counsel of the Melville Shoe Corporation prior to his academic career.

Former students yesterday recalled Mr. Campbell's gift for breathing life into arcane and technical legal issues. Behind a stern and stoic visage, they said, lay an elegant sense of humor and infectious love for the law.

"Virtually everyone who ever took a class from him became an admirer," said Suffolk District Attorney Ralph C. Martin 2d, who first encountered Mr. Campbell as a first-year law student. "He had a facility with the law and a way of presenting the law that demystified it. He was just a prince of a guy."

His property law course, one of the traditional first-year requirements, helped introduce generations of Northeastern students to the rigors of law school.

"He was an absolutely brilliant professor," said former dean Dan Givelber. "Students uniformly adored his teaching. He will be remembered as a beacon of sanity in a confusing first year of law school."

Mr. Campbell also played an instrumental role in the affairs of the law school outside of the classroom. He set up the first co-op program there in 1970, and spent a year as acting dean in 1992.

He also enjoyed a lifelong involvement with the Boy Scouts of America, receiving the Silver Antelope Award, the highest regional award in scouting.

Colleagues say they saw a new and profound side of Mr. Campbell in recent years as he struggled with illness. He insisted on maintaining his normal course load and drove himself to maintain his lofty standards of scholarship.

"He taught us much more than law," said Northwestern associate dean Diane Tsoulas, another former student. "The phrase I think of for him is 'lion-hearted.' He was incredibly courageous in the face of illness and taught us a great deal about courage and dignity."

Mr. Campbell leaves his wife of 36 years, Anne (Shanklin); three sons, Thomas P. 3d of Roslindale, Edward S. of London and James D. of Old Town, Maine; a daughter, Margaret A. Campbell of Jamaica Plain; two sisters, C. Gale Brannan of Sussex, England, and Anne C. Lyman of Pund Ridge, N.Y.; and four grandchildren.

A funeral Mass will be said at St. John the Evangelist Church in Wellesley Hills tomorrow at 10 a.m. Burial will be in Newton Cemetery.

MEDICARE DIABETES EDUCATION AND SUPPLIES AMENDMENTS OF 1997

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. FURSE. Mr. Speaker, I rise with my friend Mr. NETHERCUTT of Washington to introduce bipartisan legislation to improve Medicare coverage of outpatient self-management training and blood testing strips. By helping improve Medicare coverage for Americans with diabetes, we can save untold human suffering and millions of health care dollars.

This legislation is identical to two bills we coauthored in the 104th Congress, H.R. 1073 and H.R. 1074, which were cosponsored by 250 Members of the House. Unfortunately, neither bill was passed before Congress adjourned for the year. Today, we are introducing this landmark diabetes legislation with over 65 original cosponsors and the support of virtually every major diabetes organization in America. In fact, statements of support from seven diabetes organizations will follow this statement. It was the efforts of these organizations which helped build the broad, grassroots support for H.R. 1073 and H.R. 1074 to 250 Members—a clear, bipartisan majority of the House.

Mr. Speaker, my colleagues, we can no longer wait to enact this important legislation. We must pass this bill as soon as possible to help improve the quality of life for the 16 million Americans who have diabetes. I was proud when, last July, every major diabetes organization in the United States came together in Washington for the Diabetes Call to Action! and stood on the steps of the Capitol imploring Congress to pass this legislation.

Another reason for passing this bill as soon as possible is that it saves money. The latest scoring by the Congressional Budget Office demonstrates that this bill will actually save $223 million over 6 years. Improving coverage of outpatient self-management training and blood-testing strips will help reduce costly hospitalizations and complications that result from diabetes. In fact, one statistic last year cited that Congress will lose $500,000 every day it waits to enact this bill.

For families that live with diabetes, the time for waiting is past; the time for enacting this law is now. My beautiful daughter, Amanda has diabetes. My colleague from Washington, Mr. NETHERCUTT, has a daughter with diabetes. We know first hand about this deadly disease and what it means to live with diabetes. I know that if we can help people with diabetes better manage their disease, we will save untold human suffering and the precious health care dollars that are used to treat it.

I ask all my colleagues to cosponsor this bill and urge leadership on both sides of the aisle to agree to schedule this bill for swift action on the House floor.

INTRODUCTION OF THE HOMEOWNERS RELIEF ACT OF 1997

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KELLY. Mr. Speaker, because the American people are looking to us for tax relief, I rise on the first day of the 105th Congress to reintroduce the Homeowners Relief Act of 1997. This initiative, which provides homeowners with relief from capital gains taxation when they sell their home, is identical to legislation that I introduced during their 104th Congress.

This legislation recognizes that a person's home is something more than a simple investment; it's a fundamental part of the American dream, and our Tax Code should reflect this fact. An investment in a home is an investment in your community and in your future. Indeed, for many Americans, the equity built up after many years in a home represents a significant part of their retirement nest egg.

Owning a new home is the dream of young couples starting a new life together, of newly arrived immigrants eager to realize the American dream, and of all people working to build a better life for themselves and their children.

Homeownership is special, Mr. Speaker, and it should occupy a special place in the realm of public policy. The Homeowners Relief Act does just that—any gains from the sale of a principle residence would be exempt from capital gains taxation. Specifically, the bill excludes from taxation the gains from the sale of a principle residence if, during the 7-year period prior to the sale of the residence, the property was owned by the taxpayer and used as the taxpayer's principle residence for 5 or more years.

Current law provides some relief for homeowners, but it doesn't go far enough. Taxpayers may roll the gains from the sale of a home into a new home of equal or greater value, and older Americans can claim a one-time $125,000 exclusion when they sell their principle residence. These exemptions shield some homeowners from capital gains liability, but certain circumstances force many to shoulder a significant capital gains tax bite when they sell their home. Increased home values put many taxpayers, particularly older Americans looking to retire, in the difficult situation of having to pay substantial capital gains taxes. In addition, at a time when corporate downsizing is all too common, often the most substantial asset held by laid-off workers is their home.

The problem is that current law may lock individuals into homes that they might wish to sell. Those individuals who can afford to purchase a more expensive home can postpone capital gains liability, while those who need to move to more modest accommodations, because their economic circumstances warrant doing so, must pay a tax.

Mr. Speaker, by passing this legislation, Congress will give homeowners needed relief from this inequity, and will put recognition in the Tax Code of the special status of the home. I urge my colleagues to join me in supporting the Homeowners Relief Act of 1997.

THE INTRODUCTION OF THE POSTAL REFORM ACT OF 1997

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McHUGH. Mr. Speaker, today I am reintroducing legislation to reform the U.S. Postal Service. The Postal Reform Act of 1997 is substantially identical to H.R. 3717 which I introduced in the 104th Congress and continues to represent the first comprehensive reform effort involving the U.S. Postal Service since its formation in 1970.

When I introduced this measure in the previous Congress, I intended to make clear that this legislation represented the first step in a lengthy legislative process aimed at ensuring the future existence and financial viability of the United States Postal Service. The legislation was the subject of four extensive hearings during the 104th Congress and I plan to continue the hearing process into this new year. This legislation, as introduced, is substantially identical to the former H.R. 3717 as considered during the previous Congress. Any differences between this measure and its predecessor reflect the legislative reform enacted into law at the close of last year's legislative session. I again emphasize that the reintroduction of this measure represents my commitment to facilitating the reform process with all areas of the legislation subject to review. Consequently, I encourage those with interests in the legislation to continue to engage the Subcommittee in a constructive manner as the legislative process continues.

During the 104th Congress the Subcommittee on the Postal Service, which I chair, conducted indepth and lengthy hearings on the U.S. Postal Service and the issue of postal reform. During the oversight phase of our hearings we heard from more than 60 witnesses representing all facets of the postal community. Further, I had the opportunity to meet with a variety of individual postal customers, postal employees, and business leaders regarding these matters. I attempted to listen and absorb the comments and interests put forth on and off the record during those meetings and address them with the introduction of H.R. 3717 on June 25, 1996.

Continuing with the Subcommittee's desire to receive the full range of public comments we held four hearings last year specifically on H.R. 3717 and the issue of postal reform. Witnesses at these sessions ran the gamut from the Postmaster General; Chairman of the Postal Rate Commission; representatives of the direct mail and newspaper industries; private sector business partners; employee unions and associations, and for the first time, the Chief Executive Officers of the two largest private sector competitors of the USPS, Federal Express, and United Parcel Service.

One thing became clear as we conducted our oversight functions and met with interested parties: that 26 years after the establishment of the United States Postal Service, postal customers across the spectrum want to maintain a viable universal mail delivery system. To achieve this goal, Congress must revisit the legislative infrastructure of the Postal Service to assist it in meeting the changing market conditions and advances in communications technology.

Maintenance of a universal postal system must be the cornerstone of any postal reform measure. I strongly believe universal service at reasonable rates remains the primary mission of the U.S. Postal Service. However, shifting mail volumes and stagnant postal revenue growth require Congress to reexamine the statutory structure under which our current postal system now operates if we are to maintain this important public service mission.

During the conduct of our oversight hearings, the Subcommittee heard many witnesses describe means of communications that were not imaginable in 1970. At that time, who could have foreseen the explosion of personal computers, the Internet and facsimile machines in our everyday lives? There has been a steady erosion of what used to be personal correspondence, protected by the postal monopoly, moving through the U.S. Mail that now moves electronically or via carriage by a number of private urgent mail carriers.

According to Reports of the General Accounting Office, the U.S. Postal Service controlled virtually all of the Express Mail market in the early 1970's; by 1995 its share had dropped to approximately 13 percent. Similarly, the Postal Service is moving considerably fewer parcels today than 25 years ago. In 1971 the Postal Service handled 536 million parcel pieces and enjoyed a 65 percent share of the ground surface delivery market. Compare this to 1990 when the Postal Service parcel volume had dropped to 122 million pieces with a resulting market share of about 6 percent.

Even the Postal Service's "bread and butter" mail, first-class financial transactions and personal correspondence mail, is beginning to show the effect of electronic alternatives. Financial institutions are promoting computer software to consumers as a method of conducting their billpaying and general banking, while Internet service providers and online subscription services are offering consumers the ability to send electronic messages to anyone around the world or just around the corner. Similarly, many of us have become accustomed to the immediacy of the facsimile machine. These new communication technologies all carry correspondence that formerly flowed through the Postal Service. These former sources of revenues supported a postal infrastructure dedicated to the mission of universal service.

This shift in postal revenues will have a negative long-term effect on the financial well being of the Postal Service. Should the Service continue to labor under the parameters established by the 1970 Act, its inability to compete, develop new products and respond to changing market conditions jeopardizes its future ability to provide universal service to the diverse geographic areas of our Nation. We must make adjustments to the Postal Reorganization Act of 1970 which will allow the Postal Service more flexibility in those areas in which it faces competition while assuring all postal customers of a continued universal mail service with the protection of reasonable rates that can be easily calculated and predicted. My legislation attempts to meet this goal by replacing the zero-sum game that has driven

postal ratemaking for the last 25 years with a system that reflects today's changing communication markets.

Mr. Speaker, I propose to allow the U.S. Postal Service the opportunity to make a profit and remove the break-even financial mandate of existing law that promotes the wide, yearly, swings of postal profit and deficit and weeks of negotiations on arcane economic assumptions for ratemaking purposes.

I propose to divide the product offerings of the Postal Service into two primary categories. The first, the "non-competitive mail" category, represents all single piece letters, cards and parcels as well as those classes of users without significant alternatives. The class will utilize a postage rate "cap" process by which the associated customers can easily determine postal rates. The second category will be the "competitive mail" category and will include those mail classes, products and services the Postal Service provides through the competitive marketplace. Within the category the Postal Service may set its rates according to market forces subject to an annual audit provided to the Postal Rate Commission to assure that rates are reflective of costs while providing a contribution to the overhead of the U.S. Postal Service. In addition, it would allow the Postal Service freedom to experiment with new offerings for a period of three years before requiring the Postal Rate Commission to permanently place it in either the competitive or noncompetitive mail categories.

This legislation grants significant freedom and flexibility to the Postal Service. Consequently, other changes are needed to reflect this status. I propose to attempt to level the playing field by changing the relationship between the U.S. Postal Service and the U.S. Treasury. Several postal competitors view financial access to the Treasury as an unfair advantage of the Postal Service, while the Postal Service views it as a restriction on its financial flexibility. Similarly, I propose to apply the anti-trust laws of our nation to the Postal Service products offered in either the competitive mail or the experimental market test categories. I am also proposing that the Postal Service conduct a demonstration project that will provide us with the data needed to determine the continued necessity of providing the Postal Service with sole access to individual private mailboxes.

Mr. Speaker, last Congress when I introduced my bill I included a provision intended to settle once and for all the nagging problem of an agency's chief law enforcement officer and member of postal management serving as its Inspector General by establishing an independent Inspector General for the Postal Service. A provision of Public Law 104–208, adopted in the closing days of the 104th Congress, addressed that issue by mandating the establishment of an independent office of the Inspector General. The Subcommittee is monitoring the progress of this office and has high expectations for this new Inspector General.

Also, the bill directs stringent reporting requirements to the Congress and to the U.S. Postal Rate Commission by providing the Commission with the ability to issue subpoenas, manage proprietary documentation and procure necessary information. This legislation places significant responsibilities on the Commission and, reflective of that, directs that the Commission will have for the first time its own Inspector General.

My proposal, Mr. Speaker, also increases the penalties for repeated mailings of unsolicited sexually oriented advertising as well as the mailing of hazardous materials and controlled substances. It protects workers on the job by making it a felony to stalk, assault or rob a postal employee. Just this past month we saw a letter carrier killed while on duty in our nation's capital and we cannot allow those that would harm or rob postal carriers to go without significant punishment. My proposal addresses this serious situation by increasing the penalties for such acts of violence.

I stress that significant areas of current law remain intact. This legislation does not affect the existing collective-bargaining process. However, the Subcommittee recognizes that serious problems exist between postal management and labor. To address this dire situation, I propose to form a Presidentially appointed Commission made up of non-postal union and corporate representatives as well as those well known in the field of labor-management relations. The Commission would be charged with addressing these issues in detail and provide guidance to the Congress and the Postal Service on any needed changes.

Mr. Speaker, this bill is, indeed, far-reaching in its scope. Some have said there is no consensus for reform while others have requested reform, due to the fact that the USPS has had two years of financial success and high delivery satisfaction numbers. My response is that this is precisely the time to consider this issue.

Reforms of this scope and magnitude are best enacted outside an atmosphere of crisis. Our failure to consider these reforms in a timely manner will leave the Postal Service ill-equipped to operate in a 21st Century environment. Without such action, Congress and the Postal Service will ultimately face conditions where thoughtful reforms and a deliberative process will be unachievable.

Mr. Speaker, my bill offers the Postal Service, its customers and employees—and the American people—the opportunity to equip one of our Nation's most valued institutions with the requisite tools to remain a viable and fiscally sound entity well into the next century.

INTRODUCTION OF THE WORKING FAMILIES FLEXIBILITY ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BALLENGER. Mr. Speaker, I am joined today by many of my colleagues in the introduction of the Working Families Flexibility Act which would allow private sector employers to provide their employees with the choice of taking time-and-a-half compensatory time as payment for overtime in lieu of cash wages. This legislation is family friendly and answers the call of many workers for increased flexibility and choices in the workplace.

The Fair Labor Standards Act, which governs wages and hours of work, was written nearly 60 years ago for a predominantly male work force and a workplace primarily comprised of manufacturing firms. Yet, the demographics today are dramatically different. Sixty percent of women are employed outside of the home and two-earner families have become increasingly common.

The Fair Labor Standards Act, however, fails to recognize these changes and, as such, restricts the ability of employers to meet the needs of their work force. Many employees are finding it increasingly difficult to find enough time for important family obligations or outside interests, making receiving compensatory time instead of cash overtime an attractive option. Seventy-five percent of respondents in a national public opinion survey favored giving employees the option of receiving time off instead of cash wages for overtime hours worked.

Many employers who want to be family friendly find that flexible scheduling can be extremely difficult for employees who are paid by the hour and covered by the overtime provisions in the law. Suppose an employee has a terminally ill parent who lives several States away. Days off with pay can become precious for that employee when a 2-day weekend does not provide enough time to travel and spend time with that parent. When that employee works a few hours of overtime each week, he or she may prefer to be paid with time off rather than with cash wages. If the individual is employed in the public sector, then he or she would have the choice of receiving paid time off in lieu of cash wages for overtime hours worked. However, under current Federal law, if the individual is employed in the private sector then he or she cannot choose paid time off, even if that form of compensation is preferred.

The Working Families Flexibility Act would allow employers to make compensatory time available as an option for employees. Employees would have the choice, through an agreement with the employer, to take overtime pay in the form of paid time off. As with overtime pay, the compensatory time would accrue at a rate of time-and-a-half.

Opponents of the Working Families Flexibility Act have raised concerns about employees being coerced by employers into choosing compensatory time over cash wages. Thus, the legislation includes numerous protections to ensure that employees cannot be pressured into one choice or the other.

Employees could accrue up to 240 hours of compensatory time within a 12-month period. The legislation would require the employer to annually cash-out any unused, compensatory time accrued by the employee.

Employees could choose when to take accrued compensatory time, so long as its use does not unduly disrupt the operations of the business (the same standard used in the public sector and under the Family and Medical Leave Act.) Employers would be prohibited from requiring employees to take accrued time solely at the convenience of the employer.

At any time, an employee could withdraw from a compensatory time agreement with their employer or request a cash-out of any or all accrued, unused compensatory time. The employer would have 30 days in which to comply with the request. The legislation would also require an employer to provide the employee with at least 30 days notice prior to

cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering compensatory time.

This legislation does not eliminate or change the traditional 40-hour work week. It simply provides employees with another option in the workplace—time off instead of overtime pay. This concept may be revolutionary to some, but to America's workers, who are increasingly frustrated about coping with the demands of work and family responsibilities, it is a long overdue change.

I urge my colleagues to respond to the needs of America's workers by supporting the Working Families Flexibility Act.

KEEP THE NAME AS DEVILS TOWER

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. CUBIN. Mr. Speaker, today I am introducing legislation to ensure that the name of Devils Tower National Monument remain unchanged. I introduced this bill during the 104th Congress and since that time I have received numerous positive comments and support from constituents from around the Devils Tower area. In fact, my office has received a petition with an estimated 2,000 names from not only those in and around the monument but from all over the country of those concerned with changing the name of this beloved landmark.

For more than 100 years the name "Devils Tower" has applied to the geologic formation in my State and has since appeared as such on maps in Wyoming and nationwide. The name was given to the monument by a scientific team, directed by Gen. George Custer and escorted by Col. Richard Dodge in 1875, and is universally recognized as an important landmark that distinguishes the northeastern part of Wyoming. The monument has brought a vital tourist industry to that portion of the State due to its unique character and structure.

According to a July 17, 1996, release by the U.S. Board on Geographic Names, the National Park Service has advised the board that several native American groups do intend to submit a proposal, if one has not already been submitted, to change the name of the monument. On September 4–6, 1996, the superintendent of Devils Tower, Deborah Liggett, gave a presentation at the Western States Geographic Names Conference in Salt Lake City, UT, giving the native American perspective.

During a July 1, 1996, meeting with Ms. Liggett she gave me her assurance that she had no intention of proposing a name change for the monument, and made it clear to me that no one else was in the process of initiating a name change. The legislation that I am introducing today on behalf of the State of Wyoming will ensure that the name of the geological formation, historically known as Devils Tower, remain unchanged.

It is my belief and the belief of hundreds of people from around the region that a name change will only bring economic hardship to the tourist industry in the area. I cannot and will not stand idly by and allow that to happen. I commend this bill to my colleagues and urge them to join me in cosponsoring it.

A BEACON-OF-HOPE FOR ALL AMERICANS: ASQUITH REID

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Asquith Reid is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. While Asquith Reid has served as an electrical engineer employed with the telephone industry, most of his time is spent as a political engineer. He has guided campaigns for district 18 school board candidates; for Assemblyman Nick Perry; Councilwoman Una Clark; and Congressman MAJOR R. OWENS.

Mr. Reid's most recent victory was the triumphant election of John Sampson for New York State Senator. Undoubtedly, Mr. Reid's political engineering has yet to reach its peak.

Throughout the years, Asquith Reid has worked diligently in top positions to the benefit of his community. He currently serves as chairman of the New Era Democratic Club; vice chair of District 17 Neighborhood Advisory Board; board member for the Husain Institute of Technology; and president of the Donna Reid Memorial Education Fund.

Mr. Reid was born in Hanover, Jamaica. He graduated from Kingston Technical High School and served in the U.S. Air Force from 1963 to 1967. He later graduated from Kingston Technical College with a degree in electrical engineering. Asquith and his wife, Dean, are the proud parents of two children, Michelle and Sharon.

Asquith Reid is a Beacon-of-Hope for central Brooklyn and for all Americans.

INTRODUCTION OF THE BREAST CANCER PATIENT PROTECTION ACT OF 1997

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. DELAURO. Mr. Speaker, I rise today to introduce the bipartisan Breast Cancer Patient Protection Act of 1997. I want to thank my colleagues Representatives DINGELL, ROUKEMA, ACKERMAN, THOMAS, BARRETT, BENTSEN, CORRINE BROWN, SHERROD BROWN, CLAYTON, CLEMENT, CONYERS, DEFAZIO, ESHOO, EVANS, FALEOMAVAEGA, FARR, FOGLIETTA, JON FOX, FRANK, FROST, GEJDENSON, GONZALEZ, GORDON, GREEN, HINCHEY, PATRICK KENNEDY, KENNELLY, KILDEE, LAFALCE, LOWEY, MCDERMOTT, CAROLYN MALONEY, CARRIE MEEK, PATSY MINK, JAMES MORAN, MORELLA, MURTHA, NADLER, NORTON, OBERSTAR, OLVER, OWENS, PALLONE, PAYNE, PELOSI, QUINN, RAHALL, RIVERS, SANDERS, SLAUGHTER, TOWNS, and VELAZQUEZ for joining me as original cosponsors.

As an active participant in the fight for health care reform, I continue to believe that we must reform the health care system to provide quality care for all Americans. Particularly important is ensuring that women receive equitable treatment in our nation's health care system.

This year, approximately 184,300 grandmothers, mothers, and daughters will be diagnosed with invasive breast cancer. Another 44,300 women will die from this disease. With one in every eight women developing breast cancer, virtually every family in America is vulnerable to this disease. That's why today I am filing a bill that sets a minimum length hospital stay for patients undergoing breast cancer treatment. This bill would require a minimum hospital stay of 48 hours for mastectomies and 24 hours for lymph node removals.

Standard surgical treatment for breast cancer includes mastectomy, lymph node dissection, and lumpectomy. Over the least ten years, the length of hospitalization for patients undergoing mastectomies has dwindled significantly from 4–6 to 2–3 days. In the past, patients undergoing lymph node dissections generally were hospitalized for 2–3 days. Hospitalization is essential for pain control and for the management of fluid drainage from the operative site. The less tangible, but still important benefit of hospitalization is to provide a supportive surrounding for the patient to address the psychological and emotional reactions to having breast cancer, such as depression, anxiety, and hostility.

Now, under incessant pressure from managed care organizations to reduce costs, surgeons have had to perform lymph node dissections and even mastectomies as outpatient surgery. Some health maintenance organizations [HMO's] send their patients home a few hours after their surgery groggy from anesthesia, in pain, and with drainage tubes still in place. Others even deny women hospitalizations on the day of their lymph node dissection or mastectomy, making the surgeon choose between giving the patient the individual care she needs or being penalized by the HMO for

not following its guidelines. Doctors, concerned for their patients' well-being, even find themselves locked in battle with HMO's. One doctor in my district had to spend over 7 hours—not in surgery treating women for breast cancer—but rather making phone calls pleading with HMO staff members to get a mastectomy patient admitted to the hospital for 24 hours.

The guidelines that many managed care companies are using today are written by a single actuarial consulting firm. And, while a few physicians are employed by this company, none are actively performing breast cancer surgery. These guidelines are designed to fit the ideal breast cancer surgery patient that is placed in the most optimal situation. However, both the American College of Surgeons and the American Medical Association believe that most patients can not satisfy these guidelines and will require a longer length of stay. Today, HMO's base their coverage on the recommendations of health care actuaries, not on those of surgeons who care for patients day in and day out. And the guidelines they use to do it are based on the bottom line, not on medically established standards of care.

That is simply unacceptable. Accepted practice has shown that victims of breast cancer need to remain in the hospital at least 48 hours after a mastectomy and 24 hours after a lymph node dissection. This legislation would ensure that women with breast cancer receive the medical attention they need and deserve. My bill ensures that health plans which provide medical and surgical benefits for the treatment of breast cancer provide a minimum length of hospital stay of 48 hours for patients undergoing mastectomies and 24 hours for those undergoing lymph node removals. Under this bill, physicians and patients, not insurance companies, can determine if a shorter period of hospital stay is appropriate.

Beginning on the first day of the 105th Congress, with this bipartisan bill, we can ensure that women with breast cancer receive the best treatment and coverage available. And, we can ensure that crucial health care decisions are left in the hands of doctors, and not accountants.

This legislation enjoys strong support from the National Breast Cancer Coalition, the National Association of Breast Care Organizations, the Y-Me National Breast Cancer Organization, the Families USA Foundation, the Women's Legal Defense Fund, and the American Society of Plastic and Reconstructive Surgeons, as well as from women across the country from Wisconsin to California to New Hampshire. I strongly urge all of my colleagues to endorse this widely-supported bipartisan effort to help ensure that American women who have breast cancer receive the comprehensive and equitable health care coverage they deserve.

PROTECT OUR FLAG

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of our Nation's flag. The flag is a revered symbol of America's great tradition of liberty and democratic government, and it ought to be protected from acts of desecration that diminish us all.

As you know, there have been several attempts to outlaw by statute the desecration of the flag. Both Congress and State legislatures have passed such measures in recent years, only to be overruled later by decisions of the Supreme Court. It is clear that nothing short of an amendment to the Constitution will ensure that Old Glory has the complete and unqualified protection of the law.

The most common objection to this kind of amendment is that it unduly infringes on the freedom of speech. However, this objection disregards the fact that our freedoms are not practiced beyond the bounds of common sense and reason. As is often the case, there are reasonable exceptions to the freedom of speech, such as libel, obscenity, trademarks, and the like. Desecration of the flag is this kind of act, something that goes well beyond the legitimate exercising of a right. It is a wholly disgraceful and unacceptable form of behavior, an affront to the proud heritage and tradition of America.

Make no mistake, this constitutional amendment should be at the very top of the agenda of this Congress. We owe it to every citizen of this country, and particularly to those brave men and women who have stood in harm's way so that the flag and what it stands for might endure. I urge this body to take a strong stand for what is right and ensure the protection of our flag.

INTRODUCTION OF CLEAN SWEEP ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today I am introducing the "Clean Sweep Act of 1997" which is intended to bring fiscal sanity back to our nation's campaign financing system. In 1994, congressional candidates spent close to $725 million to be elected to the U.S. Congress. This is nearly $610 million more than candidates spent in 1976 and 60 percent more than the 1990 congressional election. Corporation and union Political Action Committee (PAC) contributions made up 27 percent of this total in 1994.

While the final tally for campaign spending in the most recent election cycle is not yet known, Common Cause, a campaign finance reform advocacy group, has estimated that the cost of the 1996 presidential and congressional elections may reach nearly $2 billion. PAC contributions from corporations have been estimated at over $150 million, while union PACs have been reported between $150 to $500 million. We cannot allow special interest to buy influence in Congress.

Mr. Speaker, the "Clean Sweep Act" requires that at least half of a candidate's contributors come from within the district; prohibits the acceptance of Political Action Committee (PAC) money; limits a candidate's personal contributions to his or her own campaign to $50,000 per election cycle; prohibits the use of soft money; provides free broadcasting for candidates who comply with a voluntary spending limit of $600,000; assesses monetary penalties for candidates who exceed spending limits; prohibits all individual foreign contributions; prohibits cash contributions in federal elections; prohibits unsolicited franking within 90 days of a primary or general election; and requires Congress to evaluate the effects of campaign finance reform within 3 months of the first full election cycle after enactment of this bill.

The greatest deliberating body in the world belongs to the American people, not corporate or union bosses in Washington, D.C. It is our civic duty as elected officials, who are responsible to the American people, to send a clear message to special interest groups that we will not be bought. We must restore integrity and honesty to a system that has contributed to increased cynicism of government and historic low voter turnout.

Mr. Speaker, I am proud to stand before you today to say that in my 22 years of service in the United States House of Representatives, I have not taken a single penny of PAC money. The people of the 19th District of Pennsylvania have awarded me the opportunity to represent them for over two decades because I put their interests ahead of special interest. My standing here today is proof that big money is not a prerequisite to holding a seat in Congress.

Mr. Speaker, reform of our campaign finance system is sorely needed. I urge my colleagues to cosponsor this legislation which will reduce the cost of campaign financing and restore faith in the federal election process.

STATEMENT OF CONGRESSMAN CHARLES B. RANGEL, RONALD BROWN BUILDING, DESIGNATION BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RANGEL. Mr. Speaker, I am pleased to introduce legislation designating the Federal building located at 290 Broadway in New York, NY, as the Ronald H. Brown Federal Building.

Ronald H. Brown, the first African-American Secretary of Commerce, was an extraordinary statesman whose force, competence and sheer commitment forged new ground for U.S. commerce. The ultimate sacrifice of his life in exceptional service to his country is further testimony to his leadership and passion for economic development and opportunity at home and abroad.

Ronald H. Brown loved this country and represented the best that America has to offer. he was a compassionate advocate for civil rights; a bridge builder mending the divisions of race, religion and cultures; a mentor developing young talent and extending the ladder of opportunity to a new generation of leaders; and, indeed an extraordinary public servant and leader.

His life was one marked by an outstanding record of accomplishment and service to America. He served as Army Captain; Vice President of the National Urban League; Chief Counsel to the Senate Judiciary Committee; a distinguished attorney; Chairman of the Democratic National Committee; a trusted advisor to the President of the United States; a husband; a father; and, a friend.

The designation of this building, home to Federal agencies and site of the recently discovered African-American slave burial ground, would honor Ron Brown's service and memory. This designation would serve as an inspiration and reminder to all Americans of Ron Brown's contributions and the noble cause for which he sacrificed his life.

INTRODUCTION OF THE TAX EXEMPTION ACCOUNTABILITY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MENENDEZ. Mr. Speaker, today, I am introducing the Tax Exemption Accountability Act to stop self-dealing by the managers of tax exempt organizations and put teeth into the requirement that they file accurate annual returns with the IRS and make them available to the public. It creates a national clearinghouse offering copies of returns for a reasonable fee. The bill also caps the compensation of officers and directors at the level of U.S. cabinet members. Churches would continue to be exempt from filing IRS returns and from caps on pastors' salaries and hospitals could still pay high-cost professionals.

Given the current events, we need greater accountability by tax exempt organizations because they control substantial public wealth and offer temptation that some have been unable to resist manipulating. The share of national revenues going to tax exempts has nearly doubled in the past 15 years, growing to 8 percent per year in constant dollars. The IRS reports that revenues of tax exempts rose from 5.9 percent to 10.4 percent of the U.S. gross domestic product from 1975 to 1990. Those revenues totaled $578 billion in 1990. This contrasts with taxable revenues from service industries which had receipts of $1,174 billion. Tax exempts equal more than half of the revenue of all service sector industries and pay no tax. Clearly the opportunity for abuse is enormous.

The American people are the most generous people in the world. My bill will ensure that this generosity is not abused and profitable business activity is not diverting taxable revenue through manipulating charitable exemptions.

220TH ANNIVERSARY OF THE FOUNDING OF THE U.S. CAVALRY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KENNELLY. Mr. Speaker, I rise to recognize the 220th anniversary of the U.S. Cavalry, celebrated last December.

On December 16, 1776, in the town of Wethersfield, CT, Revolutionary troops were organized as the 1st Cavalry Regiment in the Continental Army under orders of the First Continental Congress. Today, the town of Wethersfield, located in the First Congressional District, is proud to be honored as the birthplace of the U.S. Cavalry.

Recognized by the U.S. Army's Center of Military History, Sheldon's Horse, 2d Continental Light Dragoons, were organized in Wethersfield. This was the first dragoon regiment to be organized directly into the Continental Army. Training grounds for this regiment were erected by a Wethersfield resident, Capt. Benjamin Tallmadge. This regiment made several key contributions in the Revolutionary War effort by participating in combat in northern New Jersey and at the defense of Philadelphia.

The U.S. Cavalry that had its origins in Wethersfield continued to serve our Nation long after the war ended, fighting epic battles at Brandy Station during the Civil War and the Punity Expedition before World War I.

The founding of the U.S. Cavalry is just one example of the important role that the town of Wethersfield has played in securing and preserving America's independence. From the historic Webb House, where Gen. George Washington met with Comte de Rochambeau to discuss strategies for the Battle of Yorktown, to the modern development of the Silas Deane Highway, the quaintness of Wethersfield is intermingled with the heroic greatness represented by the U.S. Cavalry.

The U.S. Cavalry, historically headquartered in Fort Riley, KS, will be forever linked with Wethersfield and the First Congressional District. I applaud the efforts of the friends and residents of the town of Wethersfield who have brought this significant part of American history the recognition it greatly deserves.

INTRODUCTION OF CAPITAL GAINS TAX PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation, the Middle Class Income Tax Relief Act of 1997, which provides a capital gains tax cut for working class Americans. This legislation provides a lifetime capital gains bank of $200,000. Any taxpayer throughout the person's lifetime would have a capital gains bank of $200,000. Under this legislation, a taxpayer could exclude up to 50 percent of the gain on the sale of a capital asset, up to the limit in the maximum tax rate of 19.8 percent.

The benefit of lifetime capital gains tax bank would phase out as a taxpayer's income increases above $200,000. Under this legislation individuals who sold stocks saved for retirement or a second home, or elderly individuals, who have a large gain in the sale of their principal residence, would benefit. The proposal includes a 3-year holding period for the capital asset. Short-term stock speculators would not be able to qualify for the benefit.

In addition, the bill allows taxpayers to index the cost of real estate for inflation. An inflation-induced gain is not a capital gain and should not be subject to tax.

Lately, there has been much said about the necessity and benefits of a capital gain tax cut. A capital gains tax cut is a valid measure, but a capital gains tax needs to be economically feasible and to benefit the middle-class. A capital gains tax cut needs to be responsible. I believe the Middle Income Tax Relief Act of 1997 provides an appropriate capital gains tax cut.

Mr. Speaker, I insert a summary for the RECORD.

SUMMARY OF MIDDLE INCOME TAX RELIEF ACT OF 1997

Individuals would have a lifetime capital gains "bank."

Bank limit would be $200,000 per person.

All individuals would be entitled to the $200,000 bank: for example each spouse of a married couple would have a separate limit.

Any individual who sold a qualified asset could exclude up to 50 percent of the gain on the sale, up to the $200,000 limit.

Qualified assets would include all capital assets under the present law, except collectibles.

Under the bill, the maximum tax rate on capital gains income would be 19.8 percent (i.e. ½ of the maximum 39.6 percent rate).

The full benefit would not be available in any year that a taxpayer had adjusted gross income in excess of $200,000.

In the case of a sale or exchange of real property, taxpayers would be able to index their basis in the asset to the rate of inflation. Thus, no tax on inflation-induced gains.

Example: taxpayer buys a house for $100,000 and sells it 9 years later for $200,000. Inflation was 5 percent per year over the 9-year period. Basis for measuring gain is $145,000 so gain is $55,000.

A three year holding period would apply so that the deduction would not be available to any taxpayer who held the asset for less than 3 years.

CONGRATULATIONS TO MR. ALEJANDRO AQUIRRE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I want to extend my congratulations to Mr. Alejandro Aguirre, deputy editor and publisher of Diario Las Americas, on his being named as chairman of the Metro-Dade Cultural Affairs Council.

In this position he will have the opportunity to expand support for this entire range of south Florida's cultural life. As in so many communities, the council faces the task of providing first rate art and entertainment at prices

that allow the broadest rage of the community to share in the experience.

In his new role, Mr. Aguirre will have the opportunity to inject into the arts community the same energy and enthusiasm he has brought to Diarro Las Americas and his other civic involvements. Those other involvements range from the Red Cross and Florida International University to defense of press freedoms as a leader in the Inter American Press Association which represents 1,400 newspapers throughout this hemisphere.

It is difficult to overstate the importance of art and culture to the enjoyment of life. As Cuban poet and patriot, Jose Marti, said, "beauty is a natural right * * * where it appears, light, strength and happiness arise." We are all too aware of the problems that mark urban life. But one of the joys of an area like south Florida is the broad and diverse cultural life that it can support.

Again, congratulations to Mr. Alejandro Aguirre on his new responsibilities and best wishes for a successful and satisfying tenure.

INTRODUCTION OF THE FOREST FOUNDATION CONSERVATION ACT

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BAKER. Mr. Speaker, today, I have introduced the Forest Foundation Conservation Act.

The Forest Foundation Conservation Act will amend the National Forest Foundation Act to extend and increase the matching funds authorized for the National Forest Foundation and to permit the National Forest Foundation to license the use of trademarks, tradenames, and other such devices to identify that a person is an official sponsor or supporter of the U.S. Forest Service or the National Forest System.

Our Nation has been blessed with a national treasure—America's national forest lands. A growing population, increasing demands on forests and related resources, and more competition for uses and benefits are placing great stress on our forest lands and the U.S. Forest Service.

Now, more than ever, America's forest lands and the individuals who work so diligently to manage these forest lands need support from people who care. The National Forest Foundation, a citizen-directed, nonprofit organization, was created to coordinate the needed support. The Forest Foundation Conservation Act will allow the National Forest Foundation to develop innovative public-private partnerships so that America's pristine forest land and its resources will be conserved for future generations.

I believe that it is the responsibility of each citizen to help conserve our Nation's resources and provide organizations like the National Forest Foundation with the resources it needs to help maintain America's forest lands for generations to come. I hope that my colleagues will join me in supporting this legislation which will help us improve the quality and infrastructure of our National Forests.

TRIBUTE TO NEW YORK SPEAKER SHELDON SILVER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. MALONEY of New York. Mr. Speaker, today the 105th Congress begins. While there is much talk swirling in the Capitol Hill air about the Speaker, I want to rise and pay tribute to my Speaker, New York Speaker Sheldon Silver.

On Sunday, January 5, 1997, Speaker Silver received a well-deserved award at the silver anniversary of one of New York City's outstanding community groups, the United Jewish Council of the east side. I am proud to represent the diverse and vibrant neighborhood of the lower east side, and prouder still of the magnificent contributions made to the community by the UJC. The UJC currently administers a variety of social services to over 16,000 residents. From senior centers, to housing, to nutrition programs, to immigrant assistance, the UJC's contributions to the quality of life in our city are without limit.

Mr. Speaker, space prohibits me from congratulating the entire leadership of the UJC, but I want to commend Rabbi Yitzchok Singer, Heshy Jacob, David Weinberger, Joel Kaplan, and Judy and Willie Rapfogel for all that they have done for this special neighborhood.

The lower east side simply would not be the same without Sheldon Silver. Born, raised, and educated in the neighborhood, Shelly graduated from Yeshiva University and Brooklyn Law School. In 1976, Shelly began his stellar career in public service when he was elected to the assembly. After serving in the prestigious leadership posts of chairman of the election law and then the ways and means committees, Shelly ascended to the Speakership in 1994, where he now sits as the most influential Democrat in the State of New York.

Sheldon Silver's tenure as Speaker has been marked by extraordinary success. He has made his mark on criminal justice, welfare, and education issues, and has remained a powerful and articulate advocate for New York's working and middle class families.

It has been an extraordinary honor for me to serve side by side with Speaker Silver, representing the lower east side community. Shelly is a man of principle and honor. His ethical and moral world view is shaped by his deep religious convictions, but he is also a friend to New Yorkers of every race, religion, and ethnic background. If I could borrow one word from Shelly's own Yiddish vocabulary, I would have to summarize his many attributes by calling him a "mensch."

Mr. Speaker, as Congress beings a new session, I ask all of my colleagues to join me in paying tribute to one of our Nation's outstanding public officials, my Speaker, the Honorable Sheldon Silver.

CAMPAIGN AND LOBBYING REFORMS IN FIRST 100 DAYS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. KAPTUR. Mr. Speaker, we must dedicate our efforts within the first 100 days of the 105th Congress to passing comprehensive campaign finance and foreign lobbying reform legislation.

The events of the last election, with the worsening situation of foreign influence and the continuing flood of campaign contributions and expenditures, compel us to act. Now is the time.

Just as in past Congresses, I am once again introducing legislation calling for a constitutional amendment authorizing Congress and the States to set reasonable expenditure limits for elections to Federal and State office. It is simply wrong to equate campaign money with free speech. The only way to limit the exorbitant levels of money being spent on campaigns is through a constitutional amendment.

In addition, I'm proposing once again legislation to stop foreign contributions and influence, as was witnessed in the closing weeks of the elections. My bill creates a clearinghouse of political activities information within the F.E.C.

Finally, we must end the revolving door between Government service and lobbying for foreign interests. My "Foreign Agents Compulsory Ethics in Trade Act" measure will impose a lifetime ban on high-level Government officials from representing, aiding or advising foreign governments and foreign political parties. The act also imposes a 5-year prohibition on representing, aiding or advising foreign interests—including commercial interests—before the Government of the United States.

Mr. Speaker, we should make it our goal to adopt these reforms within the first 100 days of the 105th Congress.

THE MANAGED CARE CONSUMER PROTECTION ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STARK. Mr. Speaker, along with Mr. JOHN LEWIS, Mr. GEJDENSON, Mr. SERRANO, Mr. SANDERS, and Mr. FILNER, I am pleased to introduce "The Managed Care Consumer Protection Act of 1997," a bill that will provide critically needed consumer protections to millions of Americans in managed care health plans.

Health care consumers who entrust their lives to managed care plans have consistently found that many plans are more interested in profits than in providing appropriate care. In the process of containing costs patients are often harmed. My constituent mail has been full of horror stories explaining the abuses that occur at the hands of HMOs and other forms of managed care.

For example, David Ching of Fremont, California had a positive experience in a Kaiser

Permanente plan and then joined an employer sponsored HMO expecting similar service. He soon learned that some plans would rather let patients die than authorize appropriate treatment. His wife developed colon cancer, but went undiagnosed for 3 months after the first symptoms. Her physician refused to make the appropriate specialist referral because of financial incentives and could not discuss proper treatment because of the health plan's policy. Mrs. Ching is now dead.

In a similar case, Jennifer Pruitt of Oakland wrote to me about her father who also had cancer. He went to his gatekeeper primary care physician numerous times with pain in his jaw. The doctor, who later admitted that she had never treated a cancer patient, refused to refer Mr. Pruitt to a specialist. Eventually, after months of pain, a dentist sent Mr. Pruitt to a specialist outside of the HMO network. The cancer was finally diagnosed, but it had spread too rapidly during the months that the health plan delayed. Mr. Pruitt died from a cancer that is very treatable if detected early.

These tragedies and others like them might have been avoided if the patients had known about the financial incentives not to treat, or if the physicians had not been gagged from discussing treatment options, or if there had been legislation forcing health plans to provide timely grievance procedures and timely access to care. It's too late for these victims, but it is not too late to provide these protections for the millions of people in managed care today.

Consumer protections in managed care must be developed. Such unfavorable outcomes are not isolated events. They are widespread enough for industry studies to have noted a trend. Empirical evidence shows that restrictive practices pose special risks for people with chronic illnesses and poor health, and that primary care physicians in HMOs are less likely to diagnose or treat patients with depressive disorders appropriately. Another study concluded that the successes of prepaid care in relatively healthy populations are unlikely to be replicated among sicker patients. All this evidence indicates that managed care is not doing its job as well as it should. Those who are ill and most need health care are not getting it.

A few years ago, Congress recognized a crisis in the health care industry. Expenditures were soaring and overutilization was the rule. At that time, I chose to address this problem with laws that prohibited physicians from making unnecessary referrals to health organizations or services that they owned.

Others responded by pushing Americans into new managed care plans that switched the financial incentives from a system that overserves to a system that underserves. They got what they asked for. The current system rewards the most irresponsible plans with huge profits, outrageous executive salaries, and a license to escape accountability. Unfortunately, patients are dying unnecessarily in the wake of this health care delivery revolution. It must stop.

Several states have already addressed the managed care crisis. In 1996, more than 1,000 pieces of managed care legislation flooded state legislatures. As a result, HMO regulations were passed in 33 states addressing issues like coverage of emergency services, utilization review, post-delivery care and information disclosure. Unfortunately, many states did not pass these needed safeguards resulting in a piecemeal web of protections that lacks continuity. The states have spoken; now it's time for federal legislation to finish the job and provide consumer protections to all Americans in managed care.

The bill I offer today is a revision of earlier bills, H.R. 1707 and H.R. 4220, the Medicare Consumer Protection Act of 1995 and 1996 respectively. This legislation includes a comprehensive set of protections that will force managed care plans to be accountable to all of their patients and to provide the standard of care they deserve.

This legislation includes measures to protect patients from the abuses of managed care on several fronts.

My bill will put an end to pre-authorization of emergency medical care. Patients will not be denied coverage for care provided in emergency rooms. Current denials create obstacles for HMO patients and leave them with thousands of dollars in medical bills. According to HCFA, 40% of claim disputes between Medicare beneficiaries and participating Medicare HMOs involve emergency services. This bill establishes the prudent layperson definition of an emergency, so a reasonable layperson can anticipate claims that would be covered versus those that would be denied. It also prohibits plans from denying coverage for 911 emergencies.

My bill includes provisions which will bring utilization review back to its intended function, ensuring that patients receive all medically necessary and appropriate care without overusing services. Utilization review boards will be standardized through accreditation by the Secretary of Health and Human Services. These review programs must update policies to ensure consistency and compliance with medical standards and treatment protocols.

This legislation also establishes, for the first time, an "Office of Medicare Advocacy" whose sole function is to act on behalf of Medicare beneficiaries. The bill establishes a "1–800" number to facilitate better communication between the Health Care Financing Administration and the beneficiary. The office would develop a number of outreach programs to help inform Medicare beneficiaries concerning the Medicare program. Additionally, the office would have the authority to hear appeals in cases of an emergency or a life threatening event.

Recent testimony by the "Physician Payment Review Commission (PPRC)" emphasized the need for increased information and appeals processes. Describing a recent survey of Medicare beneficiaries done by PPRC, the testimony reported:

> A significant percentage of these (Medicare) enrollees who sought additional information about their plan had problems getting their questions answered. Also, a third of enrollees said they did not know they had the right to appeal a plan's decision not to provide or pay for a service. Our study suggests that plans may need to take additional steps to inform consumers in these areas.

The Office of Medicare Advocacy will do much to better inform Medicare beneficiaries, to advise beneficiaries of their rights and to facilitate comparative information concerning Medicare Managed Care plans.

In the United States Congress, we have the ability to put an end to abuse in managed care and guarantee that Americans who choose managed care get the care for which they pay. We also have a responsibility to ensure that Americans are protected from companies who place more emphasis on their own financial interests than on patients' needs. It is irresponsible to do anything less.

Following is a summary of the consumer protections provided for in this bill.

"MANAGED CARE CONSUMER PROTECTION ACT OF 1997"

SUMMARY

I. MANAGED CARE ENROLLEE PROTECTIONS—APPLIES TO MEDICARE MANAGED CARE AS WELL AS PRIVATE PLANS

A. Utilization Review

1. Any utilization review program that attempts to regulate coverage or payment for services must first be accredited by the Secretary of Health and Human Services or an independent, non-profit accreditation entity;

2. Plans would be required to provide enrollees and physicians with a written description of utilization review policies, clinical review criteria, and the process used to review medical services under the program;

3. Organizations must periodically review utilization review policies to guarantee consistency and compliance with current medical standards and protocols;

4. Individuals performing utilization review could not receive financial compensation based upon the number of certification denials made;

5. Negative determinations about the medical necessity or appropriateness of services or the site of services would be required to be made by clinically-qualified personnel of the same branch of medicine or specialty as the recommending physician;

B. Assurance of Access

1. Plans must have a sufficient number, distribution and variety of qualified health care providers to ensure that all enrollees may receive all covered services, including specialty services, on a timely basis (including rural areas);

2. Patients with chronic health conditions must be provided with a continuity of care and access to appropriate specialists;

3. Plans would be prohibited from requiring enrollees to obtain a physician referral for obstetric and gynecological services.

4. Plans would demonstrate that enrollees with chronic diseases or who otherwise require specialized services would have access to designated Centers of Excellence;

C. Access to Emergency Care Services

1. Plans would be required to cover emergency services provided by designated trauma centers;

2. Plans could not require pre-authorization for emergency medical care;

3. A definition of emergency medical condition based upon a prudent layperson definition would be established to protect enrollees from retrospective denials of legitimate claims for payment for out-of-plan services;

4. Plans could not deny any claim for an enrollee using the "911" system to summon emergency care.

D. Due Process Protections for Providers

1. Descriptive information regarding the plan standards for contracting with participating providers would be required to be disclosed;

2. Notification to a participating provider of a decision to terminate or not to renew a

contract would be required to include reasons for termination or non-renewal. Such notification would be required not later than 45 days before the decision would take effect, unless the failure to terminate the contract would adversely affect the health or safety of a patient;

3. Plans would have to provide a mechanism for appeals of termination or non-renewal decisions.

E. Grievance procedures and deadlines for responding to requests for coverage of services.

1. Plans would have to establish written procedures for responding to complaints and grievances in a timely manner;

2. Patients will have a right to a review by a grievance panel and a second review by an independent panel in cases where the plan decision negatively impacts their health services;

3. Plans must have expedited processes for review in emergency cases.

F. Non-discrimination and service area requirements

1. In general, the service area of a plan serving an urban area would be an entire Metropolitan Statistical Area (MSA). This requirement could be waived only if the plan's proposed service area boundaries do not result in favorable risk selection.

2. The Secretary could require some plans to contract with Federally-qualified health centers (FQHCs), rural health clinics, migrant health centers, or other essential community providers located in the service area if the Secretary determined that such contracts are needed in order to provide reasonable access to enrollees throughout the service area.

3. Plans could not discriminate in any activity (including enrollment) against an individual on the basis of race, national origin, gender, language, socioeconomic status, age, disability, health status, or anticipated need for health services.

G. Disclosure of plan information

1. Plans would provide to both prospective and current enrollees information concerning; Credentials of health service providers; Coverage provisions and benefits including premiums, deductibles, and copayments; Loss ratios explaining the percentage of premiums spent on health services; Prior authorization requirements and other service review procedures; Covered individual satisfaction statistics; Advance directives and organ donation information; Descriptions of financial arrangements and contractual provisions with hospitals, utilization review organizations, physicians, or any other health care service providers; Quality indicators including immunization rates and health outcomes statistics adjusted for case mix; An explanation of the appeals process; Salaries and other compensation of key executives in the organization; Physician ownership and investment structure of the plan; A description of lawsuits filed against the organization; Plans must provide each enrollee annually with a disclosure statement regarding whether the plan restricts the plans malpractice liability in relation to liability of physicians operating under the plan.

2. Information would be disclosed in a standardized format specified by the Secretary so that enrollees could compare the attributes of all plans within a coverage area.

H. Protection of physician-patient communications

1. Plans could not use any contractual agreements, written statements, or oral communication to prohibit, restrict or interfere with any medical communication between physicians, patients, plans or state or federal authorities.

I. Patient access to clinical studies

1. Plans may not deny or limit coverage of services furnished to an enrollee because the enrollee is participating in an approved clinical study if the services would otherwise have been covered outside of the study.

J. Minimum Childbirth benefits

1. Insurers or plans that cover childbirth benefits must provide for a minimum inpatient stay of 48 hours following vaginal delivery and 96 hours following a cesarean section.

2. The mother and child could be discharged earlier than the proposed limits if the attending provider, in consultation with the mother, orders the discharge and arrangements are made for follow-up post delivery care.

II. AMENDMENTS TO THE MEDICARE PROGRAM, MEDICARE SELECT AND MEDICARE SUPPLEMENTAL INSURANCE REGULATIONS

A. Orientation and Medical Profile Requirements

1. When a Medicare beneficiary enrolls in a Medicare HMO, the HMO must provide an orientation to their managed care system before Medicare payment to the HMO may begin;

2. Medicare HMOs must perform an introductory medical profile as defined by the Secretary on every new enrollee before payment to the HMO may begin.

B. Requirements for Medicare Supplemental policies (MediGap)

1. All MediGap policies would be required to be community rated;

2. MediGap plans would be required to participate in coordinated open enrollment;

3. The loss ratio requirement for all plans would be increased to 85 percent.

C. Standards for Medicare Select policies

1. Secretary would establish standards for Medicare Select in regulations. To the extent practical, the standards would be the same as the standards developed by the NAIC for Medicare Select Plans. Any additional standards would be developed in consultation with the NAIC.

2. Medicare Select Plans would generally be required to meet the same requirements in effect for Medicare risk contractors under section 1876. Community Rating, Prior approval of marketing materials, Intermediate sanctions and civil money penalties.

3. If the Secretary has determined that a State has an effective program to enforce the standards for Medicare Select plans established by the Secretary, the State would certify Medicare Select plans.

4. Fee-for-service Medicare Select plans would offer either the MediGap "E" plan with payment for extra billing added or the MediGap "J" plan.

5. If an HMO or competitive medical plan (CMP) as defined under section 1876 offers Medicare Select, then the benefits would be required to be offered under the same rules as set forth in the MediGap provisions above.

D. Arrangements with out-of-area dialysis services.

E. Coordinated open enrollment

1. The Secretary would conduct an annual open enrollment period during which Medicare beneficiaries could enroll in any MediGap plan, Medicare Select, or an HMO contracting with Medicare. Each plan would be required to participate.

F. Comparative Information

1. The Secretary must provide on an annual basis for publication and use on the internet information in comparative form and standard format describing the policies offered, benefits and costs, disenrollment and complaint rates, and summaries of the results of site monitoring visits.

G. Office of Medicare Advocacy

1. Establishes Office of Medicare Advocacy within the Health Care Financing Administration. The purpose of the office is to act on behalf of Medicare recipients, especially to address complaints and concerns. A toll free telephone number would be established to facilitate communication. Additional outreach programs such as town meetings would be developed and an internet site would be established for posting information.

2. The office would have authority to provide for an expedited review and resolution of complaints under emergency circumstances as described in the bill.

H. Exclusion from Medicare and Medicaid Program

1. If plan submits information relating to the quality of services provided that is material and false, the Secretary shall exclude the plan from continuing to qualify for Medicare and Medicaid payments.

III. AMENDMENTS TO THE MEDICAID PROGRAM

A. Orientation and Immunization Requirements

1. When a Medicaid beneficiary enrolls in a Medicaid HMO, the HMO must provide an orientation to their managed care system before Medicaid payment to the HMO may begin;

2. Medicaid HMOs must perform an introductory medical profile as defined by the Secretary on every new enrollee before payment to the HMO may begin.

3. When children under the age of 18 are enrolled in a Medicaid HMO, the immunization status of the child must be determined and the proper immunization schedule begun before payment to the HMO is made.

A BEACON-OF-HOPE FOR ALL AMERICANS: CHRISTINE McFADDEN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of non-elected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Christine McFadden is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Ms. McFadden currently serves as the

program director for Renaissance Development Corporation, a nonprofit social service agency whose focus is to help enhance the quality of life in the Brownsville community by providing a variety of services for the young and elderly.

In addition to her work, Ms. McFadden's church is very special to her. She has often stated that her church allows her to serve God and mankind. As a member of the Macedonia Church, Christine McFadden has served on the board of trustees; mother's board; missionary board; senior choir; and is currently secretary of the building fund.

Ms. McFadden's deep love and affection are evident in her tireless contributions to the Girl Scouts of America. This year will mark her 39th year as a scout leader. Additionally, Ms. McFadden currently serves as the correspondence secretary for the Brownsville Tenant Council and is a member of the advisory board for Bay Center. She has also served on the auxiliary police; block watchers for the 73d precinct; and tenant patrol. In recognition of her commitment, Christine McFadden is also the recipient of numerous community and church awards and citations.

Christine McFadden was born in Fuquay Springs, NC and at the age of 14 moved to Brooklyn, NY where she completed her education. After marrying James McFadden, they moved to the Brownsville housing complex where they raised two daughters.

Christine McFadden is a Beacon-of-Hope for central Brooklyn and for all Americans.

COMMUNITY AND GREEN SPACE CONSERVATION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is no secret that some of the Nation's most scenic open spaces are disappearing at a time when many cities—large and small—are decaying. This phenomenon is commonly referred to as sprawl. The causes are many: the development of the Interstate Highway System, relatively inexpensive commuting expenses, and tax incentives for home ownership have made it easier for people to live further from the cities in which they work. In more recent years, jobs have followed families to the suburbs, and breakthroughs in telecommunication have spawned telecommuting, eliminating proximity to the office as a factor for many people in deciding where to work or live. Obviously, public safety, the quality of schools, and the financial health of the Nation's cities figure prominently in decisions to move businesses and families to the suburbs.

The situation in my hometown of New Britain, CT, illustrates another facet of the dilemma faced by aging, industrial cities and towns, especially in the Northeast and Midwest. A huge, old factory near the center of town sat unused for years, as fears over asbestos and groundwater pollution blocked rehabilitation and re-use of the building and adjacent property.

Only recently, thanks to a cooperative effort that includes Federal, State, and local resources, is the old Fafnir site finally being reclaimed. A powerful incentive for manufacturers and retailers to flee the city is being addressed and the promise of new, centrally located job growth is once again on the horizon.

In a broader sense, it is tragic that many cities are suffering at a time when the countryside is disappearing. The American Farmland Trust estimates that the United States converts to other uses 2 million acres of farmland annually, much of it on the edge of urban America. The USDA natural resources inventory found that developed land increased by 14 million acres between 1982 and 1992.

Many provisions of tax law have come into play as well. Last summer, the Ways and Means Subcommittee on Oversight held a hearing on the impact of tax law on land use decisions. We learned that it is sometimes more difficult to recover many of the costs of development in urban areas. We also learned that estate taxes can have a tremendous impact on land use decisions. According to one of our witnesses, the Piedmont Environmental Council, farmland that sold for $500 an acre in the 1960's is selling for $10,000 to $15,000 an acre today. The tax costs of passing along such expensive acreage to the next generation, coupled with the pressure for development in many areas, is a major reason for the disappearance of open spaces. We learned more about proposals to build on or expand current empowerment zones and enterprise communities.

In recent Congresses, several of our colleagues introduced important legislation addressing these issues. The gentleman from Florida [Mr. SHAW] and the gentleman from New York [Mr. RANGEL] introduced a bill providing for more realistic cost recovery for improvements to commercial buildings. The gentleman from Florida and my colleague from Connecticut [Mrs. KENNELLY] introduced a bill to provide a tax credit for qualified rehabilitation expenditures of historic properties used as owner-occupied homes. Our colleague from Missouri [Mr. TALENT] and our colleague from Oklahoma [Mr. WATTS] introduced the American Community Renewal Act, which would create 100 "renewal communities" and provide a number of incentives for conducting business within the communities.

Our colleague from New York [Mr. HOUGHTON] introduced the American Farm Protection Act, to exempt from estate taxes the value of certain land subject to a qualified easement. The legislation targets the benefit to land adjacent to metropolitan areas and national parks where development pressure and land values tend to be greatest. Our former colleague from New Jersey [Mr. ZIMMER] introduced two bills related to conservation easements. One would permit an executor to donate land or a conservation easement to a government agency and credit the value of the donation against estate taxes owed. Under current law, donations must be provided for before the owner's death. Mr. ZIMMER's other bill would change the way that the gain on bargain sales of land or conservation easements is calculated for tax purposes.

We should all be grateful for the many hours of hard work our colleagues have devoted to these initiatives. With so many factors contributing to urban decay and sprawl, there is not single solution. Certainly, I would not suggest that all of the challenges facing our Nation's communities can be addressed by tax policy. But there are several provisions of tax policy that are important. That is why several of our colleagues have come up with some important ideas. I believe several others merit consideration as well. Early this session, I intend to introduce a series of measures to address some of the factors that contribute to sprawl.

First, I intend to re-introduce a bill I offered in the last Congress, related to the costs of cleaning up contaminated land and buildings in urban areas so that they can be put to productive use. The rules surrounding the tax treatment of environmental remediation expenses are so convoluted and confusing that it is no wonder that a number of businesses decide to sidestep them altogether and invest in previously undeveloped land and newer buildings outside of environmentally distressed urban areas.

Repairs to business property can be deducted currently as a business expense, but capital expenditures that add to the value of property have to be capitalized. This means that some environmental remediation costs are treated as a business expense, but others are treated as capital expenditures, depending on the facts and circumstances of each case.

The administration in its brownfields initiative has proposed to allow an immediate deduction for cleaning up certain hazardous substances in high-poverty areas, existing EPA brownfields pilot areas, and Federal empowerment zones and enterprise communities. This is commendable, as far as it goes, but there is a disturbing trend in urban policy to pick and choose among cities. If expensing environmental remediation costs is good tax policy and good urban policy, and I believe that it is, then it should apply in all communities. My bill would apply this policy to all property wherever located, and would expand the list of hazardous substances to include potentially hazardous materials such as asbestos, lead paint, petroleum products, and radon. This would remove a disincentive in current law to reinvestment in our cities and buildings.

Another proposal would address the blight of the many boarded up buildings. Of course, many of these buildings should be rehabilitated. But many buildings that have no economic viability are still standing because the current tax rules provide a disincentive to tearing them down.

Before 1978, costs and other losses incurred in connection with the demolition of buildings generally could be claimed as a current deduction unless the building and the property on which it was located were purchased with an intent to demolish the building. In that case, costs and other losses associated with demolition were added to the basis of the land.

To create a disincentive to demolishing historic structures, the 1978 tax bill required that costs incurred in connection with the demolition of historic structures would have to be added to the basis of the land.

Under the Deficit Reduction Act of 1984, the special rule for the treatment of costs associated with demolishing historic structures became the general rule. There was concern

that the old rule may have operated as an undue incentive for the demolition of existing structures. But the new rule is a disincentive for tearing down buildings with unrecovered basis. Many boarded up buildings are still standing because the owners are still depreciating them.

My proposal would restore the old rule for nonhistoric buildings.

While many people prefer the amenities offered by living in our Nation's cities, many new jobs are being created outside urban areas. As the cities are losing their manufacturing industries, 95 percent of the growth in office jobs occurs in low density suburbs. These office jobs accounted for 15 million of the 18 million new jobs in the 1980's. Mass transit is important if people in the cities are to reach the new jobs in the suburbs.

Under current law, some employer-provided transportation assistance can be excluded from income. The value of transportation in a commuter highway vehicle or a transit pass that may be excluded from income was $65 per month in tax year 1996. On the other hand, up to $170 per month in qualified parking can be excluded from income. I am proposing to establish parity by raising the cap for transportation in a commuter highway vehicle or a transit pass to the same level as that for qualified parking.

Another proposal I introduced in the last Congress addresses a provision in current tax law that limits the deduction for a gift of appreciated property to 30 percent of adjusted gross income. Under current law, the limit for gifts of cash is 50 percent of adjusted gross income. This provision would raise the cap for qualified gifts of conservation land and easements from 30 percent to 50 percent. Under the bill, any amount that cannot be deducted in the year in which the gift is made can be carried over to subsequent tax years until the deduction has been exhausted. Current law gives the donor 5 years in which to use up the deduction.

Conservation easements are a partial interest in property transferred to an appropriate nonprofit or governmental entity. These easements restrict the development, management, or use of the land in order to keep the land in a natural state or to protect historic or scenic values. Easements are widely used by land trusts, conservation groups, and developers to protect valuable land.

The 30-percent limit in current law actually works to the disadvantage of taxpayers who may be land rich but cash poor.

Our former colleague from New Jersey [Mr. ZIMMER] introduced two proposals in the last Congress related to the donation of land or easements. One would encourage heirs to donate undeveloped land to the Federal Government. If the inherited land is desired by a Federal agency for conservation, the heirs would be allowed to transfer the land to the Government and take a credit for the fair market value. The other would provide for more equitable taxation of the gains from selling land or an easement at below market value to a government entity or a nonprofit organization. I intend to introduce these measures, with a few modifications, in the new Congress.

Mr. Speaker, to save our Nation's green spaces, we must save our cities as well. There is no single, simple solution, but we here in Congress must do what we can to help our communities. I am looking forward to working with my colleagues to address these challenges in the coming weeks and months.

THE MEDICAL EDUCATION TRUST FUND ACT OF 1997, THE HONORABLE KENNETH E. BENTSEN, JR. OF TEXAS, BEFORE THE U.S. HOUSE OF REPRESENTATIVES, TUESDAY, JANUARY 7, 1997

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Medical Education Trust Fund Act of 1997, to ensure that our nation continues to invest in medical research through the training of medical professionals in a time of declining federal expenditures and as our health care system makes its transition to the increased use of managed care.

This legislation establishes a new Trust Fund for medical education that would be financed primarily by Medicare including managed care plans. This trust fund would provide a guaranteed source of funding for graduate medical education at our nation's teaching hospitals and help ensure that we continue to train a sufficient number of physicians and other health care providers particularly in the advent of managed care. Without such a guarantee, I am deeply concerned that the availability and quality of medical care in our country could be at risk.

Teaching hospitals have a different mission and caseload than other medical institutions. These hospitals are teaching centers where reimbursements for treating patients must pay for the cost not only of patient care, but also for medical education including research. In the past, teaching hospitals were able to subsidize the cost of medical education through higher reimbursements from private and public health insurance programs. With the introduction of managed care, these subsidies are being reduced and eliminated.

As the representative for the Texas Medical Center, home of two medical schools, Baylor College of Medicine and University of Texas Health Science Center at Houston, I have seen firsthand the invaluable role of medical education in our health care system and the stresses being placed on it today. Baylor College of Medicine offers medical training in 21 medical specialities and currently teaches 668 medical students, 341 graduate students, and 1325 residents. Baylor College of Medicine also employs 1,470 full-time faculty and 3,007 full-time staff. The University of Texas Medical School at Houston has 833 medical students, 799 accredited residents and fellows, and 1,532 faculty.

Under current law, the Medicare program provides payments to teaching hospitals for medical education. These reimbursements are paid through the Direct Medical Education (DME) and Indirect Medical Education (IME) programs. DME and IME payments are based upon a formula set by Congress.

Last year, the Republican budget resolution adopted by the House proposed cutting DME and IME payments by $8.6 billion over 7 years. I strongly opposed these efforts and will continue to fight any cuts of this magnitude to these payments. Such cuts would be detrimental enough in a stable health care market. But they are especially harmful given the impact of our changing health care market on medical education.

As more Medicare beneficiaries enroll in managed care plans, payments for medical education are reduced in two ways. First, many managed care patients no longer seek services from teaching hospitals because their plans do not allow it. Second, direct DME and IME payments are cut because the formula for these payments is based on the number of traditional, fee-for-service Medicare patients served at these hospitals. Managed care does not pay for medical education.

My legislation would provide new funding for graduate medical education by recapturing a portion of the Adjusted Average Per Capita Cost (AAPCC) payment given to Medicare managed care plans. The AAPCC is the Medicare reimbursement paid to insurance companies to provide health coverage for Medicare beneficiaries under a managed care model. These recaptured funds would be deposited into a Trust Fund. I believe managed care plans should contribute toward the cost of medical education and my legislation would ensure this. This is a matter of fairness. All health care consumers, including those in managed care, benefit from this training and should contribute equally towards this goal.

These funds would be deposited into a trust fund at the U.S. Department of the Treasury. All funds would be eligible to earn interest and grow. The Secretary of Health and Human Services would be authorized to transfer funds from the trust fund to teaching hospitals throughout the nation. The formula for distribution of funds would be determined by a new National Advisory Council on Post-Graduate Medical Education that would be established by this legislation. This legislation would also allow Congress to supplement the Trust Fund with appropriated funds which the Secretary of Health and Human Services (HHS) would distribute. All of this funding would be in addition to the current federal programs of direct and indirect medical education. This supplemental funding is necessary to enable medical schools to maintain sufficient enrollment and keep tuition payments reasonable for students.

My legislation would also take an additional portion of the AAPCC payment given to managed care plans and return it to the Secretary of Health and Human Services to spend on the disproportionate share program. Disproportionate share payments are given to those hospitals which serve a large number of uncompensated or charity care patients. Many of our nation's teaching hospitals are also disproportionate share hospitals. Thus, my legislation would create two new and necessary funding sources for teaching hospitals.

This legislation would also create a National Advisory Council on Post-Graduate Medical Education. This Advisory Council would advise Congress and the Secretary of Health and Human Service about the future of post-graduate medical education. The Council would consist of a variety of health care professionals, including consumer health groups,

physicians working at medical schools, and representatives from other advanced medical education programs. The Council would also advise Congress on how to allocate these new dedicated funds for medical education. This Council will provide Congress with needed information about the current state of medical education and any changes which should be made to improve our medical education system.

Our nation's medical education program are the best in the world. Maintaining this excellence requires continued investment by the federal government. Our teaching hospitals need and deserve the resources to meet the challenge of our aging population and our changing health care marketplace. This legislation would ensure that our nation continues to have the health care professionals we need to provide quality health care services to them in the future.

I urge my colleagues to support this effort to provide guaranteed funding for medical education.

THE HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT OF 1997

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LAZIO of New York. Mr. Speaker, today I am introducing the Homeless Housing Programs Consolidation and Flexibity Act of 1997, a bill designed to help one of this Nation's most vulnerable populations, the homeless.

Homelessness is one of the Nation's most pressing social dilemmas. As much as half of the adult homeless population has a current or past substance abuse problem, and up to one-third has severe mental illness.

The Federal Government's most potent tool for responding to homelessness has been the 1987 McKinney Act with emergency food and shelter programs. This reflected the belief that homelessness was temporary in nature. When homelessness continued to intensify, more programs were created and Federal policy became muted through a multitude of Federal programs, creating the current collage of programs so in need of consolidation.

The General Accounting Office reports that the application and recordkeeping requirements of the various McKinney programs are overly burdensome and sometimes conflicting or duplicative; this places a great strain on nonprofits.

When provided with stable, permanent housing and flexible support services, formerly homeless persons with severe mental illness are able to greatly decrease their use of costly acute psychiatric hospital care and emergency room treatment. In Boston, a study of homeless people with severe mental illness showed that after a year and a half, 78 percent remained in housing, and only 11 percent returned to streets or shelters.

When provided with permanent supportive housing, graduates of chemical dependency treatment programs are able to greatly increase their rates of sobriety. A study by Eden programs, a Minneapolis social service provider, tracked 201 graduates of a chemical dependency treatment program—90 percent who had supportive living a year later remained sober.

Despite a significant proportion of homeless individuals suffering from mental or physical disabilities, we must also recognize a portion of the homeless community, particularly families, that because of economic tragedies, are without permanent homes. It is this population that we too must concentrate our efforts to ensure that they don't evolve into mental or physical disabilities.

Mr. Speaker, as with the other bills I am introducing today, I intend to work in a bipartisan manner with my colleagues to make sure that low-income families and American taxpayers get the relief they deserve as quickly as possible.

HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Title cited as the "Homeless Housing Programs Consolidation and Flexibility Act."

Section 2: Findings and Purpose conclude that a consolidation of the 7 existing McKinney Homeless Housing programs would provide flexibility and allow states, localities, and non-profits the ability to provide housing to homeless individuals with coordination of needed supportive services through other agencies.

Section 3: General Provisions provide technical changes to the McKinney Act.

Section 4: Permanent Housing Development and Flexible Block Grant Homeless Assistance Program is created and replaces existing Title IV of the Stewart B. McKinney Homeless Act as follows:

Subtitle A—General Provisions

Sec. 401: Purpose is established to provide assistance for permanent housing development and flexible homeless housing assistance.

Sec. 402: Grant Authority allows the HUD Secretary to provide grants to states, metropolitan cities, urban counties, and insular areas under subtitles B (Permanent Housing Development) and C (Flexible Block Grant Homeless Assistance).

Sec. 403: Eligible Grantees are insular areas (or designees) and recipients (state, metropolitan city or urban county) of Permanent Housing Development and the Flexible Homeless Block Grant Assistance Programs.

Sec. 404: Use of Project Sponsors provides criteria from which the eligible grantee may select entities to carry out its eligible activities.

Sec. 405: Comprehensive Housing Affordability Strategy Compliance requires each jurisdiction (eligible grantee) to submit and comply with the requirements of the comprehensive housing affordability strategy under Sec. 105 of the Cranston-Gonzalez National Affordable Housing Act.

Sec. 406: Allocation and Availability of Amounts requires, at enactment, 20% of total funds made for the Permanent Housing Development Grants, with a transitional sliding scale upward to 30% in the fourth year of the bill; the Flexible Block Grant Homeless Assistance, at enactment, receives 80% of total funds with a transitional sliding scale down to 70% in the fourth year and a sliding scale cap on the amounts used for supportive services from 30%, at enactment, to 15% in the fourth year. The permanent housing development grants are totally competitive at the national level; the Flexible Block Grant is allocated with 70% for metropolitan cities and urban counties and 30% for states, based on a formula in the Housing and Community Development Act of 1974 (or the Emergency Shelter Grant formula). A minimum appropriated threshold amount of $750 million is required for block grant and permanent development housing. Otherwise, all the homeless funds are nationally competitive.

Sec. 407: Matching Funds Requirements provide for each eligible grantee to match at least 50% of the federal funds received, unless the grant is less than $100,000. The eligible grantee is restricted from transferring matching requirements to a project sponsor or other non-profit carrying out the jurisdiction's homeless activities to no more than a 25% match of federal funds. Matches include (i) value of donated material, (ii) value of building lease, (iii) proceeds from bond financing with limitations, (iv) amount of salary paid to staff, and (v) the cost or value of donated goods, without including the value of any time or services contributed by volunteers.

Sec. 408: Program Requirements provide the Secretary with the authority to establish the application, form and procedure for acquiring homeless grants. Under the Permanent Housing Development Grants or Flexible Block Grant Homeless Assistance, eligible grantees must provide detailed descriptions of the activities planned. The eligible grantee or project sponsor is authorized to charge an occupancy charge from assisted individuals, capped at a maximum 30% of income. Eligible grantees and project sponsors are required to have at least one homeless individual as a member of the board of directors unless the Secretary provides a waiver. Administrative expenses are capped at 5% of federal funds received or 7.5% in cases where the recipient utilizes a standardized homeless database management system to record and assess the use of housing, services and homeless individual. Housing Quality Standards are keyed to local housing standards; and in the absence of local codes, a federal housing quality standard is enforced.

This section requires coordination and consultation between HUD and other federal agencies who have grant programs where eligible activities include homeless assistance, e.g. HHS, Labor, Education, VA, and Agriculture. Such coordination would provide for other agency funding for companion services to HUD housing grants. In the event of failure to coordinate or provide sufficient services, HUD and the Interagency Council on the Homeless would create a companion service block grant, capped at the authorized amounts for Title IV McKinney Appropriations, which this bill authorizes at $1 billion.

Use restrictions are applicable to permanent and supportive service housing, requiring at least a 20 year use with requirements for repayment or conversion monitored by the Secretary.

Local advisory boards are required to assist and provide professional and community assistance in creating, monitoring and evaluating local homeless initiatives using federal funds.

Sec. 409: Supportive Services are required for each homeless housing facility to meet specifically the needs of the residents, and include activities such as child care, employment assistance, outpatient health services, housing location, security arrangements, and case-management coordination of benefits.

Subtitle B—Permanent Housing Development Activities

Sec. 411: Use of Amounts and General Requirements provide authority to states, metropolitan cities and urban counties to implement permanent housing development for homeless individuals through construction, substantial rehabilitation, or acquisition. Substantial reliance on non-profit organizations is required, with a minimum amount of 50% of funds required to pass-through to such organizations. Special populations, to the maximum extent possible, are provided permanent housing opportunities.

Sec. 412: Permanent Housing Development consists of long-term housing, single room occupancy housing (with or without kitchen or bathroom facilities for each unit) rental, cooperative, shared-living arrangements, single family housing or other housing arrangements.

Subtitle C—Flexible Block Grant Homeless Assistance

Sec. 421: Eligible Activities provide authority to the eligible grantee to use funds for acquisition and rehabilitation of supportive housing; new construction of supportive housing, leasing of supportive housing, operating costs for supportive housing with limits, homelessness prevention, permanent housing development under subtitle B, emergency shelter, supportive services with caps, and technical assistance. Matching amounts only require an amount equal to the federal funds to be used for housing; therefore, grantees are much more flexible in providing different sources of funds. Federal funds are capped for emergency shelters at 10% of the recipients' McKinney housing funds.

Sec. 422: Use of Amounts Through Private Non-Profit Providers requires a pass-through of no less than 50% of funds.

Sec. 423: Supportive Housing is defined as housing providing supportive services that is either transition or permanent supportive housing.

Sec. 424: Emergency Shelter is defined as housing for overnight sleeping accommodations. Grants for emergency shelter are restricted for emergency needs and, in the case of rehabilitation and conversion, a 10 year use requirement for emergency or other homeless housing.

Subtitle D—Reporting, Definitions, and Funding

Sec. 431: Performance Reports by Grantees requires the eligible grantee to review and report on the progress of the homeless activities under the grants from Title IV as well as meeting the needs of the comprehensive housing affordability strategy.

Sec. 432: Annual Report by Secretary requires a summary of activities, conclusions and recommendations.

Sec. 433: Definitions.

Sec. 434: Regulations are required within 30 days of enactment for interim rules and final rules to follow, within 90 days of enactment.

Sec. 435: Authorization of Appropriations is $1 billion for FY98 through FY02.

Section 5: Interagency Council on the Homeless statutory language is amended to provide authority to coordinate under Title IV with HUD and other agencies and provide an independent determination on companion supportive service funding. Authorization of appropriations is for such sums as may be necessary in FY98 through FY02.

Section 6: Repeals and Conforming Amendments provide for the termination of (i) Innovative Homeless Initiative Demonstration; (ii) FHA Single Family Property Disposition for Homeless Use; (iii) Housing for Rural Homeless and Migrant Farmworkers; and, (iv) Termination of SRO Assistance Program.

Section 7: Savings Provision provides a guarantee of federal funds obligated for homeless activities prior to enactment under earlier laws.

Section 8: Treatment of Previously Obligated Amounts are guaranteed under the applicable provisions of law prior to enactment.

INTRODUCTION OF TARGETED TAX CUT BILLS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. POMEROY. Mr. Speaker, today I introduce a trio of targeted tax cut bills designed to help working families meet their most pressing financial challenges. The centerpiece of an agenda to advance the economic security of North Dakota's middle and working income families, these measures will make it easier for workers to afford health care and education and to set money aside for retirement.

The first measure I introduce today, The Self-Employed Health Affordability Act of 1997, continues my long dedication to providing full deductibility of health insurance costs for self-employed individuals. On the first day of the last Congress, I introduced a bill to give the self-employed a full 100 percent deduction for these costs. Eighty-two of my House colleagues became co-sponsors of my bill, and this bipartisan coalition fought successfully to include an increased self-employed deduction as part of the health insurance legislation passed by Congress last summer. Under this so-called Kennedy-Kassebaum law, the self-employed deduction will slowly increase to 80 percent by the year 2006. While this was progress, it does not bring sufficient relief to the hard-working farm and small business families which must pay their own health insurance premiums. The bill I introduced today will immediately increase the self-employed deduction to a full 100 percent, making the increasing cost of health insurance more affordable and keeping these families healthy.

Mr. Speaker, the second of the targeted tax cut bills I introduce today is The Education and Training Affordability Act of 1997. This legislation will allow a tax deduction of up to $5,000 a year for higher education and job training expenses for middle-income families. The deduction will be fully available to individuals earning less than $60,000 and households earning less than $80,000, and will phase out for individuals at $75,000 and for households at $95,000.

Unfortunately, college costs are moving beyond middle-class reach. Many families are forced to incur greater and greater debt to finance their children's higher education and some must forego higher education altogether. The Education and Training Affordability Act will help combat these trends, providing a needed tax savings and helping parents afford the cost of a college education for their children. Under this bill, a family of five earning $60,000 with three children in North Dakota's state universities will save $1,400 per year.

The Education and Training Affordability Act will also make job training more affordable. It's clear that the best-paying jobs will increasingly go to those workers with advanced training beyond high school. Employees willing to continually update their skills are the ones who will be able to take full advantage of the opportunities in today's rapidly changing economy. The Education and Training Affordability Act will help workers seize these new opportunities by making vocational, technical and other job training programs more affordable. For example, a worker earning $28,000 and enrolled full-time at Interstate Business College in Fargo would save $1,400 on his or her tax bill.

Mr. Speaker, the final bill in my trio of targeted tax cuts is the IRA Savings Opportunity Act of 1997. This legislation will help working families overcome what can be the extreme difficulty of setting aside money for retirement given all the other expenses families face. In doing so, it will help us take a step forward in meeting our emerging retirement savings crisis. As a nation, we are simply not saving enough to ensure a financially secure retirement. The personal savings rate has fallen from a level of more than 7 percent during much of this century to barely more than 3 percent today. Indeed, only one in three baby-boomers is saving enough to guarantee an adequate income in retirement.

The IRA Savings Opportunity Act gives working families expanded new opportunities to start and contribute to an individual retirement account (IRA). THe bill has three provisions, each designed to expand savings opportunities in a different way. First, for those at modest income levels who often find it most difficult to save, the bill provides a tax credit equal to 20 percent of the amount contributed to an IRA. This credit will reduce tax liability for individuals earning less than $35,000 and households earning less than $50,000 while providing a meaningful incentive to save for retirement.

Second, the IRA Savings Opportunity Act will allow those without access to a workplace retirement plan to contribute additional dollars to their IRA. Retirement security in our economy is premised on a three-legged stool of (1) employer pension, (2) Social Security, and (3) personal savings. Yet many workers—farmers, those who work for small businesses—do not have access to a retirement plan in the workplace. And many large employers are discontinuing their pension plans, leaving workers without a retirement vehicle at their place at work. These employees thus lack the important employer pension leg of the retirement security stool. THe IRA Savings Opportunity Act addresses this problem by strengthening the personal savings leg. The bill will allow middle-income workers without workplace plans to contribute an additional $2,000 to their IRA, bringing the total annual amount that can be contributed to $4,000. While the additional $2,000 contribution is not tax deductible, these funds will accumulate tax-free, providing a significant advantage over other savings vehicles such as mutual funds.

Finally, the IRA Savings Opportunity Act will help to strengthen the personal savings leg of

the stool for those who are fortunate enough to have access to a retirement plan at the workplace. By doubling the income ceilings below which workers can deduct their IRA contributions, the IRA Savings Opportunity Act once again makes the tax advantages of IRAs available to all middle-class Americans. Remedying the vast reduction in IRA participation caused by the 1986 tax reform law, the IRA Savings Opportunity Act will allow individuals earning up to $70,000 and households earning up to $100,000 to deduct their IRA contributions from their taxes, up to a maximum of $2,000. This restored deduction will provide meaningful tax relief for middle-income families, and will encourage the personal savings which must be a critical part of everyone's retirement savings strategy.

Mr. Speaker, one strength of the tax relief measures I introduce today is that they target the relief at families' most pressing economic challenges—the high cost of health care and education and the difficulty of saving for retirement. They also target the tax relief at middle and working income families in order to limit the cost and not require unsustainable cuts in programs on which our seniors, children and working families rely. This doubly targeted approach means that the revenue loss to the federal treasury from my proposals is modest, on the order of $40–50 billion. As with the proposals others will make for tax relief, my targeted tax cuts can only be enacted as part of a budget agreement that includes the necessary spending cuts to reach balance by 2002. From my position on the Budget Committee, I will be working to ensure that targeted tax relief in the context of a balanced budget is accomplished.

Mr. Speaker, I look forward to working hard in the coming weeks and months to advance these three targeted tax cut bills. With passage of these measures, Congress can provide needed tax relief to middle and working income families and can help them secure the foundations of economic security—health care, education and training, and a secure retirement.

THE INTRODUCTION OF THE NATIONAL RIGHT TO WORK ACT OF 1997

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce on this first day of the 105th Congress the National Right to Work Act of 1997.

This act will reduce Federal power over the American workplace by removing those provisions of Federal law authorizing the collection of forced-union dues as a part of a collective bargaining contract.

Since the Wagner Act of 1935 made forced-union dues a keystone of Federal labor law, millions of American workers have been forced to pay for union representation that they neither choose nor desire.

The primary beneficiaries of Right to Work are America's workers—even those who voluntarily choose to pay union dues, because when union officials are deprived of the forced-dues power granted them under current Federal law they'll be more responsive to the workers' needs and concerns.

Mr. Speaker, this act is pro-worker, pro-economic growth, and pro-freedom.

The 21 States with Right to Work laws, including my own State of Virginia, have a nearly three-to-one advantage over non-right to work States in terms of job creation.

And, according to U.S. News and World Report, 7 of the strongest 10 State economies in the nation have Right to Work laws.

Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non-Right to Work States. According to Dr. James Bennett, an economist with the highly-respected economics department at George Mason University, on average, urban families in Right to Work States have approximately $2,852 more annual purchasing power than urban families in non-Right to Work States when the lower taxes, housing and food costs of Right to Work States are taken into consideration.

The National Right to Work Act would make the economic benefits of voluntary unionism a reality for all Americans.

But this bill is about more than economics, it's about freedom.

Compelling a man or woman to pay fees to a union in order to work violates the very principle of individual liberty upon which this Nation was founded.

Oftentimes forced dues are used to support causes the worker does not wish to support with his or her hard-earned wages.

Thomas Jefferson said it best, "* * * to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

By passing the National Right to Work Act, this Congress will take a major step towards restoring the freedom of America's workers to choose the form of workplace representation that best suits their needs.

In a free society, the decision of whether or not to join or support a union should be made by a worker, not a union official, not an employer, and certainly not the U.S. Congress.

The National Right to Work Act reduces Federal power over America's labor markets, promotes economic growth and a higher standard of living, and enhances freedom.

No wonder, according to a poll by the respected Marketing Research Institute, 77 percent of Americans support Right to Work, and over 50 percent of union households believe workers should have the right to choose whether or not to join or pay dues to a labor union.

No other piece of legislation before this Congress will benefit this Nation as much as the National Right to Work Act.

I urge my colleagues to quickly pass the National Right to Work Act and free millions of Americans from forced-dues tyranny.

THE BREAST CANCER PATIENT PROTECTION ACT OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DINGELL. Mr. Speaker, I am pleased today to join my colleagues Representatives DELAURO and ROUKEMA of New Jersey, in introducing the Breast Cancer Patient Protection Act of 1997. This legislation seeks to ensure that women and doctors—not insurance company bureaucrats—will decide how long a woman who has a mastectomy should remain in the hospital.

For any woman, learning that she has breast cancer is one of her most frightening experiences. Learning that she must have a mastectomy, a surgical procedure that will change her body and her life, can be devastating.

To have an insurance company dare to say to this woman, who is facing one of life's great crises, that she must leave the hospital whether she is healed or not, is the ultimate insult. It is something that we should not tolerate, and that we must not allow.

Every medical specialty organization in this country challenges the right of insurance companies to interfere in the decision of what treatment is medically necessary or appropriate for a patient. Whether that patient is a young woman giving birth to a baby, or a woman having surgery to treat breast cancer, the insurer has no right to be in the middle, between the patient and the doctor.

Respresentative DELAURO and I, along with many other Members, placed this issue on the table at the end of last session because we wanted every Member of this body to think about this matter before the convening of this new Congress. We have spent the past several months researching the best, most effective way to accomplish the goals we laid out last year. We believe this legislation does that. We have made sure that we do not preempt responsible State legislation and we have defined health plans to be consistent with the Kassebaum-Kennedy health insurance reform bill and with the MOMS bill I introduced last session, which provides for 48-hour maternity stays.

This legislation goes where many angels have feared to tread, into the hallowed halls of well-heeled industry that is trying to make cost, rather than care, the driving principle of our health care system. This legislation just says "no." It says to anyone who is not the patient or the patient's doctor: "No, you may not dictate when a patient must leave the hospital."

The devastation of breast cancer is too great. The difficulties, both physical and psychological, associated with mastectomy are too complex. This legislation seeks to ensure that insurance snafus and mindless refusals do not make these already difficult situations impossible.

TRIBUTE TO BOB JOHNSTON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to one of my constituents, CWO2 Robert G. Johnston, USA (Retired) who retired from The Retired Officers Association last November. In connection with his retirement, I had occasion to reexamine Bob's biography. I never realized it before but, in one way or another, Bob has spent his entire adult life in or working for the military and its people.

Born and raised in Atlanta, GA. Bob entered the Army as a draftee in January 1953 and rose through the ranks to the grade of chief warrant officer. His enlisted service included tours with the Leadership Committee of the Infantry School at Fort Benning, GA, the First Infantry Division at Fort Riley, KS, the Third Infantry at Fort Meyer, VA, and two tours with the U.S. Army Special Security Group in the Pentagon. He served overseas with the U.S. Embassy in London and the Military Assistance Command in Vietnam.

Upon appointment to warrant officer in the intelligence field in 1972, he received training in counterintelligence at the Intelligence School, Fort Huachuca, AZ. His subsequent service as a warrant officer included tours with the Pentagon Counterintelligence Force, as executive officer of the 902d Military Intelligence Group and personnel officer of the U.S. Army Special Security Group.

After retiring from the Army in November 1975, Bob joined the Retired Officers Association's Placement Service [TOPS] as a placement specialist. He assumed the position as Deputy Director in 1978 and became Director of TOPS in 1994. Bob's military awards include the Bronze Star. Meritorious Service Medal with Oak Leaf Cluster, and Army Commendation Medal with Oak leaf Cluster.

The officer placement service or TOPS as it is called is a unique enterprise and it requires a unique individual to run it. In essence, it is a job placement service for military officers from all of the seven uniformed services who are either retiring or being forced out as a result of the current force drawdown. The very heart of this operation is Bob Johnston in his 18 years of service as Deputy Director and then Director of TOPS, he has worked directly with active duty and retired officers and with civilian employers, plus executive search firms in assisting officers to find civilian positions for a second career. His reputation in this area is legend. In some significant way Bob assisted more than 200,000 officers in making a successful transition from the service to civilian employment; personally critiqued over 14,000 resumes; counseled over 10,000 officers; and rewrote the acclaimed "Marketing Yourself for a Second Career" publication which is distributed to over 50,000 service members annually. As the Director of TOPS for the last 2 years, his major achievements include the creation of a TOPS Job Bulletin that could be accessed from the Internet and thus, has TOPS poised to meet the technological challenges of the 21st century; and a significant increase in the number of employers and executive recruiters who come to TROA looking for TROA members to hire to more than 2,000 firms worldwide.

Mr. Speaker, as a final thought, the word leadership is often applied to those who do not deserve it. In Bob Johnston's case, just the opposite is true. He was a leader on active duty and in retirement continued to be a leader to his fellow officers, showing them how to cope with the challenges of a changing world. Bob has been a credit to his country, the Retired Officers Association and to the entire retired community.

Bob resides in Springfield, VA, with his wife Elsie. The couple has two grown daughters.

INTRODUCTION OF THE HIGHER EDUCATION AMENDMENTS OF 1998

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today Mr. MCKEON, Mr. CLAY, Mr. KILDEE and I have introduced a bill to extend the Higher Education Act of 1995. The Higher Education Act is one of the most important pieces of legislation we will be reviewing this Congress. The law enacted by this Congress which provides for the continuation of the Higher Education Act will establish Federal student aid policy for students and families through the year 2004. Our guiding principles will be: making college more affordable; simplifying the student aid system; and improving academic quality for students.

I am a firm believer that a postsecondary education is one of the keys to family security in this country. As parents, we all work hard in the hope that our children will have a better life and more opportunities than the prior generation. Unfortunately, it has become increasingly difficult for families to fulfill this dream.

Students and their families are worrying more and more about how they are going to pay for a postsecondary education. A recent General Accounting Office report notes that public 4-year colleges raised tuition 256 percent between 1980 and 1995, far outstripping the consumer price index and the rise in a typical family's income. Yet, college is no longer a luxury. Over the last decade, the earnings gap between youth with a postsecondary education and those without has continued to widen. New and advanced technology is dominating our economy and driving down the value of lowerskilled jobs. At a time when a college education is no longer a luxury, families are finding themselves unable to save or borrow enough money to pay the bill.

As we begin our intensive review of the Higher Education Act and Federal student aid policy, we will be looking for ways to assist all Americans in their pursuit of an affordable, high-quality postsecondary education. Achieving this goal is critical to the survival and growth of this country.

INTRODUCTION OF THE HIGHER EDUCATION AMENDMENTS OF 1998

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MCKEON. Mr. Speaker, today Mr. GOODLING, Mr. CLAY, Mr. KILDEE and I have introduced a bill to extend the Higher Education Act of 1965. As we are just beginning the review process, the bill we are introducing today does not establish new policy or direction for Federal student aid. The final bill we plan on completing this year will focus on three main principles: making college affordable; simplifying the student aid system; and improving academic quality for students. The Higher Education Act is a complex piece of legislation. Our proposals for changing Federal student aid policy will be formulated only after open and bipartisan discussions with the Administration, the higher education community, students, parents and our colleagues in the 105th Congress.

In today's information based economy, the importance of obtaining a quality postsecondary education is at an all-time high. Parents across the country have recognized the importance of sending their children to college and they strive to ensure that their children will enjoy a better life.

It is in this area of higher education that the Federal Government can have a very significant impact. The fact is that the combination of Federal grant and loan aid for fiscal year 1997 is expected to exceed $37 billion dollars. This is good news for higher education in this country. Unfortunately, the cost of a college education has increased at about twice the rate of inflation since the early 1980's, making a college education one of the most costly investments facing American families today.

That is why our review of the Higher Education Act and Federal student aid policy will focus on strengthening opportunities for students to obtain an affordable, high quality postsecondary education. The law enacted by this Congress which establishes new and continues old Federal student aid policies will take us through the year 2004. It will significantly impact the lives of millions of students and their families, as well as the future of this country. I look forward to working with all my colleagues as we undertake this review.

TRIBUTE TO SUPERVISOR DERAN KOLIGIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RADANOVICH Mr. Speaker, I rise today to pay tribute to Supervisor Deran Koligian. Mr. Koligian is a man of soil and a man of service to all of Fresno County. He truly exemplifies what it means to be a family farmer.

As noted in a recent article in the Armenian General Benevolent Union (UGBU) magazine, Supervisor Koligian, who is serving his fourth term on the Fresno County Board of Supervisors, is a native of Fresno. His parents left

their native home land during the dark days of the Armenian genocide and relocated in Fresno. Koligian faced hard times like many other Armenians who were often the subject of discrimination and ridicule. As a result, life was not always easy for the Armenian families who lived on "the other side" of the railroad tracks.

Koligian's father and the rest of the family did not surrender to the pressure of being newcomers to the United States. Instead, the elders of the community instilled in the first generation of U.S.-born Armenians a message to concentrate on their education, work hard, and set goals. The words were taken to heart by Koligian. After graduating from Central High School, Koligian went onto Fresno State College and completed a degree in accounting and business administration. At the conclusion of his formal education, he entered into combat as an infantryman in the U.S. Army during World War II.

Upon returning to Fresno after World War II, Koligian began a career in farming and became involved in serving the community. Koligian served on the Fresno County School Board Association, the Fresno County Equal Opportunity Commission, and the Fresno Planning Commission. He also served 12 years as a member of the Board of Trustees of the Madison Elementary School, and 12 years on the board of Central High School before his election to the Fresno County Board of Supervisors.

Koligian oversees services in Fresno County such as public libraries, public schools, the sheriff's department, medical services, and the planning commission. Additionally, he also works with the probation department, courts, housing and tax collection agencies within the county.

Mr. Speaker, through the years, Deran Koligian has epitomized the hard work and integrity that our forefathers believed would make the United States a great and prosperous nation. The end result is a man who has served his community with professionalism an a no-nonsense attitude. I ask my colleagues to join me and pay tribute to a man who in the midst of so much else today, serves the public with as much substance as the soil of the Fresno land that he farms.

INTRODUCTION OF LEGISLATION TO ASSIST CONNECTICUT POLICE AND FIREFIGHTERS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to introduce legislation on the single most important tax issue to roughly 1100 families in Connecticut.

This legislation would simply clear up a situation where erroneous state law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several states, including Connecticut, the state law providing these benefits for police and fire fighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut, at least, the state law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the state or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty state law but only for the three years—1989, 1990 and 1991. From January 1, 1992 forward those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed state law. The cities and towns involved believed that they followed state law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in CT and has deemed these benefits taxable. All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The state was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years back taxes plus interest and penalties. Yet the interest and penalties on this tax continue to increase each day and are quite beyond the means of most of these families where the primary breadwinner is disabled.

This provision was reported by the Ways and Means Committee in 1992, passed the House on the suspension calendar, included in H.R. 11 and vetoed by then President Bush. This provision enjoys the bipartisan support of the entire Connecticut Congressional delegation. I hope that the House will see fit to provide these Connecticut families with the tax relief they need most.

STOP ILLEGAL IMMIGRATION AND PROTECT UNITED STATES JOBS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I am proud to introduce legislation which would improve the quality of the Social Security card and make it a crime to counterfeit work authorization documents. This is absolutely critical to our fight against illegal immigration. Several of my colleagues, including Mr. SCHUMER, Mr. STENHOLM, and Mr. HORN, join me in this effort.

Illegal immigrants come to the United States for one overwhelming reason: jobs. In response to this obvious magnet for illegal immigration, the 1986 immigration bill created employer sanctions, making the it illegal to knowingly hire an illegal alien. That law requires everyone seeking employment in the United States to produce evidence of eligibility to work. One of the documents that may be produced together with a driver's license to prove this eligibility is the Social Security card. The primary reason employer sanctions are not working today is the rampant fraud in the documents to prove eligibility to work, specifically the Social Security card. H.R. 2202 would reduce the number of documents that may be produced from 29 to 6. This helps, but one of the six is still the Social Security card. As long as it can be easily counterfeited, employer sanctions will not work.

Why is it so important to make employer sanctions work? There are 4 million illegal aliens in the United States today. This number increases by 300,000 to 500,000 annually. Most illegals are non-English speaking, poorly educated, and lacking in marketable skills. Their numbers are so large in the communities and States where they are settling that they cannot be properly assimilated, and they are having a very negative social, cultural, and economic impact.

Even if the southwest border were sealed—which it can't be—it would not solve the illegal immigration problem. Nearly 50 percent of illegals are here because they entered on legal temporary visas and did not leave. The only way to stop illegals from coming, through the border or otherwise, is to eliminate the magnet of jobs. The only way to do that is to make employer sanctions work.

Mr. Speaker, the bill I am introducing today will make major strides in our efforts to make employer sanctions work. Until sanctions work, our fight against illegal immigration will be in vain.

A BEACON-OF-HOPE FOR ALL AMERICANS: RANDALL BLOOMFIELD

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of nonelected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as Beacons-of-Hope.

Randall Bloomfield is one of these Beacons-of-Hope residing in the central Brooklyn community of New York City and New York State. Few doctors in central Brooklyn can match the impeccable record of achievement of Dr. Bloomfield.

Dr. Bloomfield is directly responsible for many community empowerment efforts. His vision, sincerity, and competence have resulted in the writing of proposals and the presentation of various studies that have educated the community. Over the years, he has made

dozens of scholarly presentations on subjects such as "Current Approaches to Gynecological Chemotherapy." In addition, he is coauthor of a proposal which gained funding for the Provident Neighborhood Health Center and has written numerous articles including one on Legislator-Physician relationships.

Throughout the years, Dr. Bloomfield has worked diligently in several positions that he found to be beneficial to his community. He currently serves as the chairman of the Moya Medical Scholarship Fund and is the co-chair of the Medgar Evers Medical Program.

Born in New York City, Dr. Bloomfield has served 2 years in the Army. He is a graduate of City College of New York and Downstate Medical Center. He is married to Edris L. Adams and the father of Diane Elizabeth and Robert Randall.

Randall Bloomfield is a Beacon-of-Hope for central Brooklyn and for all Americans.

INEQUITY IN THE TAX CODE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRANE. Mr. Speaker, today I am introducing legislation designed to end an inequity that currently exists in our Tax Code. The Federal Unemployment Tax Act [FUTA] exempts certain churches and religious organizations operated by churches from having to pay State unemployment taxes. This exemption extends to schools directly operated by churches. Although church-operated schools are exempt, there is one class of religious schools which is presently not exempt—schools which, in equity and fairness, and for constitutional reasons, deserve this exemption.

The schools in this nonexempt class are religious schools which are not operated by churches, but are instead operated by lay boards of believers. Such schools are as pervasively religious as the church-operated schools. Indeed, nonchurch religious schools would not exist except for their religious mission and are, in every way except church affiliation, religiously indistinguishable from exempt schools. It is my understanding that these schools constitute about 20 percent of the membership of the Protestant evangelical schools in the country, and that, in addition, Catholic, Jewish, and other Protestant schools fall into this category.

Quite simply, these schools should not have to bear the burden of the FUTA tax. The intent and purpose of these schools are the same as those operated by churches. Not exempting such schools raises serious constitutional questions with respect to the free exercise and establishments clauses of the first amendment as well as the equal protection clause of the 14th amendment. Although an effort was made to bring this issue before the Supreme Court, the Court did not reach the merits and dismissed the case on other grounds. Recognizing the constitutional issues involved, the U.S. Department of Labor deferred the initiation of conformity proceedings for roughly 2 years against States which exempt these schools from State unemployment tax "until the constitutional issue is definitively resolved." The constitutional issue has yet to be resolved and the Department of Labor has since started enforcing its interpretation of the law.

My legislation will clarify this issue once and for all by simply amending the Internal Revenue Code to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax. Many Members of Congress will find religious schools in their district that fall into this nonexempt category, and, moreover, will find that these schools merit equitable and constitutional treatment. I would ask my colleagues to join me in an effort to bring equity to this section of the Tax Code.

THE CARE ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KLECZKA. Mr. Speaker, in a cruel display of corporate greed, the Pabst Brewing Company last year announced its intention to renege on its promise to provide health and death benefits to its retirees. Following a court battle, Pabst appears to have succeeded: retirees and their families have lost benefits that were promised them in exchange for many years of loyal service to the company.

This outrage demonstrates a lack of corporate responsibility to dedicated former employees. This is not an isolated incident, but part of a disturbing nationwide trend. Over the past several years, thousands of workers and retirees across this country have faced similar cancellations and reductions of their health coverage. John Morel, Hormel, and General Motors are just a few of the corporations who have tried to leave their former workers stranded without health care—health care they were promised, and health care their long years of service earned. From meatpackers to clerical staff, this is a threat to the retirement security of all American workers.

We must act now. Last Congress, I introduced a bill which I am reintroducing today, the Health Care Assurance for Retired Employees Act—or the CARE Act—which would protect retiree health benefits and help retirees to obtain health insurance if their coverage is canceled.

The CARE Act would require employers to give 6 months notice to retirees and require the Labor Department to certify that the changes meet the requirements of the collective bargaining agreement.

It would also expand retirees' access to health care under COBRA for those aged 55 to 65 until they are eligible for Medicare.

Lastly, it would allow retirees who did not sign up for Medicare or Medigap to apply for the programs without late-enrollment penalties.

This type of atrocity must not be tolerated. We must ensure retiree security and prevent loyal former workers from being left out in the cold. Mr. Speaker, I ask my colleagues to show their support for retired workers and their families by cosponsoring this bill.

BALANCED BUDGET REQUIREMENT ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONDIT. Mr. Speaker, today, along with our colleague Representative KAY GRANGER of Texas, I have introduced the Balanced Budget Requirement Act, legislation to require the President to submit to the Congress each year a balanced Federal budget and to forbid the consideration in the Congress of any budget resolution that does not provide for a balanced budget. These changes would take effect immediately, and are essential in implementing any Constitutional amendment to balance the Federal budget.

Specifically, the legislation provides that:

Beginning in fiscal year 1998, the President is required to submit a plan for achieving a balanced budget by 2002. Thereafter, the President must submit budgets to maintain a balanced budget for the current fiscal year and the 4 fiscal years following, unless there is a declared war or national security or economic emergency.

Upon submission of the President's budget, the Director of the Congressional Budget Office (CBO) determines whether the plan achieves a balanced budget and certifies to the Chairman of the House and Senate Committees on the Budget such. If the budget is certified as not being in balance, the Chairmen of the Budget Committees notify the President in writing within 7 calendar days. Within 15 days, the President may submit a revised plan to achieve a balanced budget.

It is not in order in the House or Senate to consider any concurrent resolution on the budget that does not achieve a balanced budget by fiscal year 2002. In 2002 and thereafter, it is not in order to consider any budget resolution that does not maintain a balanced budget. This section cannot be waived unless a joint resolution is enacted that declares war, a national security or national economic emergency.

Finally, the bill makes in order in both the House and Senate the consideration of the President's budget or revision as a substantive amendment to the budget resolution, without substantive amendment.

While essential, enactment of a balanced budget in the Congress and ratification of a balanced budget constitutional amendment is only the beginning, not the end. The Balanced Budget Requirement Act, together with diligence on our part, will keep the Federal budget balanced.

MARKING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE FAITH COMMUNITY CHRISTIAN REFORMED CHURCH

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. ROUKEMA. Mr. Speaker, in the days immediately following the adjournment of the

104th Congress, the members of the Faith Community Christian Church of Wyckoff, NJ celebrated the One-Hundredth Anniversary of the founding of their church. I ask my Colleagues to join me in extending their heartfelt congratulations and best wishes.

Formally established on October 1, 1896 in the Riverside neighborhood of Paterson, the congregation was originally known as the Fourth Christian Reformed Church. For nearly eight decades, the church members worshipped in Paterson. On April 5, 1975, the church structure was destroyed by a fire that claimed the life of a Paterson firefighter.

Clearly, a church such as this does not survive on structure alone. The community relocated to its current site in Wyckoff and assumed the name Faith Community Christian Reformed Church in September 1978.

Mr. Speaker, this church has remained steadfast to its Christian mission throughout its distinguished history. Perseverance and courage have been the watchwords of the congregation since its founding, but especially in the trying days following the 1975 tragedy.

Faith Community Christian Reformed Church has been a pillar of the northwest Bergen County community and is widely respected. The ministry that the church provides to the community is clear evidence of the "faith of our fathers living still." Indeed, the church is following the traditions of the Christian faith of the founding fathers of this Nation.

Mr. Speaker, throughout this nation's history, faithful communities such as this church have formed the backbone of our society. At a time when many Americans are deeply concerned about the cultural and moral erosion of civil society, this church provides a center of worship and a solid foundation of faith for our families, our children and our communities. Just as this nation is a better place because of these churches, the dedicated service of the Faith Community Christian Reformed Church has enriched quality of life in Bergen and Passaic counties. Its contributions are adding to the rich tapestry of American life in northern New Jersey every day and deserve to be recognized as a part of the permanent historical record of our Nation through the CONGRESSIONAL RECORD.

My Colleagues, I invite you to join me in honoring the members of the Faith Community Christian Reformed Church on one hundred years of faithful service and extending best wishes for another century of service.

MEDICARE DIABETES EDUCATION AND SUPPLIES AMENDMENTS OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. DINGELL. Mr. Speaker, I am pleased to add my name as an original cosponsor of the Medicare Diabetes Education and Supplies Amendments of 1997, introduced today by my colleague from Oregon, Representative FURSE. This long-overdue legislation will assist millions of diabetics, by ensuring that the relatively small costs of diabetes self-management training and glucose test strips will be covered by Medicare. The cost-effectiveness of managing diabetes has been well documented. Management significantly reduces and delays the onset of disabling or fatal consequences of this disease. Thus, the small investment Medicare makes "up front" pays off several times in savings over the long term. But most importantly, these simple, cost-effective techniques notably improve the quality of life for people with diabetes.

Many of my colleagues will recall Representative FURSE's valiant attempts to enact this legislation in the 104th Congress. Throughout that Congress, in the context of Medicare legislation and budget reconciliation, even to the last night of the second session, she worked to achieve that goal. I was glad to work with her in that effort. However, despite tremendous support from people with diabetes and their families, Members of Congress on both sides of the aisle, and the White House, the elusive prize was not to be won in that most rancorous of seasons. I hope that as we begin this quest again, we can place health policy ahead of partisan wrangling, and people with diabetes ahead of politics. Let us enact this fine legislation as one of the first examples that we can and will work together to serve the American people. Let us take as our example the outstanding commitment of Representative FURSE to accomplish this objective not for personal or political gain, but because it is the right thing to do.

I am happy to be part of this effort, and look forward to speedy enactment of this important legislation.

INTRODUCTION OF LEGISLATION TO EXPAND THE PROTECTIONS OF THE FAMILY AND MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CLAY. Mr. Speaker, today I am introducing legislation to expand the protections afforded by the Family and Medical Leave Act of 1993 (FMLA). The legislation I am introducing is substantially similar to legislation introduced in the last Congress by our distinguished former colleague, Patricia Schroeder.

The FMLA grants employees the right to unpaid leave in the event of a family or medical emergency without jeopardizing their jobs. As former chairman of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor, I was privileged to work closely with pat Schroeder, the Hon. MARGE ROUKEMA, Senator CHRIS DODD, our former colleague the Hon. William D. Ford, and others to bring about the enactment of this important law. Necessarily, many compromises were made to bring about this precedent setting legislation.

Among the most important of those compromises was one that limited the applicability of the law to employers of 50 or more employees. My original intention had been to extend the law to employers of 25 or more employees. However, because of uncertainty regarding the impact of the law on employers and in order to increase support for the legislation, I agreed to accept the 50 employee threshold.

The effect of this compromise was to leave approximately 15 million employees outside of the protections afforded by the FMLA. The fact that an employee may work for an employer of 40 rather than 50 people does not immunize that employee from the vicissitudes of life, nor diminish that employee's need for the protections afforded by the FMLA.

The FMLA was signed into law on February 5, 1993. Experience has shown that the law does not unduly disrupt employer operations. Not only are the costs to employers of complying with the law negligible, but in many instances the FMLA has led to improvements in employer operations by improving employee morale and productivity, and by reducing employee turnover. Experiences has also shown that the protections afforded by the law are not only beneficial, but are essential in enabling workers to balance the demands of work and home when faced with a family or medical emergency. in short, we have now had sufficient experience under the law to justify extending the law to employers of 25 or more employees.

Beyond expanding the number of workplaces that are protected by the FMLA, the bill I am introducing also allows workers to take up to 24 hours of FMLA leave for the purpose of participating in school activities, to accompany children to routine dental or medical appointments, or to accompany an elderly relative to routine medical appointments or other professional services. The 24-hour provision was also originally a part of Mrs. Schroeder's legislation. However, I have modified those provisions to reflect a similar proposal that has been put forward by President Clinton. I urge my colleagues to support this legislation.

INTRODUCTION OF FIRE LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would create three additional enterprise zones targeted toward the financial institution, banking, and real estate or FIRE industries. I have consistently supported enterprise zones and think the intense competition for both the zone and community designation provides ample evidence of the broad support for these efforts.

My city of Hartford, CT applied for designation as an enterprise community but was denied. But when I started looking at the details, it was clear to me that while empowerment zones/enterprise communities are excellent economic development tools, they just don't quite fit all areas.

The tax incentives in empowerment zones include a wage credit, expensing of up to $75,000 and a loosening of restrictions on tax-exempt bonds—all incentives seemingly geared to manufacturing. Hartford and a number of other cities around the Nation, however, are different—our base is services and we

would frankly benefit from a different mixture of tax incentives.

Let me talk about Hartford for a moment. Hartford has long been known as the insurance capital of the world. We have also traditionally been a center for financial services. However, any reader of the Wall Street Journal knows of the consolidation in the banking industry and that real estate in many parts of New England is still in a severe slump. On top of this, we are in the midst of unprecedented change in the insurance industry. In the past 3 years every major insurer in Hartford has either been a merger participant and/or acquired or jettisoned a major line of business.

But because this proposal isn't just about Hartford. In the past decade, we have seen unprecedented change in our financial services industries. We have had banking and S&L problems, face increasing competition in the global marketplace, and again this year will debate allowing banking, and other service industries including securities and insurance to affiliate. In addition, we have seen Bermuda attract over $4 billion in insurance capital in the past few years. It is certainly a beautiful place, but most important, it's also a tax haven.

And while change can be good, it does create a tremendous amount of uncertainty. With each and every merger or spinoff, every mayor and every city council, not to mention the thousands of affected employees who ask the same two questions: What does this mean for jobs; and what impact does this have on the property tax base and real estate values?

This legislation would create three additional zones with tax incentives targeted to services. Specifically, these FIRE zones would be patterned after existing enterprise zones, but could encompass an entire city or municipality, and more important, could include central business districts. Eligibility would be the same as for existing enterprise zones, with an additional requirement that an eligible city would have to have experienced the loss of at least 12 percent of FIRE industry employment, or alternatively, 5,000 jobs.

In lieu of traditional enterprise zone tax incentives, new or existing businesses in FIRE zones would receive a range of tax incentives.

First, to deal with jobs, there would be a wage credit for the creation of new jobs within the zone. This would encourage businesses to hire displaced and underemployed insurance, real estate, and banking workers as well as to create entry level jobs for clerks and janitors.

Second, to deal with the high commercial vacancy rate problem that plagues many cities, there would be unlimited expensing on FIRE buildouts and computer equipment. The proposal would also remove the passive loss restrictions on historic rehabilitation.

Next, to provide an incentive for investors, the proposal would provide for a reduction in the individual capital gains rate for zone property held for 5 years to 10 percent. In addition, capital gains on zone property would not be considered a preference item for individual alternative minimum tax purposes. The corporate capital gains tax rate would also be reduced, to 17 percent.

Finally, many big cities aren't always as safe as we would like. Therefore, the proposal would provide for a double deduction for security expense within the zone. This should give employers an added stake in the safety of our cities.

I would urge my colleagues to support this legislation.

NORTH MIAMI POLICE DEPARTMENT OFFICER OF THE YEAR, KEVIN KENNISON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise today to recognize the North Miami Police Department's 1996 Officer of the Year, Officer Kevin Kennison. Chosen from a committee of his peers, his outstanding record in law enforcement makes him a fitting choice.

Officer Kennison joined the North Miami police force in June 1992. Quickly, he earned the respect of his peers and superiors through tenacity and dedication. In July 1993, he shared with several other officers the honor of Officer of the Month. Continuing his fine work, he again earned that title in August 1994 and October 1996.

Because of his unbridled enthusiasm, Officer Kennison was among the first chosen to participate in North Miami's Crime Suppression Unit, a specialized group of officers selected to target problem areas.

During 1996, Officer Kennison made in excess of 115 arrests, truly an astonishing number. Putting his life on the line in many instances, he has demonstrated great bravery. As his family and coworkers gather to recognize him for this achievement, I want to wish him continued success. Officer Kevin Kennison is truly an asset to our community, and we all congratulate him on a job well done.

ADVERSE EFFECTS OF INCREASING MEDICARE COST-SHARING ON THE POOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STARK. Mr. Speaker, I thank the Members for this opportunity to address the House on the important issue of Medicare. In our attempt to cut Federal spending, we must consider the implications of those policy decisions on our Nation's most vulnerable citizens. Much has been said of the economical benefits of raising Medicare copayments and deductibles, but not enough has been said of the detrimental effects those cuts will have on Medicare beneficiaries with low incomes.

Many of my conclusions on the negative effects of higher cost-sharing on the poor are taken from the RAND health insurance experiment. The RAND experiment studied the rate of use of health services by assigning people to different levels of cost-sharing insurance programs. The results of that experiment should encourage us to take a good look at the effect our decisions will have on the health of the people we represent.

Mr. Chairman, the RAND experiment clearly showed that with increased out-of-pocket costs to the beneficiary; physician visits, hospital admissions, prescriptions, dental and vision visits, and mental health services use fell. While adverse health effects on the average person were shown to be minimal, statistics on the poor were rather disturbing. The study found that those with lower income levels suffered adverse health effects in many categories under the cost-sharing plan. The poor will forgo necessary medical attention as out-of-pocket costs of those services rise. This is a fact that undermines the original intent of this program.

Health areas most affected by a higher rate of cost sharing for the poor are hypertension, rate of mortality, dental and vision care. As an example of these findings, those with lower incomes who entered the experiment with high blood pressure benefited more under the free program than under the cost-sharing plan. Low-income groups have 46 percent more dental visits on the lower cost-sharing plan than on the higher. The higher income groups use dental services 26 percent more under the lower cost plan. Near and far vision statistics also improved in the lower cost plan and predicted mortality rates fell approximately 10 percent among the poor. In fact, Mr. Chairman, overall serious symptoms among the poor declined when the costs of care went down.

The determination made by this study and others is that those with higher needs and lower incomes are not more likely to spend money on necessary medical services. Higher cost-sharing in the attempt to reduce necessary treatment will also cause a reduction in the use of highly effective care. Furthermore, the experiment found significant decreases in highly effective care seeking poor beneficiaries.

Mr. Chairman, raising the cost of Medicare will raise even higher the rate of emergency room visits by the poor. Already, those in the lower third of the income distribution have emergency department expenses 66 percent higher than those of persons in the upper third of the income distribution. Raising Medicare costs will only make it more difficult for those with lower incomes to see a primary care, office-based physician and force those patients to seek attention in our country's overcrowded emergency rooms.

All of these facts lead us to the conclusion that if we raise the beneficiaries' obligation in the cost of Medicare, those with lower income levels will be unable to afford and will not seek out needed health services. We have an obligation to fiscally get these entitlement programs under control without putting the Nation's most needy in harms way. I urge all of my colleagues to consider these findings as we work to improve Medicare.

THE HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LAZIO of New York. Mr. Speaker, I come to the floor of the House today to introduce the Housing Opportunity and Responsibility Act of 1997, a bill to bring hope and opportunity to millions of Americans now living in public housing across the country.

It is fitting that I do this today, the first day of the 105th Congress, because the first day of a new Congress is about new beginnings. This legislation is about new ideas and new models, new opportunities for families and neighborhoods that for too long have fallen victim to the old way of doing business.

For 60 years, we have asked local communities to live under one law for public housing, the 1937 Housing Act. Cities and neighborhoods, struggling with the challenge of providing affordable housing for families and individuals, have had to rely on a Depression-era law to provide that housing. A single, top-down, cookie-cutter model for housing designed to shelter urban factory workers and create jobs for out-of-work craftsmen in the 1930's is not the best way to do business today.

We ask a lot of local communities when it comes to building and supporting affordable housing. It's time we gave them the tools they need to get the job done right, so that families get the housing they need in communities that promote opportunity.

By providing that opportunity and demanding responsibility—at all levels, from recipients of assistance to those providing housing services—we take those first few steps toward creating the kind of communities we can all take pride in. Many of my colleagues have complained that the problem is not the programs, but simply how much money the Federal Government spends. I disagree. While having sufficient funding is something I have fought for, especially for our most vulnerable communities, it's wrong for us in Congress to ask the American taxpayers to pay for programs that aren't working. We Americans are a generous people, we always have been. We understand that not everyone has the same opportunities that some of our neighbors have been given and we are willing to spend tax dollars to help lower-income families get their feet under them and get on their way. But we are not so generous if we think our money is being wasted.

In too many cities, public housing has become the kind of waste that taxpayers don't want to put their money into.

We can do better than this. In some communities, housing for low-income housing is what we've asked it to be—a way to a better life, rather than a way of life. We can learn from those success stories, we can take the knowledge we have gained and make a better framework for change.

One of the worst examples has been the way residents in public housing are discouraged from working, discouraged from getting a better job or working overtime. The reason for this perversity? A well-intentioned but ill-advised policy known as the Brooke amendment, which requires tenants in public housing pay exactly 30 percent of their income for rent—no more, no less—no matter what income they make. Get a better job, your rent goes up. Work overtime to try to build a little savings, to move your family out of public housing, your rent goes up.

When we tried to restructure the intent of the Brooke amendment last year, some of my colleagues protested, saying that our only goal was to raise rents for low-income families. Nothing could be further from the truth. Nevertheless, this bill I am introducing today has a new way to eliminate the work-punishing provisions of existing law by simply giving tenants a choice. Each year, the housing authority will select a rent for each unit. The tenant then can choose whether to pay that rent or 30 percent of their income, obviously choosing whichever is less expensive. That way, no one is asked to pay more than 30 percent of their income for rent, but we don't force them to keep paying higher and higher rents based on misguided Federal policies.

This Work Incentive Rent Reform is one example of the kind of compromise we can create that protects families, but still provides the type of opportunity we need to instill in Federal programs.

Last May, members from both sides of the aisle voted for a very similar bill, the Housing Act of 1996. The House showed overwhelming support for reform by voting 315 to 107 in favor of that bill. As we go forward with this similar, but improved bill, I hope that Members on both side of the aisle, Republicans and Democrats, will feel free to engage in constructive debate, to work with us to make these needed changes.

Sixty years is a long time to wait for reform. We shouldn't ask low-income families to wait another year.

TITLE BY TITLE SUMMARY OF THE HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The short title of the bill is the Housing Opportunity and Responsibility Act of 1997. The bill repeals the United States Housing Act of 1937 (the "1937 Act"), removes disincentives for residents to work and become self-sufficient, provides rental protections for low-income residents, deregulates the operation of public housing authorities, and gives more power and flexibility to local governments and communities to operate housing programs.

The Housing Opportunity and Responsibility Act declares that it is the policy of the federal government to, among other things, promote the general welfare of the nation by helping families who seek affordable homes that are safe, clean, and healthy, and in particular, assisting responsible citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control. These goals are to be achieved by developing effective partnerships among the federal government, state and local governments, and private entities, which would allow government to accept responsibility for fostering the development of a healthy marketplace, and allow families to prosper and thrive by removing disincentives to work and barriers to self sufficiency. It states that the federal government cannot through its direct action or involvement provide for the housing of every American citizen, but should promote and protect the independent actions of private citizens to develop housing and strengthen their own neighborhoods.

TITLE I—GENERAL PROVISIONS

Purpose. States that the purpose of the bill is to provide affordable housing opportunities to low income families by (1) deregulating and decontrolling public housing agencies; (2) providing for more flexible use of Federal assistance to housing authorities, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources; (3) facilitating mixed income communities (4) increasing accountability and rewarding effective management of public housing authorities; (5) creating incentives for residents of dwelling units assisted by public housing authorities to work; and (6)— recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market.

Income Definitions. Defines "adjusted income" for purposes of this Act to mean the difference between the income of the members of the family residing in a dwelling unit or the person on a lease and the amount of any income exclusions—some of which are mandatory—for the family as determined by HUD. Mandatory exclusions are for: (1) elderly and disabled families; (2) reasonable medical expenses; (3) child care expenses; (4) minors residing in the household; and (5) certain child support payments. Discretionary exclusions include, but are not limited to dependents, travel expenses; and earned income.

Drug/Substance Abuse. Permits a local housing and management authority to prohibit certain individuals with a history of drug or alcohol abuse from admission to units where admission may interfere with the peaceful enjoyment of the premises by other residents.

Community Work and Family Self-sufficiency Requirement. Requires adult residents of public housing or residents receiving assistance under Title III to enter into an agreement which provides that the resident contribute no less than 8 hours of work per month within the community in which the adult resides or participate on an ongoing basis in a program designed to promote economic self-sufficiency, and which sets a target date for when the family intends to graduate out of public or assisted housing. Exceptions include working families, senior citizens, disabled families, persons attending school or vocational training, or physically impaired persons.

Local Plans and Review. Requires each local housing and management authority to submit to a local elected official or officials that appoint the authority and then to the Secretary an annual Local Housing Management Plan that describes the mission, goals, objectives, and policies of the authority with respect to meeting the housing needs of low-income families. Discusses the standards by which the Secretary may review Local Housing Management Plans, notice of approval or disapproval, treatment of existing plans, and authority of a public housing authority to amend plans.

TITLE II—PUBLIC HOUSING

Block Grant Contracts. Provides general parameters for block grant contracts (capital and operating funds) to be entered into between the Secretary of Housing and Urban

Development (the "Secretary") and public housing authorities. An authority must agree to provide safe, clean, and healthy housing that is affordable in return for assistance. Requires the Secretary to make a block grant to a local housing and management authority provided, in part, that the authority has submitted a community improvement plan, the plan has been reviewed and complies with the necessary requirements, and the authority is exempt from local taxes or receives a contribution in lieu thereof.

Uses. Authorizes grant uses for production, operation, modernization, resident programs, homeownership activities, resident management activities, demolition and disposition activities, payments in lieu of taxes, emergency corrections, preparation of Local Housing Management Plans, liability insurance, and payment of obligations issued under the 1937 Act.

Voluntary Voucher Conversion. Permits public housing authorities, in accordance with the Local Housing Management Plans, to move toward a voucher program for certain buildings after a cost-benefit analysis of maintaining and modernizing the building as well as an evaluation of the available affordable housing.

Formula Determination. Provides for development of a formula, through negotiated rulemaking, for distribution of block grant amounts to public housing authorities. Provides for interim allocations to public housing authorities pending the development of a formula Prescribes that chronically vacant units are ineligible to receive subsidy except to the extent of paying utilities.

Family Income Eligibility. Limits occupancy of public housing to families who, at the time of the initial occupancy, qualify as low-income. Public housing authorities may create a selection criteria for incoming residents that are aimed at creating an income mix that reflects the eligible population of that jurisdiction provided at least 35 percent of the units are occupied by families whose income does not exceed 30 percent of area median income. Certain income and eligibility restrictions may be waived by an authority that provides units to police officers, law enforcement and security personnel.

Family Choice of Rental Payment. Families residing in public housing will have a choice as to whether they would rather pay a flat rent for a unit, to be established by the public housing authority for each unit in its inventory, or to pay no more than 30% of the family's adjusted income as rent. The purpose is to allow public housing authorities to create rental structures that would reflect the asset value of the unit, similar to the private rental market and which would remove disincentives to families obtaining employment and achieving self-sufficiency, while maintaining income protections for the residents.

Minimum Rent. Provides that a public housing authority may establish minimum rental contributions between $25 and $50, provided certain hardship exemptions are established.

Designated housing for elderly and disabled families. Permits local housing and management authority to designate all or part of a development as only elderly, only disabled, or only elderly and disabled as long as the designation is part of the Local Housing Management Plan. The authority must establish that the designation is necessary to meet certain goals and needs and include information the supportive services and other assets that will be provided to serve the residents.

Resident Management Initiatives. Allows residents or non-profit resident management corporations to assume the responsibility of managing or purchasing a development. The corporation must be organized under state law, has as its sole voting members the residents of the development, and have the support of its resident council (if one exists), or alternatively, a majority of the households of the development. Allows a public housing authority to contract with a resident management corporations to manage one or more developments.

Authorization of Appropriations. Authorizes $2.5 billion as the appropriation level for each fiscal year through 2002 for the capital fund, and $2.9 billion through fiscal year 2002 for the operating fund.

TITLE III—CHOICE-BASED RENTAL HOUSING

Grants. Authorizes the Secretary to make grants to public housing authorities and authorizes contracts for one fiscal year.

Formula Allocation. Requires the Secretary to determine a formula for allocating assistance based, in part, on census data, various needs of communities, and the comprehensive housing affordability strategy of a community, pursuant to a negotiated rulemaking process. Up to 50 percent of the funds that are unobligated by a local housing and management authority for a period of 8 months may be recaptured by the Secretary.

Administrative Fees. Sets administrative fees for public housing authorities at 7.65 percent of grant amount for the first 600 units at fair market rent for a two bedroom and 7.0 percent of the grant amount for all units in excess of 600. The Secretary may increase this fee in certain circumstances.

Authorizations. Authorizes $1,861,668,000 under this title as the appropriation level for each fiscal year through 2002.

Income Targeting. Not less than 40% of the families assisted with choice-based assistance must be families with incomes at or below 30% of the area median income.

Portability. Establishes national portability for recipients of choice-based assistance.

Resident Contribution and Rental Incidators. The resident contribution shall not exceed 30% of the monthly adjusted income of the family. Requires the Secretary to establish and to publish annually rental indicators for a market area that may vary depending on the size and type of the dwelling unit. The rental indicators shall be adjusted annually based on the most recent available data.

Homeownership Option. Allows public housing authorities to use funds under this title to assist low-income families toward homeownership. Eligible families must have an income from employment or sources other than public assistance, and must meet initial and continuing requirements established by the authority.

Housing Assistance Payments Contracts. Allows public housing authorities to enter into contracts with owners by which owners screen residents, provide units for eligible families, and authorities make payments directly to owners on behalf of the eligible families. The authority may enter into a contract with itself for units it manages or owns.

Amount of Monthly Assistance Payment, Shopping Incentive and Escrow. States that the monthly payment for assistance under this title is in the case of a unit with gross rent that exceeds the payment standard for the locality, the amount by which the payment standard exceeds the amount of the resident's contribution and, in the case of a unit with gross rent that is less than the payment standard, the amount by which the gross rent exceeds the resident's contribution. Half of any savings under (b) are escrowed into a fund on behalf of the tenant, the remainder to be returned to the federal treasury.

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

Allows local governments and jurisdictions to create and propose alternative programs for better delivery of housing services using funds that otherwise would have been provided to these localities through the federal programs. Localities would be able to consolidate public housing and choice-based rental assistance funds. The local plan would have to meet certain federal requirements, and would be subject to approval by the Secretary. HUD would enter into "performance agreements" with the jurisdictions setting forth specific performance goals.

TITLE V—ACCOUNTABILITY AND OVERSIGHT PROCEDURES

Study of Various Performance Evaluation Systems, Establishment of Accreditation Board. Requires that a study be conducted of alternative methods to evaluate the performance of public housing agencies, the results of which shall be reported to Congress by the Secretary within six months of the date of enactment of this legislation. Six months after completion of the study and receipt by Congress, a twelve-member Housing Foundation and Accreditation Board (the "Board") is established with the purpose of developing an alternative evaluation and accreditation system for public housing authorities.

Annual financial and performance audits. Requires each public housing authority to conduct an annual financial and performance audit. Procedures for the selection of an auditor, access to all relevant records, design of audit are described. The Secretary may withhold the amount of the cost of an audit from an authority that does not comply with this section.

Classification by performance category. Provides for four classifications for housing authorities, including troubled housing authorities. Requires an authority classified as troubled to enter into an agreement with the Secretary that provides a framework for improving the authority's management.

Removal of Ineffective PHA's. Authorizes the Secretary to (a) solicit proposals from other entities to manage all or part of the authority's assets, (b) take possession of all or part of the authority's assets, (c) require the authority to make other arrangements to manage its assets, or (d) petition for the appointment of a receiver for the authority, upon a substantial default by a housing authority of certain obligations. The Secretary may provide emergency assistance to a successor entity of an authority. Allows an appointed receiver to abrogate contracts that impede correction of the default or improvement of the authorities classification, demolish and dispose of assets in accordance with this title, create new public housing authorities in consultation with the Secretary.

Mandatory takeover of chronically troubled PHA's. Requires the Secretary to takeover each chronically troubled public housing agency not later than 180 days after the date of the enactment. The Secretary may either solicit proposals and take the necessary actions to replace management of the agency or take possession of the agency.

TITLE VI—REPEALS AND CONFORMING AMENDMENTS

Provides for repeal of the United States Housing Act of 1937. However, the effective date of this act is delayed for six-months after date of enactment to allow HUD time

to identify any technical corrections that would be required resulting from such repeal. In addition, the Secretary may delay implementation (until no later than October 1, 1998) of any section in order to avoid undue hardship or if necessary for program administration, provided the Secretary notify Congress.

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

Include various miscellaneous provisions, including a prohibition against HUD establishing a national occupancy standards, technical corrections to legislation governing the use of assisted housing by aliens, amendments to HOME and CDBG income eligibility to promote homeownership, and provisions governing the use of surplus government property by homeless providers and selfdhelp housing programs.

IDEA IMPROVEMENT ACT OF 1997

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RIGGS. Mr. Speaker, I am pleased to join Chairman GOODLING, and others, in the introduction of the IDEA Improvement Act of 1997. I will serve as the chairman of the Subcommittee on Early Childhood, Youth and Families during the 105th Congress. I care deeply about ensuring that all children receive a quality education. There is nothing more important to the future of our country than providing the opportunity for a high quality education for all Americans. I believe that this can be achieved by working together to build on what works: basic academics, parental involvement, and dollars to the classroom, not bureaucracy.

We must ensure that children with disabilities are not denied the opportunity for a high quality education. The IDEA Improvement Act of 1997 will help children with disabilities by focusing on their education instead of process and bureaucracy, by increasing parents' participation, and by giving teachers the tools they need to teach all children.

The bill I have cosponsored is nearly identical to the bipartisan IDEA Improvement Act of 1996. That bill, which passed the House in June 1996 without a single dissenting vote, made numerous changes to current law. The 1997 bill changes the focus of the Act to education, not process and bureaucracy. It ensures evaluations for special education so that schools will consider whether other needs are the primary cause of a child's learning problems. These could include inability to speak English, or lack of previous instruction in reading and math.

Another change focusing on education is in the area of due process. The IDEA Improvement Act will shift the focus of dispute resolution from litigation to mediation—focusing on the real needs of the child. Similarly, prior to the commencement of any litigation and unlike current law, parents and schools will be required to disclose their concerns about the child's education to the other party. I believe this will lead to conflict resolution and education for the child, instead of more litigation and attorney's fees.

Parental involvement is an important hallmark of this bill. Under the bill, parents will be given the right to access all of their child's records and participate in any decisions on the placement of their child. Parents will be able to receive regular, meaningful updates about the progress their child is making, in another marked change from current law. This will further ensure that a child with a disability receives a quality education, not simply passes through an educational process.

Finally, the bill will ensure that teachers have the tools they need to teach all children. The bill will shift decisions on the expenditure of Federal training funds from the Federal Government to States and localities. That change will mean more general and special education teachers receiving the in-service training they need, instead of the pre-service training for special educators that the universities desire. The bill will eliminate the incidental benefit rule, which prevents schools from allowing even an incidental benefit from IDEA funds from deriving to other students, even if doing so would result in substantial aggregate cost savings, which can be used to educate all children.

I would like to briefly comment on the process that has led to this bill's introduction. During the past 2 months, I met with a number of members of the disability and education communities to learn their views on last year's bill and the need for reforming IDEA in general. During my discussions with the disability community, they expressed their appreciation for our initial intention to introduce a bill that is silent on the issue of whether schools may expel students with disabilities without education services in cases where such expulsion is permitted by local law and where the child's actions are unrelated to their disability.

I had taken that action as a sign of good faith that the topic of student discipline would be discussed in a fair and open manner by the committee. Our hope was that all groups would agree to such a free, democratic process.

Following my conversation with representatives of the disability community, I was both surprised and saddened to receive a letter from the co-chairs of the Consortium for Citizens with Disabilities asking Chairman GOODLING and me not to introduce a bill at this time. They indicated that there was insufficient time in this new Congress for my Democrat counterparts to consider a new bill. They were also concerned that the bill would be represented as having their support because it is based on last year's bill, the contents of which drew heavily from the disability and education group consensus process that occurred in the spring of last year.

I do not believe our introduction of the IDEA Improvement Act of 1997, which has only technical changes from the bill that passed the House unanimously last year, will result in any undue difficulty for our committee's Democrats. Being based on last year's bill, the 1997 bill draws from the four hearings and six drafts that preceded the House's later bipartisan passage of that bill.

I certainly do not expect that this legislation will be greeted by immediate, unconditional support from all parties. I do, however, expect that interested parties will use this new bill as the basis of discussion in the coming months.

Because the disability community has apparently decided against supporting such a process of open discussion, the cosponsors of this bill and I have chosen to introduce a bill which includes all provisions of the bill which has received bipartisan support in the House of Representatives. That bill included provisions on cessation of education services.

Reauthorization of the Individuals with Disabilities Education Act will be the first priority of my subcommittee in the 105th Congress. Chairman GOODLING and I will once again attempt to reach a consensus with all of the groups affected by our legislation.

IDEA IMPROVEMENT ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNYSLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GOODLING. Mr. Speaker, today over one dozen of my colleagues and I have introduced the IDEA Improvement Act of 1997, amending the Individuals with Disabilities Education Act [IDEA]. I have long been concerned about ensuring that all children receive a high quality education. There is nothing more important to the future of our country than providing the opportunity for a high quality education for all Americans. My colleagues and I believe this can be achieved by working together to build on what works: that means improving basic academics, increasing parental involvement, and moving dollars to the classroom.

In my view, this bill represents a significant step toward local schools delivering a high quality education to all children with disabilities. I have long supported improving the quality of education for children with disabilities. Last year, I worked hard for the passage of the IDEA Improvement Act of 1996, H.R. 3268. That bill passed the House in the 104th Congress by a unanimous vote. I have also long pushed the Appropriations Committee for increased funding for the Part B Program. Last year, my efforts were rewarded with over $700 million in new funding being appropriated to IDEA.

Like H.R. 3268, the IDEA Improvement Act of 1997 focuses the act on children's education instead of process and bureaucracy, gives parents greater input in determining the best education for their child, and gives teachers the tools they need to teach all children well. These are the changes that are necessary to provide a high quality education for all children with disabilities.

The changes in the IDEA Improvement Act will have a real and positive impact on the lives of millions of students with disabilities. When enacted, the bill will help children with disabilities learn more and learn better, which should be the ultimate test of any education law. Students with disabilities will now be expected, to the maximum extent possible, to meet the same high educational expectations that have been set for all students by States and local schools. There will be an emphasis on what works instead of filling out paperwork. No longer will teachers be forced to complete massive piles of unnecessary, federally required forms and data collection sheets.

These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process for its own sake.

The IDEA Improvement Act will help cut costly referrals to special education by emphasizing basic academics in the general education classroom. In the 1994–95 school year, 2.5 million of our Nation's 4.9 million special education children were there because they have learning disabilities. Many of these problems could be addressed with better academics in the early grades.

The IDEA Improvement Act has addressed this issue in several ways. First, following every evaluation of a child for special education services, school personnel will need to consider whether the child's problems are the result of lack of previous instruction. Too often, children whose primary problems result from a lack of reading skills enter special education because their problem was not properly addressed with basic academics. This change will result in fewer children being improperly identified as disabled because of their actual need, lack of skills, will be noted and addressed in a general education setting.

Second, the bill's discretionary training program will provide necessary training for general education teachers that is not being provided today. Current Federal training grant programs ultimately focus on their resources on pre-service training for special education teachers, because universities that receive the grants decide what the priorities for training are. While such training is important, where local teachers and schools are given the opportunity to decide what priorities are most important, they consistently cite in-service training, particularly for general education teachers, and pre-service training for early-grade general education and reading teachers. This bill will refocus Federal efforts by putting the decision making power with States and local schools, who are in a better position to recognize and serve their local needs. This will mean teachers will be better trained to teach children in the critical early grades, which will lead to better taught children and ultimately, fewer special education referrals.

Third, the IDEA Improvement Act will eliminate many of the financial incentives for overidentifying children as disabled. The change in the Federal formula, which I will talk about shortly, will reduce the Federal bonus for identifying additional children as disabled. Hopefully, States will follow suit, moving toward similar formulas. The legislation will also ensure that States do not use placement-driven funding formulas that tie funds to the physical location of the child. Such incentives encourage children to be placed in more restrictive settings, from which they are less likely to ever leave. They also encourage placement in special education in the first place, particularly children with mild disabilities that might best be served in general education classrooms with more assistance, instead of separate classrooms.

The legislation will also help ensure that assignment to special education is not permanent. Children are often referred to special education in early grades and then never leave. Part of the problem lies with the child not keeping pace with their peers. Special education plans often have no link to the general curriculum. Therefore, children remain in special education because they lose contact with what other children their age are learning and can no longer keep up. This legislation will ensure that the general curriculum is part of every child's Individualized Education Program [IEP] or justifies why it is not.

The bill will assure parents' ability to participate in key decisionmaking meetings about their children's education and they will have better access to school records. They will also be updated no less regularly than the parents of nondisabled students through parent-teacher conferences and report cards. Parents will be in a better position to know about their child's education, and will be able to ensure that their views are part of the IEP team's decisionmaking process.

The bill ensures that States will offer mediation services to resolve disputes. Mediation has proved successful in the nearly three-quarters of the States that have adopted it. This change will encourage parents and schools to work out differences in a less adversarial manner. The bill will also eliminate attorney's fees for participating in IEP meetings, unless they have been ordered by a court. The purpose of this change is to return IEP meetings to their original purpose, discussing the child's needs.

Our legislation will reduce litigation under IDEA by ensuring that schools have proper notice of a parent's concerns prior to a due process action commencing. In cases where parents and schools disagree with the child's IEP, the school will have real notice of the parent's concerns prior to due process. We hope that this will lead to earlier resolution of such disputes without actual due process or litigation.

Local principals and school administrators will be given more flexibility. There will be simplified accounting and flexibility in local planning. No longer will accounting rules prevent even incidental benefits to other, nondisabled children for fear of lost Federal funding.

The bill will make schools safer for all students, disabled and nondisabled, and for their teachers. Expanding upon current procedures for students with firearms, we will enable schools to quickly remove violent students and those who bring weapons or drugs to school, regardless of their disability status. The bill will ensure that such children can quickly be moved to alternative placements for 45 days, during which time the child's teachers, principal, and parents can decide what changes, if any, should be made to the child's IEP and placement.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures where appropriate. In discipline cases, the child's Individualized Education Program team will determine whether the child's actions were a manifestation of his or her disability. If they were not, schools will need to take the same action with disabled children as they would with any other child. This would include expulsion in weapons and drug cases where that is permitted by local or State law.

Finally, I would like to talk about the funding which will determine how much of the Federal appropriation each State will receive. Let me say first of all—no State will lose funds through the first 5 years of the transition to the new formula. This bill moves from allocating funds to the States based on a "child count" of children with disabilities to a population-based formula with a factor for poverty. The new formula is based 85 percent on the number of children in the State and 15 percent on State poverty statistics. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

In addition no State should ever receive less than it received in fiscal year 1996. Because of the substantial increase in IDEA Part B funding appropriated by the Congress for fiscal year 1997, 49 States will never receive less than they received last year. And that final State will never be affected if there are modest increases in IDEA funding between now and fiscal year 2007, and if not, only then in 2007.

The Clinton administration recognized the problem with the current system when it presented its proposal to the 104th Congress, suggesting a population-based formula with future funding. Many of my Democratic colleagues also recognized the importance of this change when they introduced that bill last year as H.R. 1986. In 1994, the Department of Education's Inspector General recommended changing the formula exactly as we have changed it in this bill. They called the current formula a "bounty system" that encourages putting children in special education when they should not be.

The IDEA Improvement Act of 1997 reflects an 18 month process of bipartisan efforts to improve upon IDEA. Because of the bipartisan passage of last year's bill, the bill we introduce today contains only a few technical changes from last year's bill. These changes include moving forward by 1 year various implementation dates within the bill and the inclusion of private school and charter school representatives on State advisory boards. The latter change was inadvertently left out of the bill as it passed the House in June 1996. In all other ways, the IDEA Improvement Act of 1997 is identical to last year's bill.

Ensuring a quality education for students with disabilities through the IDEA Improvement Act of 1997 is my committee's No. 1 educational legislative priority. As such, Subcommittee Chairman FRANK RIGGS will hold a pair of hearings in February with full committee consideration coming soon thereafter. It is our intention to have the IDEA Improvement Act of 1997 passed by the House prior to the end of this spring.

Before closing, I would also like to comment on the developments of the last 8 weeks that led to this bill's introduction. In November, Subcommittee Chairman FRANK RIGGS had a number of conversations with interested individuals and groups about IDEA and our committee's plans for introducing a new IDEA Improvement Act. At that time, Representative RIGGS stated our committee's intention to leave certain provisions out of the 1997 bill that were included in the 1996 bill. These provisions related to the ability of States and localities to discipline all students, including students with disabilities whose actions are unrelated to their disability, in accordance with

local policy. This would include expulsion without educational services where that practice is permitted by local law for students with weapons or illegal drugs.

At that time, we had decided to leave those 1996 bill provisions out of the 1997 bill, essentially making the bill silent on the issue of ceasing education services to children with disabilities who have been expelled because of their conduct. We intended to do so as a sign of good faith to the disability community, who had indicated their discomfort with those provisions—a sign that we intended to have a full public debate on this issue. I expected that this gesture would be taken as a welcome sign by these groups. My expectation was that they would respond by indicating their willingness to participate in a vigorous public debate about this and other important issues surrounding the education of children with disabilities. I was greatly disappointed to learn that this was not the reaction of the disability community.

On December 20, 1996, the cochairs of the Consortium for Citizens with Disabilities sent a letter to me and Representative RIGGS asking that we postpone introduction of IDEA reform legislation. They said that while they applauded our earlier decision to introduce legislation that was silent on the issue of cessation, they had other concerns about other issues addressed in the 1996 bill. More pointedly, the letter remarked that "no disability organization supported [the 1996] legislation."

The cochairs wrote briefly about the consensus process that led to the final form of the 1996 bill, and thus, the IDEA Improvement Act of 1997. The consensus process occurred last year when disability and education groups asked me if the bill's markup could be postponed so that these groups could make consensus recommendations. About 85 percent of the "consensus group" recommendations were incorporated into the 1996 legislation. The cochairs' letter said that the disability community's purposes in supporting the consensus document was "to keep the legislative process moving" and that they "have never supported, and will never support, the consensus document as an acceptable final set of recommendations that should be enacted into law without further revision."

I was saddened to receive this letter. I simply find it hard to believe that it would be inappropriate to introduce legislation to reform a law when very similar legislation has been actively debated during the previous 18 months; has seen six distinct incarnations circulated or introduced; has seen four hearings held during the 104th Congress; and has seen passage of that legislation by the House of Representatives without a single dissenting vote less than 7 months before.

I was troubled as well by the group's position on the consensus recommendations and their incorporation into our 1996 bill. Neither I, nor any of our committee's members, believed that the consensus recommendations would be enacted into law without change. We understood that further debate and a conference with the Senate would be necessary before the law would be enacted.

Given this letter, I must believe that certain segments of the disability community are not interested in debating these important issues. They are not interested in releasing a working legislative document to the public at large for the consideration of all interested parties. That position is absolutely contrary to mine. As chairman, I am interested in an open discussion of reform options in a public hearing where everyone can comment on a range of proposals. The IDEA Improvement Act serves that purpose well, and I am proud to be its sponsor.

While I had previously stated that I intended to introduce a bill that included a sign of good faith for the disability community, I must take the cochairs' letter as a rejection of that sign. For that reason, I have chosen not to introduce such a bill. Instead, I have introduced a bill that saw unanimous passage just 7 months ago in the House.

The IDEA Improvement Act is the most important change to America's special education system since the passage of Public Law 94–142 in 1975. Overall, America's special education system as currently structured has not accomplished what is necessary to educate all children with disabilities. There is broad agreement on the need to change. Results are important. Accountability is important. I believe this bill will help give America's children with disabilities what they were promised 21 years ago: the real opportunity to receive a high quality education. I urge my colleagues to join us in this effort.

IN SUPPORT OF REP. BOB DORNAN'S REQUEST FOR A FORMAL INVESTIGATION BY THE HOUSE OVERSIGHT COMMITTEE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STEARNS. Mr. Speaker, today I was officially sworn in as a member of the 105th Congress as were my 434 colleagues.

I was heartened to learn that although Ms. LORETTA SANCHEZ was sworn in to represent the 46th district of California, this would in no way prejudice Congress' consideration of the request made by former Representative Bob Dornan that Congress initiate a formal investigation into certain voter irregularities, which have occurred in the election in District 46, California on November 5, 1996.

I would caution my colleagues that this is not some bogus demand being made as a vendetta, nor is it groundless and without merit. There are proven cases of voter fraud in this election, which have already been acknowledged and verified. My major concern is that we must not allow our election process to become a sham merely because it is perceived to be politically correct. As a result of an initial investigation into this matter, an arm of the office of the Immigration and Naturalization Service [INS] has already been ordered by INS to shut down its citizenship testing program as of January 6, 1997.

Have we forgotten the struggles of minority citizens and women and their efforts to attain the right to vote?

Mr. Speaker, this request is not without precedent, I call to your attention McCloskey and MCINTYRE in the 99th Congress, 1st session or Roush versus Chambers 87th Congress, 1st session. These two cases involved dispositions to the House concerning Federal elections.

This country prides itself the fact that we are a democracy and abide by the axiom of "One man; one vote." However, I would like to quote a well known playwright who wrote: "It's not the voting that's democracy; it's the counting."

[From the Washington Post, January 4, 1997]

INS HALTS INTERVIEWS AT CALIFORNIA ORGANIZATION

(By William Branigin)

With allegations of vote fraud continuing in one of the most hotly contested congressional elections, the Immigration and Naturalization Service is distancing itself from an organization that reportedly registered immigrants to vote before they became citizens.

The INS this week suspended citizenship interviews at three Los Angeles area offices of Hermandad Mexicana Nacional, a Hispanic and immigrant rights group, pending the outcome of voting probe. To streamline the naturalization process, the INS had been conducting final citizenship interviews at the group's offices with applicants who had passed English and civics tests administered by Hermandad.

According to published reports, dozens of Hermandad clients illegally registered to vote after passing the tests and the INS interviews, but before they being sworn in as citizens. Some said they had registered to vote at Hermandad offices while INS officers were present.

Of more than 1,300 people registered by Hermandad last year, nearly 800 reportedly cast ballots Nov. 5. At least some of them voted in the California district in which Rep. Robert K. Dornan, 63, a Republican, lost by 979 votes to Democrat Loretta Sanchez, 36.

Dornan blamed his defeat on alleged irregularities, including voting by noncitizens and felons. He filed a complaint with the House seeking to overturn the election result. Sanchez, a member of the district's growing Hispanic population, said a recount had confirmed her victory. She is scheduled to be sworn in when Congress convenes Tuesday.

"I don't want to be the first person in history, man or woman, House or Senate, to be voted out of office by felons, by people voting who are not U.S. citizens, who are felons or children or people not allowed to vote," Dornan said in a television interview last month. He charged that up to 1,000 noncitizens and felons had cast ballots.

Republican members of a House subcommittee have accused the INS of improperly naturalizing criminals in a rush to produce new pro-Democratic voters in time for the Nov. 5 elections.

The Los Angeles Times reported last week that 19 noncitizens acknowledged voting in the Dornan-Sanchez race before completing the naturalization process. All said they had registered to vote at Hermandad, 18 of them after taking citizenship classes there and passing a test and INS interview, the paper reported. They did not say whom they voted for.

The Orange County Register reported that 30 Hermandad clients had registered to vote weeks before they were sworn in, although all but four became citizens before the election. It is nevertheless a felony under state law to register to vote before becoming a citizen. Under a new federal immigration law,

noncitizens who vote are ineligible for naturalization and can be deported.

The Orange County District Attorney's Office began investigating "possible registration and voting" by ineligible persons, but has not collected enough evidence to prosecute anyone, Assistant District Attorney Wallace Wade said.

Richard Rogers, INS district director in Los Angeles, said that pending the investigation, the INS would no longer interview citizenship applicants at three Hermandad testing sites, requiring applicants to come to an INS office. He said INS officers would routinely ask applicants if they had voted.

A spokesman for Hermandad, Jay Lindsey, said the group takes the allegations "very seriously" and is conducting a review to determine if any regulations were violated. He denied that the group knowingly committed voter fraud and said "we do not engage in politics."

Some Hermandad sites are affiliates of Naturalization Assistance Services, Inc., one of five companies designated by INS to conduct citizenship classes and testing. The firm ran into trouble last year after evidence of fraud was found at some of its sites. Last week, the INS ordered it to shut down its citizenship testing program on Jan. 6.

Hermandad also has sites affiliated with another company, which will continue to administer citizenship tests and prepare applicants for INS interviews.

IN SUPPORT OF THE MEDICARE DIABETES, EDUCATION AND SUPPLIES ADMENDMENTS

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NETHERCUTT. Mr. Speaker, as Co-Chair of the Congressional Diabetes Caucus, it is with pleasure that I support the Medicare Diabetes Education and Supplies Amendments of 1997, introduced today by Representative ELIZABETH FURSE. Representative FURSE and I formed the Congressional Diabetes Caucus to promote awareness of diabetes and its consequences within Congress. This bill is an important step toward providing diabetics with the tools they need to control the negative repercussions and cost of diabetes.

When my daughter, Meredith, was diagnosed with the disease in 1987, I became actively involved with learning more about the disease, its causes, complications and the cost to American society. Before entering Congress, I also served as president of the Spokane chapter of the Juvenile Diabetes Foundation.

Over 16 million Americans suffer from diabetes. The resulting financial cost to society is staggering. An estimated $138 billion or 14 percent of U.S. health care dollars, is spent on diabetes. The last several years have been encouraging for those working to find better treatments and a cure. Last year, doctors successfully transplanted insulin-producing cells into patients with type I diabetes. Researchers have also located genetic markers for diabetes, which should make it possible to identify patients at high risk. Additionally, the vaccine BCG has induced long-term remission of diabetes if given during the earliest stage of the disease.

I am confident that a cure for diabetes is within our reach. In the meantime, however, the Federal government must avail itself of advances in treatment knowledge. In the private sector, we have seen that comprehensive diabetes education reduces both diabetes specific complications and overall health care costs. For example, Merck-Medco Managed Care, Inc. has realized a total per diabetic patient health care cost reduction of $441 since beginning an innovative diabetes education program.

The Medicare Diabetes Education and Supplies Amendments of 1997 will employ some of the knowledge learned in the private sector by providing diabetes self-management training under Medicare. The bill will also expand coverage of blood testing strips to include all people with type II diabetes. Self-management training and access to blood testing strips are crucial to controlling the high health care costs associated with this disease. It is known that when diabetics keep their blood glucose level as close to normal as possible, the risk of complications can be reduced by as much as 65 percent.

I encourage my colleagues to support this legislation.

I am including for the RECORD the following statements from organizations in support of this legislation: The American Diabetes Association, the Juvenile Diabetes Foundation, the American Association of Diabetes Educators, the American Dietetic Association, the Endocrine Society, Eli Lilly and Co., and the Community Retail Pharmacy Coalition.

STATEMENT BY THE AMERICAN DIABETES ASSOCIATION IN SUPPORT OF LEGISLATION TO IMPROVE MEDICARE COVERAGE FOR PEOPLE WITH DIABETES

There are few, if any, issues facing the nation that have stronger bipartisan support than the diabetes Medicare reform legislation being introduced today by Representatives Elizabeth Furse and George Nethercutt. There are none, in our opinion, for which there is a greater need.

Diabetes is a prevalent, serious and costly disease and is increasing at a shocking rate. Since the '60s the number of cases has tripled to 16 million. Since 1992, the direct costs of caring for people with diabetes have doubled to its current sum of $91.1 billion a year. This figure does not begin to account for the staggering losses in productivity for our economy and well-being to Americans. When indirect costs are included, diabetes costs our economy nearly $138 billion a year, more than any other single disease.

Medicare alone spends one-quarter of its budget, nearly $27 billion a year, treating people with diabetes. Approximately half of all diabetes cases occur in people older than 55 years of age. However, the complications and hospitalizations associated with the disease (blindness, amputation, kidney failure, heart disease and stroke) can be delayed or avoided altogether with proper care. Our nation is only now coming to this realization.

The improvement in diabetes care embodied in this legislation represents the only preventive care measure ever scored (analyzed for its economic implications) by the Congressional Budget Office (CBO) to save money. According to the CBO analysis, each day Congress waits to enact these Medicare reforms costs taxpayers an additional $500,000.

This legislation, which incorporates two bills introduced in the 104th Congress, H.R. 1073 and H.R. 1074, has widespread support on both sides of the aisle. H.R. 1073 had 250 cosponsors in the last Congress. Of the more than 4,000 bills introduced in the 104th Congress, only 12 had more cosponsors.

During the fall election campaign, 180 members of the incoming 105th Congress demonstrated support for improving diabetes coverage by completing the American Diabetes Association's Diabetes '96 Candidate Survey. Two hundred and eighty-nine (289) Members of the 105th Congress either cosponsored legislation or signed the Candidate survey. Of the 289 supporters, 116 (40.1%) are Republicans and 173 (59.9%) are Democrats.

Leaders of both political parties have stated their strong support for this legislation. This legislation was included in President Clinton's FY '97 budget proposal and according to the White House, will be included in FY '98. Minority Leader Gephardt has noted that the provisions of the bill, if enacted, "would help every individual and family coping with diabetes and save billions of dollars in future Medicare spending."

Speaker Gingrich cosponsored identical legislation (H.R. 4264) in the 104th Congress and has said that addressing diabetes is one of his top four legislative priorities. During the fall election campaign, Presidential candidate Robert Dole noted that "improved Medicare and private insurance coverage of necessary diabetes supplies and education would save lives and reduce the cost of diabetes-related illnesses to both the taxpayer and the private sector."

The growing awareness of the seriousness of diabetes, along with the strong support of President Clinton, Speaker Gingrich and Congress, is crystal-clear mandate for immediate action to improve Medicare coverage for diabetes. There is no reason to wait. Any delay necessarily risks the health of the 3 million seniors diagnosed with diabetes and will waste millions of taxpayers dollars.

JDF SUPPORTS LEGISLATION TO EXPAND MEDICARE COVERAGE FOR DIABETES-RELATED SERVICES

The Juvenile Diabetes Foundation International (JDF), which gives more money directly to diabetes research than any other non-profit health agency in the world, strongly supports expedited passage of legislation which would make available to millions of older Americans the diabetes self-management training and critical testing equipment needed to attain better control of blood glucose levels, thereby helping to delay debilitating and life-threatening complications. It is imperative that, while we pursue the longer-term objective of a cure for diabetes through research, all people battling this insidious and devastating disease have access to the most advanced, proven diabetes management regimens and technologies available. This additional Medicare coverage makes tremendous economic sense for the country as well, given the fact that treatment for diabetes-related complications accounts for more than 27 percent of the total Medicare budget.

Despite medical and technological advances, people with diabetes continue to die and suffer life-threatening complications as a result of the disease. JDF believes that ultimately, through research advances, a cure for diabetes and its devastating complications will be found, resulting in millions of lives and billions of dollars saved. The public and private sector support for diabetes research has led to substantial progress. The Congress' steadfast support for medical research funding through the National Institutes of Health has not only brought us closer to a cure for diabetes, it has also produced

new and better management techniques which would have been unimaginable only two decades ago. Recent studies show that U.S. health expenditures for people with diabetes exceed $130 billion per year, or one out of every seven health care dollars. Clearly, increased public and private support for medical research is critical to controlling health care costs.

The Juvenile Diabetes Foundation International (JDF) is dedicated to supporting research to find a cure for diabetes and its complications, and to improving the lives of people with diabetes through research progress. JDF is a not-for-profit, voluntary health agency with over 100 chapters in the U.S. alone.

STATEMENT BY THE AMERICAN ASSOCIATION OF DIABETES EDUCATORS IN SUPPORT OF LEGISLATION TO IMPROVE MEDICARE COVERAGE FOR PEOPLE WITH DIABETES AND TO SUPPORT DIABETES SELF-MANAGEMENT TRAINING

The American Association of Diabetes Educators, which has more than 10,000 health care professionals who teach people with diabetes how to manage their disease, supports the diabetes reform legislation being introduced today by representatives Elizabeth Furse and George Nethercutt.

This legislation, which incorporates two bills introduced in the 104th Congress, H.R. 1073 and H.R. 1074, would provide diabetes outpatient self-management training services under Part B of the Medicare program and uniform coverage of blood-testing strips for individuals with diabetes.

We know the critical role diabetes education plays in the treatment of this disease. Each day we help people with diabetes lead healthy, productive lives. Each day we help to prove that diabetes education saves lives and potentially billions in Medicare expenditures each and every year.

While difficult for some, these modifications can dramatically reduce some of the more serious and expensive complications which result from untreated diabetes.

There are many case studies that prove the importance of diabetes education and self-management. Take for instance the case of Mr. H.L.

H.L. is a 72-year old Medicare subscriber who has had insulin-treated diabetes for the past 17 years. Six years ago, H.L. averaged two hospital admissions per year for uncontrolled diabetes. He was at high risk for cardiovascular disease because of cholesterol levels 1½ times normal. And, tragically, his right leg was amputated below the knee.

You see, H.L. had walked for a day in wet shoes. Because he had a lack of feeling in his feet, he didn't realize an ulcer had developed on his foot until it was many days later—much too late for treatment.

H.L. had never been taught to monitor his blood glucose levels and he hadn't been told that he needed to regularly examine his feet and legs for any abnormalities.

Now, six years later, H.L. tests his own blood glucose levels each day. His cholesterol levels are within the normal range. And, despite having an increased risk of another amputation, H.L. has his left leg and has not been admitted to the hospital for uncontrolled diabetes since he began self-management training.

We cannot win the fight against diabetes without empowering individuals with the skills to manage this disease. Because no cure is currently available for diabetes, diabetes education is one of our only and most potent weapons.

Armed with this weapon, H.L. has prevented the amputation of his left leg—as well as the frequent and costly hospitalizations when this disease became uncontrollable.

Now is the time to make a dramatic impact on the Medicare system—and more imporantly—on the lives of people with diabetes. Now is the time to recognize that diabetes education pays for itself over a relatively short period of time—and will save billions in Medicare expenditures each year.

How is this possible? Consider that for an average $50 visit to a diabetes educator, people like H.L. can learn how to eliminate $1,000 per day hospital stays.

For an average $50 visit to a diabetes educator, people can save the hundreds of thousands of dollars spent each year treating cardiovascular disease and kidney disease associated with diabetes.

For an average $50 visit to a diabetes educator, $30,000 amputations, like H.L.'s, can be prevented not only saving the money spent on the procedure, but the costs of further treatment and rehabilitation.

Today, on behalf of the 10,000 diabetes educators from around the country, the American Association of Diabetes Educators strongly supports congressional action on this important diabetes legislation to benefit the more than 16 million Americans afflicted with this disease.

STATEMENT OF THE AMERICAN DIETETIC ASSOCIATION IN SUPPORT OF DIABETES SELF-MANAGEMENT TRAINING

The American Dietetic Association, the world's largest organization of nutrition professionals, strongly supports legislation which would provide coverage of diabetes outpatient self-management training services under Part B of the Medicare program. Dietitians recognize that self-management training—which includes medical nutrition therapy—is essential if individuals with diabetes are to successfully manage their disease.

Numerous studies, such as the Diabetes Control and Complications Trial, have shown that control of blood sugar levels can help patients prevent or delay diabetes-related complications. A study conducted in 1994 by the International Diabetes Center in Minneapolis, MN, for The American Dietetic Association showed that persons with non-insulin dependent diabetes mellitus—also known as type II diabetes—can better control their blood sugar levels, weight and cholesterol with medical nutrition therapy. Medical nutrition therapy is the use of specific nutrition services to treat a chronic condition, illness or injury. At all phases of the six-month study, medical nutrition therapy provided by a registered dietitian resulted in improvements in patients' fasting plasma glucose (FBG) and glycated hemoglobin levels (HBA1c) compared to levels at the onset of the study.

Medical nutrition therapy is a cornerstone of self-management training and has been proven to significantly save health care costs by reducing the incidence of complications—including lower extremity amputations, kidney failure, blindness, heart attacks and frequent hospitalization. An internal analysis of nearly 2,400 case studies submitted by American Dietetic Association members show that on average more than $9000 per case can be saved in type I diabetes (insulin-dependent) cases with the intervention of medical nutrition therapy. Intervention in type II diabetes cases showed a savings of nearly $2000 per case.

Enactment of legislation providing coverage for diabetes self-management training will correct a monumental oversight in Medicare coverage by providing the essential training and nutrition services that have been recognized as critical to the treatment of diabetes. The nearly 70,000 members of The American Dietetic Association strongly support action by the congressional leadership to enact this important legislation immediately.

STATEMENT OF P. MICHAEL CONN, PH.D., PRESIDENT, THE ENDOCRINE SOCIETY, ON BILL FOR DIABETES MANAGEMENT PROGRAMS

"The Endocrine Society applauds the efforts of Reps. Elizabeth Furse and George Nethercutt, whose goal is to improve the quality of life for patients with diabetes. And as a constituent of the Congresswoman from Oregon, I extend special recognition to her for her bill.

"The state of diabetes care in the U.S. calls for the kind of reform proposed in this legislation. In too many instances, people with diabetes do not have access to the management programs and equipment necessary to properly care for their illness. Without these management tools, diabetic patients face higher risks of the long-term complications that rob them of their sight and mobility.

"Diabetes is a chronic illness, but one that can be controlled—even reversed—when patients have access to and follow appropriate management programs under the care of an endocrinologist. Medical science has shown that complications of diabetes do not have to happen. Costs associated with chronic illnesses have been identified as a significant health care crisis that we will face in the future, according to a study released in November 1996 by the Robert Wood Johnson Foundation. An earlier taxpayer-funded study has already proven that management programs reduce complications from diabetes.

"Fewer complications means a greater quality of life for the 16 million Americans with diabetes and a lower health care bill for all Americans. Our Medicare program needs the common-sense, cost-saving reform proposed in this bill. As soon as it is passed, we will begin to invest in economical diabetes prevention programs that improve patients' lives and save the country's health care dollars."

LILLY SUPPORTS MEDICARE COVERAGE IMPROVEMENT FOR DIABETES PATIENTS

Representatives Elizabeth Furse (D-1st-OR) and George Nethercutt (R-5th-WA) will introduce a bill requiring Medicare coverage of self-management training services and blood testing strips, important preventive measures for people with diabetes who want to stay healthy and avoid complications. Eli Lilly and Company vigorously supports the Furse-Nethercutt diabetes bill.

More than 16 million Americans have diabetes, a serious disease that affects the body's ability to produce or respond properly to insulin, a hormone that allows blood sugar to enter the cells of the body and be used for energy. Approximately half of all diabetes cases occur in people older than 55.

Studies show that providing coverage for diabetes supplies, and self-management training directly helps people with diabetes avoid devastating and costly complications like kidney failure, heart attack, stroke, blindness and amputations.

According to the American Diabetes Association, diabetes costs the U.S. $138 billion a

year in health costs. About one-fourth of the Medicare budget (nearly $30 billion a year) is devoted to treating diabetes and its complications. People on Medicare are one-and-a-half times more likely to have diabetes and its complications than other persons. Yet Medicare does not cover the tools to properly manage their disease.

Two-thirds of diabetes expenditures are related to the complications of the disease. The American Diabetes Association estimates that up to 85 percent of the complications associated with diabetes can be prevented. Yet today, only 30 percent of all patients receive any type of diabetes self-management training.

Lilly is a leader in diabetes care, celebrating 75 years of lifesaving Lilly insulin in 1996. In addition to providing disease treatments, Lilly specializes in diabetes education, teaching patients about the roles of diet, exercise, medication and monitoring their blood glucose levels to best manage their disease. Through our PCS subsidiary's Information Warehouse of 1.2 billion pharmacy records, Lilly helps physicians and health care providers identify particularly vulnerable points in the progression of diabetes.

Lilly believes the Furse-Nethercutt bill will prove to be extremely valuable as a prevention measure for people with diabetes, while helping reduce future Medicare costs.

COMMUNITY RETAIL
PHARMACY COALITION,
Alexandria, VA, January 7, 1997.

Hon. ELIZABETH FURSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FURSE: The Community Retail Pharmacy Coalition is writing to indicate its support for your bill to improve Medicare coverage of outpatient self management training and blood testing strips for diabetics. The Coalition consists of the National Community Pharmacists Association (NCPA), representing independent retail pharmacy, and the National Association of Chain Drug Stores (NACDS). Collectively, the 60,000 retail pharmacies represented by the Coalition provide 90 percent of the 2.3 billion outpatient prescriptions dispensed annually in the United States.

This program will help reduce the relatively high percentage of Medicare expenditures which result from caring for Medicare's significant diabetic population. We understand that this program will save Medicare $1.6 billion over the next six years. Allowing Medicare beneficiaries to use their local retail pharmacy provider to obtain this education and training makes sense. The nation's community retail pharmacies already provide a convenient location for Medicare beneficiaries to obtain the supplies that they need to help manage their diabetes, such as insulin and test strips.

The Coalition supports this bill, but asks that you assure that pharmacists meeting the educational requirements to participate in the program are, in fact, eligible for payment for these services under Medicare. The bill defines a "provider" as an individual or entity that provides other items or services to Medicare beneficiaries for which payment may be made. Pharmacies already provide such items and would appear to qualify as a "provider" under this bill. However, pharmacies are not currently classified as "suppliers" under the Medicare program, and we urge that your bill do so to assure that pharmacies qualify under this important program.

We believe that similar programs to increase quality and reduce costs could be developed for other disease states that are common in the Medicare population, such as asthma and high blood pressure. We would be very willing to work with you on developing such programs. We acknowledge and applaud your leadership in increasing the quality of care for diabetics who are covered by Medicare.

Sincerely,

RONALD L. ZIEGLER,
President and Chief Executive Officer, NACDS.
CALVIN N. ANTHONY,
Executive Vice President, NCPA.

INTRODUCING THE HEALTH CARE COMMITMENT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. MORAN of Virginia. Mr. Speaker, today, I rise to the "Health Care Commitment Act." This legislation allows Medicare eligible military retirees and their dependents to voluntarily participate in the Federal Employee Health Benefits Program.

We recruit young men and women to serve in our nation's military with a promise that the government will provide them health care for life. While this is not a contract, many men and women enlist with the good faith belief that we will provide their medical needs for when they retire. After these men and women have served their country and turned 65, the Department of Defense reneges on its promises, turns them away from its insurance programs and effectively denies them access to its medical treatment facilities.

The Department of Defense is the only large employer in this nation that kicks its retirees out of its health insurance programs. But it does not need to be. Civilian employees in the same Department of Defense, and throughout the government, are given the opportunity to participate in one of the finest health insurance programs in the country. The Federal Employees Health Program is an established health insurance program that enables employees to choose from a range of health insurance packages. Federal retirees, unlike their counterparts who served in the military, are not dropped from their insurance plans when they turn 65 and are not placed at the bottom or priority lists. Instead they are treated with the respect and dignity that they deserve.

My legislation ensures that all federal retirees, whether they served their nation as a member of the armed forces or as a civilian employee, are treated with the same dignity and have an equal opportunity to participate in the Federal Employees Health Benefits Program.

THE ENTERPRISE RESOURCE BANK ACT OF 1996

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BAKER. Mr. Speaker, today I am introducing legislation, with my distinguished colleague, the Minority Leader of the Capital Markets Subcommittee, Rep. PAUL KANJORSKI (D-PA), to reform the Federal Home Loan Bank System (FHLB). Throughout the 104th Congress, Mr. KANJORSKI and I have worked diligently to craft a bi-partisan reform bill. This legislation reflects the product of our subcommittee from April of last year.

While this bill reflects general consensus among members of the subcommittee, we are committed to working with other members of the full committee as well as the Administration to craft a bill that reflects most concerns. Greater attention will be given to the regulation and governance of the Bank System, the proper capital structure, the membership profile, and the mission of the system.

The Federal Home Loan Bank System was established in 1932 primarily to provide a source of intermediate- and long-term credit for savings institutions to finance long-term residential mortgages and to provide a source for liquidity loans for such institutions, neither of which was readily available for savings institutions at that time the Federal Home Loan Bank system was created.

In recent years, the System's membership has expanded to include other depository institutions that are significant housing lenders.

The segment of savings institutions and other depository institutions that are specialized mortgage lenders has decreased in size and market share and may continue to decrease. The establishment of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Government National Mortgage Association (Ginnie Mae) and the subsequent development of an extensive private secondary market for residential mortgages has challenged the Federal Home Loan Bank System as a source of intermediate- and long-term credit to support primary residential mortgages lenders.

For most depository institutions, residential mortgage lending has been incorporated into the product mix of community banking that typically provides a range of mortgage, consumer, and commercial loans in their communities.

Community banks, particularly those in rural markets, have a difficult time funding their intermediate- and long-term assets held in portfolio and accessing capital markets. For example, rural nonfarm businesses tend to rely heavily on community banks as their primary lender. Like the savings associations in the 1930's, these rural community banks draw most of their funds from local deposits. Longer-term credit for many borrowers in rural areas may therefore be difficult to obtain. In short, the economy of rural America may benefit from increased competition if rural community banks are provided enhanced access to capital markets.

Access to liquidity through the FHLB System benefits well-managed, adequately-capitalized community banks. For these banks, term advances reduce interest rate risk. In addition, the ability of a community bank to obtain advances to offset deposit decreases or to temporarily fund portfolios during an increase in loan demand reduces the bank's overall cost of operation and allows the institution to better serve their market and community.

Used prudently, the FHLB System is an integral tool to assist properly regulated, well-capitalized community banks, particularly those who lend in rural areas and underserved neighborhoods, a more stable funding resource for intermediate- and long-term assets.

With that in mind, I have introduced this legislation today to enhance the utility of the Federal Home Loan Bank System. I want the mission of the system to remain strong in the ability to help Americans realize the dream of home ownership, but equally as important: I want the System to enrich the communities in which Americans build their dreams.

America is the world capital of free enterprise. Free enterprise is the foundation on which the "American Dream" is built, and it is the engine by which "American ingenuity" is driven. My legislation will help nurture American free enterprise. That is why I call this bill the "Enterprise Resource Bank Act."

The Enterprise Resource Bank Act will strengthen the System's mission to promote residential mortgage lending (including mortgages on housing for low- and moderate-income families. Enterprise Resource Banks will facilitate community and economic development lending, including rural economic development lending. And Enterprise Resource Banks will facilitate this lending safely and soundly, through a program of collateralized advances and other financial services that provide long-term funding, liquidity, and interest-rate risk management to its stockholders and certain non-member mortgages.

Since 1932, the Bank System has served as a link between the capital markets and local housing lenders, quietly making more money available for housing loans at better rates for Americans. Today the Federal Home Loan Banks' 5,700 member financial institutions provide for one out of every four mortgage loans outstanding in this country, including many loans that would not qualify for funding under secondary market criteria. The Bank System accomplishes this without a penny of taxpayer money through an exemplary partnership between private capital and public purpose.

More than 3,500 of the Bank System's current members are commercial banks, credit unions and insurance companies that became eligible for Bank membership in 1989. They demonstrate the market's value of the Bank System by investing in the capital stock of the regional home loan banks. These institutions have recognized the advantages of access to the Bank System's credit programs and have responded to their local communities' needs for mortgage lending. As the financial marketplace grows larger and more complex, I envision the Bank System as a necessary vehicle for serving community lending needs especially in rural and inner-city credit areas.

The Federal Home Loan Bank System serves an active and successful role in financing community lending and affordable housing through the Affordable Housing Program (AHP) and the Community Investment Program (CIP). The AHP program provides low-cost funds for member institutions to finance affordable housing, and the CIP program supports loans made by members to community-based organizations involved in commercial and economic development activities to benefit low-income areas.

The Federal Home Loan Banks' loans (advances) to their members have increased steadily since 1992 to the current level of more than $122 billion. Since 1990, the Banks have made $7.1 billion in targeted Community Investment Program advances to finance housing units for low- and moderate-income families and economic development projects. In addition, the Banks have contributed more than $350 million through their Affordable Housing Programs to projects that facilitate housing for low- and moderate-income families.

While these figures are impressive, the Federal Home Loan Bank System needs some fine tuning to enable it to continue to meet the needs of all its members in a rapidly changing financial marketplace. The Enterprise Resource Bank Act of 1996 recognizes the changes that have occurred in home lending markets in recent years, which is reflected in the present composition of the Bank System's membership. Enacting this legislation will enhance the attractiveness of the Banks as a source of funds for housing and related community development lending, and will encourage the Banks to maintain their well-recognized financial strength. Specifically, my legislation: targets the Bank System's mission in statute to emphasize the System's important role of supporting our nation's housing finance system and its potential role of supporting economic development by providing long term credit and liquidity to housing lenders; establishes voluntary membership and equal terms of access to the System for all institutions eligible to become Bank System members, and eliminates artificial restrictions on the Banks' lending to member institutions based on their Qualified Thrift Lender status; equalizes and rationalizes Bank members' capital stock purchase requirements, preserving the cooperative structure that has served the System well since its creation in 1932; separates regulation and corporate governance of the Banks that reflect their low level of risk ensuring the Banks can meet their obligations; and modifies the methodology for allocating the Bank System's annual $300 million REFCORP obligation so that the individual Banks, economic incentives are consistent with their statutory mission to support primary lenders in their communities.

Taken together, these interrelated provisions address the major issues identified in a recent series of studies of the Bank System that Congress required from the Federal Housing Finance Board (FHFB), the Congressional Budget Office (CBO), the General Accounting Office (GAO), the Department of Housing and Urban Development (HUD) and a Stockholder Study Committee comprised of 24 representatives of Federal Home Loan Bank shareholder institutions from across the country.

The Enterprise Resource Banks Act will make the Banks more profitable by enabling them to serve a larger universe of depository institution lenders more efficiently, and it will return control of the Banks to their regional boards of director who are in the best position to determine the needs of their local markets. At the same time, it will provide for the safety and soundness oversight necessary to ensure that this large, sophisticated financial enterprise maintains its financial integrity and continues to meet its obligations.

I first offered comprehensive legislation to modernize the Bank System in 1992. The legislation is the culmination of efforts over the last three years to address in a balanced way the concerns of the Banks' member institutions, community and housing groups, and various government agencies. Together with my respected colleague, Rep. PAUL KANJORSKI, I look forward to passage of this important legislation to modernize an institution that works to improve the availability of housing finance and the opportunity of credit for all Americans, particularly those who are underserved.

HOMEOWNERS' INSURANCE AVAILABILITY ACT OF 1997

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LAZIO of New York. Mr. Speaker, today I introduce the Homeowners' Insurance Availability Act of 1997 as a first step toward addressing the exploding costs of Federal natural disaster assistance. Between 1988 and 1994, the Federal Government spent more than $45 billion in disaster assistance, of which approximately half was for residential losses. Like coastal areas in many parts of the country, the shoreline homeowners in my Long Island district have been particularly hard hit by recent winter storms and nor'easters. The force of such natural disasters have left Long Island's south shore coastline, and other coastal areas throughout our Nation, in a delicate state. In this environment, States have begun to experience declining homeowners insurance availability in disaster-prone areas. This bipartisan legislation provides a Federal backstop for state-operated insurance programs, and complements existing insurance industry efforts without encroaching upon the private sector. The bill allows State officials and local industry leaders to create the most appropriate solutions to State and local needs.

The Homeowners' Insurance Availability Act of 1997 authorizes the Secretary of the Treasury to offer annual Federal reinsurance contracts to eligible State insurance programs Covered losses include residential property losses resulting from earthquakes and hurricanes, as well as other losses determined appropriate by the Secretary. The bill requires neither States nor individuals to participate in the program, and envisions an entirely self-sustaining insurance fund with no direct taxpayer liability. Total Federal coverage is capped at $25 billion, and is phased in over a period of 4 years.

In introducing this bill, we pay tribute to the late Congressman BILL EMERSON and his efforts to provide protection for American families from the devastation of natural disasters. Over the last several years, Congressman EMERSON attempted to comprehensively address the multitude of issues surrounding natural disaster assistance. Although this bill will be devoted solely to providing State-run insurance programs with Federal reinsurance, I look forward to other free-standing legislation that addresses the variety of relevant issues.

Improving homeowners insurance availability in disaster-prone areas will be one of my highest priorities during the 105th Congress. The Homeowners' Insurance Availability Act of 1997 continues the working partnership between the Federal Government and States and provides improved safeguards that many homeowners in disaster-prone areas desperately need. The consequences of insurance illiquidity, in the form of lower property values and fewer home resales, must be addressed. I look forward to hearings across the country in our most vulnerable areas, listening to industry experts, State officials and families affected by catastrophe, as we perfect this legislation that is long overdue.

The following are a section-by-section analysis and background summary of the legislation to be included in the RECORD.

HOMEOWNERS' INSURANCE AVAILABILITY ACT OF 1997

BACKGROUND

The rising toll from natural disasters has placed a severe strain on homeowners' insurance markets in many parts of the country in recent years. Events such as Hurricane Andrew and the Northridge Earthquake have demonstrated that insurers face the risk of insolvency if they are overly concentrated in areas prone to large earthquakes or hurricanes. As a result, many insurers have withdrawn from these markets or stopped underwriting new business, thereby making homeowners' insurance difficult to obtain.

State insurance commissioners and state legislatures have created programs to prevent or forestall an insurance availability crisis in several instances. These efforts include the Florida Catastrophe Reinsurance Fund, a state-mandated, privately funded pool providing a backstop to residential insurers after a major hurricane; the California Earthquake Authority, a state-run, privately funded entity offering earthquake insurance coverage to homeowners throughout the state, and the Hawaii Hurricane Relief Fund, the sole source of residential hurricane insurance coverage throughout the islands.

Besides the programs mentioned above, proposals are under varying degrees of consideration in Texas, Louisiana, New York, North Carolina and Virginia. In New York, more than 62,000 homes and businesses in inter-city and coastal communities currently are covered by the New York Property Insurance Underwriting Authority, a state-sanctioned insurer of last resort. Other proposals, including one similar to the Florida Catastrophe Reinsurance Fund, are likely to be proposed in Albany in coming months.

It is appropriate that solutions to address insurance availability originate at the state level. The magnitude of risk, as well as the size and nature of the local insurance market, differs from one jurisdiction to the next. What works in one locale may not be viable in another. State insurance commissioners and state legislatures are in the best position to determine the proper design for any program to address local needs.

However, there are certain limitations to what a state can do. A state program will likely have sufficient capacity to cover the vast majority of possible catastrophes. However, some events are so large as to drain even the most carefully constructed state program. Even though the chances of such an event are low, the very possibility of one has a chilling effect on the creation of state programs as well as the recovery of the private insurance market.

The Florida Catastrophe Reinsurance Fund, the California Earthquake Authority and the Hawaii Hurricane Relief Fund all share the problem of being unable to cover losses from the worst-case disasters. For example,, both the Florida fund and the California authority would be insolvent after disasters causing more than $10 billion in insured residential losses. While that level of loss is higher than that experienced to date, including the Northridge Earthquake and Hurricane Andrew, the possibility of events in the $10 billion plus range are certainly possible. Similarly, the Hawaii fund also has a limit well below the theoretical exposure in the state. The fund's maximum capacity is $1.5 billion, which is roughly the loss from Hurricane Iniki.

In the aftermath of a large disaster that exceeds a state program's capacity, it is likely that many homeowners insured by these programs will not be immediately or fully compensated for their losses. In fact, the California and Hawaii programs must, by law, prorate claims if funds are inadequate to cover all losses. Because there are no precedents, one can only speculate what the consequences of these funding shortfalls might be. However, an increase in mortgage defaults and a drop in real estate values are likely.

Lacking some additional backstop, state residential insurance programs are destined to fail at precisely the moment they are most needed. That is why a complimentary program at the federal level is so critical. Such a program will improve the effectiveness of state initiatives and help ensure that claims after a major catastrophe will be paid in full. In addition, maintaining the integrity of state programs even after large losses will help stabilize private insurance markets and encourage new protection of homeowners' investments.

Creating a federal insurance backstop to state homeowners' insurance availability programs has several advantages over other proposals that have been considered.

Unlike plans directly involving the federal government in the business of providing homeowners insurance to consumers or reinsurance coverage to individual insurance companies, this legislation limits federal involvement to a direct relationship with the states.

The federal program is completely voluntary. It does not compel any state to participate. In fact, the sale of federal insurance can only occur once a state has gone to the trouble and assumed the risk inherent in creating a homeowner's insurance availability program. If the private market is functioning adequately, or if local availability problems can be addressed without the need of a larger solution, then the federal program is a non-issue.

HOMEOWNERS' INSURANCE AVAILABILITY ACT OF 1997—SECTION-BY-SECTION ANALYSIS

Section 1: Title cited as "Homeowners' Insurance Availability Act of 1997"

Section 2: Congressional Findings that homeowners' insurance is becoming increasingly difficult to purchase, due to increased natural disasters and that there is a federal role in providing a reinsurance program for states that meet those needs beyond the capacity of the state's claims paying capacity.

Section 3: Program Authority to the Secretary of Treasury to provide a federal reinsurance program through reinsurance contracts through a Disaster Reinsurance Fund (Fund) in Sec. 9.

Section 4: Eligible Purchasers are state insurance programs and state reinsurance programs.

Section 5: Qualified Lines of Coverage provide specifically for residential property and other losses as determined appropriate by the Treasury Secretary.

Section 6: Covered Perils include (i) earthquakes, (ii) perils ensuing from earthquakes (fire and tsunami) and, (iii) hurricanes.

Section 7: Terms of Reinsurance Contracts are no more than 1 year, with claim payments only to state insurance or reinsurance programs and a payout at the occurrence and level where disasters costs exceed the state's claim paying capacity. Qualified losses include only property covered under the contract that are paid within a 3 year period from the natural disaster event. Pricing is established by the Secretary, in consultation with the Independent Commission on Catastrophe Risks and Insurance Loss Costs and based on actuarial analysis, a risk load not less than 2 times the risk-based price and administrative costs. Finally, in cases where Treasury borrowing occurs, contract purchasers and recipients of aid from proceeds of borrowed funds are required to continue purchasing contracts until borrowed funds are repaid.

Section 8: Level of Retained Losses and Maximum Federal Liability is limited to contracts at $2 or $10 billion or any other amount determined by the Secretary with the limitation that contracts are greater than the current claims-paying capacity of the state operated plan with a maximum yearly liability of $25 billion. The Secretary is authorized to phase-in maximum yearly liability during the initial 4 years of the program. Annual adjustments are authorized.

Section 9: Disaster Reinsurance Fund is established within the Treasury Department to accept proceeds from the sale of contracts, borrowed funds, investments or other amounts. Borrowed funds are limited to an amount not to exceed the Fund's capacity to repay within 20 years, with appropriate interest. Except for borrowed funds or start-up costs in Section 10(g), no federal funds are authorized or appropriated for the Fund.

Section 10: National Commission of Catastrophe Risks and Insurance Loss Costs is established with an appropriation of $1 million for initial start-up costs.

Section 11: Report on Secondary Market Mechanism For Reinsurance Contracts requires the Treasury Secretary to create a mechanism to sell excess-loss contracts (at least 20 percent of the total written dollar value) in the capitol markets and report back to Congress, within 18 months, with recommendations for statutory change.

Section 11: Definitions.

AGRICULTURE ADVISORY BOARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of a group of individuals who have been of great service to me during the past 2 years. This group is the Agriculture Advisory Board for the 12th Congressional District of Illinois. The 13 members of the Ag Advisory Board members represent each of the nine counties in the district. The group met several times throughout the 104th Congress.

This last Congress will be memorable one for the agricultural community. The recently implemented Farm Bill of 1996 has changed

the way producers receive payments from the Federal Government. These payments, set at specified decreasing amounts each year for the next seven years, replaces the former system of deficiency payments, which payed farmers based on market conditions. The legislation also recognizes the need for greater exports of our American-grown commodities. Illinois is a leader in the production of corn, wheat and soybeans. The opportunities for greater exporting will improve the economy in each member's town and throughout the state.

I commented each member for giving of his time and insights to help make well-informed decisions. The members of my Agriculture Advisory Committee during the 104th Congress were Mike Campbell of Edwardsville, John Deterding of Modoc, Lawrence Dietz of DeSoto, Edwin Edleman of Anna, Greg Guenther of Belleville, Craig Keller of Collinsville, Marion Kennell of Thompsonville, Vernon Mayer of Culter, Dave Mueller of East Alton, Larry Reinneck of Freeburg, Bill Schulte of Trenton, Jim Taflinger of Cache, and Lyle Wessel of Columbia.

I am pleased that these gentlemen will be staying on the Ag Advisory Board during the 105th Congress. The Farm Bill has brought about spending cuts in many farm programs, and each board member's input will be critical to me as I review the various Federal programs in an oversight and appropriations capacity. I look forward to working with each member on agricultural matters during the 105th Congress. I ask my colleagues to join me in recognizing these individuals.

LENDING ENHANCEMENT THROUGH NECESSARY DUE PROCESS ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today to reintroduce the Lending Enhancement Through Necessary Due Process Act.

In the aftermath of the Savings and Loan [S&L] crisis, Congress empowered the Federal Deposit Insurance Corporation [FDIC], the Resolution Trust Corporation [RTC], and other agencies to prosecute the S&L crooks and pursue other wrongdoers through civil suits to collect damage awards to lessen the taxpayer costs of the thrift debacle.

Although the government's efforts have been successful in carrying out Congress' mandate, government agencies have launched a zealous civil litigation campaign against anyone even remotely connected to a failed bank or thrift. Litigation against marginal defendants and the use of highly-paid outside counsel have aggravated the credit crunch in the early 1990's. Directors and officers in financial institutions are reluctant to make character loans or business loans with any element of risk for fear that they could be accused of negligence by the regulators if the loan ever failed. Currently, banks and thrifts have found it difficult to attract qualified bank directors and officers because of the campaign of fear brought on by the regulators.

Taxpayer funds have been wasted and the lives and reputations of countless individuals are being ruined. In their fervor to squeeze every last dollar out of S&L and bank professionals, the RTC and the FDIC are spending an inordinate amount of time and money pursuing marginal cases in which the culpability of the defendants is highly questionable. Faced with an enormous pool of potential individuals to sue, the FDIC and the RTC have employed over 2400 law firms, paying them more than $504 million in 1992 alone. These law firms had little incentive to reduce taxpayer costs and every incentive to bill thousands of hours in the pursuit of former directors and officers, regardless of their culpability. Meanwhile, defending these suits is a costly, demeaning, and time consuming enterprise. Many defendants have agreed to costly settlements, regardless of guilt, in order to avoid bankruptcy.

The Lending Enhancement Through Necessary Due Process Act will remedy these types of abuses and still allow the regulators to pursue culpable individuals. First, accused directors and officers will be allowed to assert defenses to overreaching accusations. One example is the business judgment defense. The courts in all of the States recognize the business judgement rule either by case law or by statute. This bill will establish defenses for business judgement, regulatory actions and unforseen economic consequences.

Second, this legislation would require that regulators have good cause to obtain the personal financial records of potential defendants. The current practice is to ask for the financial records of all parties and then sue the richest, regardless of culpability. This bill requires that the regulators demonstrate a violation of the law and the likelihood that the individual will dissipate assets.

Third, this act will give defendants additional protection to prevent the freezing of their assets without good cause. Finally, the standard for director and officer liability will be clarified by stating that the standard is gross negligence rather than simple negligence. I understand the Supreme Court has seen it necessary to take a closer look at the standard of negligence as it applies to these cases.

Mr. Speaker, although most of these cases have been brought to their final disposition, I strongly believe that changes need to be made so the abuses I described do not continue during the resolution of future failures. While I understand, but do not necessarily agree with, the need to use excessive force to resolve the S&L debacle, the time has come for the pendulum to swing back to the center. This bill will accomplish this.

COMMENTS UPON INTRODUCTION OF THE RATEPAYER PROTECTION ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STEARNS. Mr. Speaker, I rise today to introduce legislation that will not only save American consumers billions of dollars, but also reduce Federal regulation and promote competition in the electric power industry.

My bill will prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978—PURPA. Section 210 mandates utilities to buy power from a certain privileged class of generators of electricity at prices set not by the free market but by the government. In fact, the independent Utility Data Institute estimates that consumers pay as much as $8 billion a year more for their electric energy as a consequence of this anti-competitive mandate.

Simply put, PURPA is a Federal barrier to a more efficient, cost-effective, and competitive electricity industry. Each day we wait to deal with PURPA is another day that this mandate distorts electric markets and creates liabilities that will become stranded investments. Already, PURPA is estimated to have burdened the market with over $38 billion in stranded costs.

As I said upon introduction of virtually identical legislation during the 104th Congress, my only interest in introducing this bill lies in achieving the most efficient and most cost-effective means of electric generation for America's consumers. I am prepared to move forward with this bill as introduced, or as a part of a much broader legislative effort. Indeed, I am anxious to work with Chairman SCHAEFER, Chairman BLILEY, the House Committee on Commerce, and all other interested parties as Congress moves forward with its comprehensive examination of the industry. But it must be noted that we can take an important step toward the laudable end with the timely and sagacious elimination of PURPA's unnecessary and costly Federal mandate.

Everyone will agree that we must begin to explore a move toward an electricity industry that is based on competition, market force, and lower prices for ratepayers. This is certainly my objective as I introduce this imperative aspect of electricity reform legislation.

INTRODUCTION OF THE MEDICARE PREVENTIVE BENEFIT EXPANSION ACT OF 1997

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. THOMAS. Mr. Speaker, today I join with Mr. BILIRAKIS and Mr. CARDIN in introducing a bill which will strengthen Medicare's coverage of certain preventive health care. This is a step in the right direction for our seniors—and for the Medicare Program. Preventive health care can translate into improved health and a better quality of life—and at the same time, reduce long-term health expenses. The private sector has for many years offered preventive benefits in insurance programs for working Americans. Medicare can do the same for senior citizens.

In past years, we examined Medicare's coverage policy for the possibility of expanding it to include certain preventive care. But each time, the Congressional Budget Office concluded that this would significantly increase Medicare costs. Last year, for the first time, CBO agreed that certain preventive health

benefits could actually save Medicare money. Using this new level of understanding, we decide to include these savings and develop a responsible preventive health care program for our elderly. More important than the dollars we will save over the long term, this legislation assembles preventive methods that will save lives and enhance the quality of life for individuals suffering from certain medical conditions. In addition, these measures will empower seniors to have more control over their health through early detection of diseases, thereby increasing treatment options in many cases, and by educating patients on how to successfully manage their conditions.

The American Cancer Society estimates that one million people will be diagnosed with cancer this year, and there are more than 10 million people alive today with a history of cancer. Those who fight cancer, as either a patient or as a caregiver, know the tremendous burden such a battle brings. There is great financial cost for individuals, families, and society as a whole; the National Cancer Institute estimates national costs for cancer to be more than $100 billion each year. By providing Medicare beneficiaries with the access to expanded prevention procedures through coverage of mammographies, pap smears, pelvic exams, and colorectal and prostate screenings, this legislation seeks to reduce suffering and save lives by detecting cancer at an earlier, more treatable stage.

We also address a disease affecting more than 15 million Americans—diabetes. Without detection or proper treatment, diabetes can lead to kidney failure, amputation, nerve damage, blindness, extended hospitalizations, heart disease, and strokes. Medical care for diabetic patients costs more than $100 billion per year—accounting for 15 percent of all health care costs in the United States and a quarter of all Medicare costs. These medical complications and resulting costs are often avoidable through patient education on proper nutrition, exercise, blood sugar monitoring, activity and medication so that patients can take charge of their wellness. We not only empower people to take back control of their health care through patient self-management training, but we ease the financial burden by including blood-testing strips as durable medical equipment for the purposes of Medicare coverage. We also recognize the necessity of improving diabetes treatment and have added provisions requiring the Secretary of Health and Human Services to establish outcome measures to be reported to the Congress so we can change and adapt our coverage policies to reflect the medical needs of patients and not the arbitrary determinations of a Washington bureaucracy.

This legislation should make significant strides in improving the health care system for Medicare beneficiaries diagnosed with breast, cervical, colorectal, prostate cancer, and diabetes. We will do more, since new technology will enable early detection of other diseases. This bill will make a difference in millions of lives and for thousands of families, and I am proud to introduce this bill today, at the beginning of the new 105th Congress.

TRUE ELECTORAL REFORM: TERM LIMITS WITH 3 4-YEAR TERMS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing a proposed amendment to the Constitution that will not only limit the number of terms a Member of Congress may serve. This proposal would extend the length of a single term in the House from 2 to 4 years. Senators would remain in 6-year terms.

The arguments for term limits are well-known. The Founding Fathers could not have envisioned today's government, with year-round sessions and careers in Congress. Term limits would eliminate the careerism that permeates this institution, enticing Members to work toward extending their careers—a goal sometimes at odds with the common good. There are simply too many competing interest groups.

However, my proposal takes the essence of term limits, to limit the influence of careerism and the incessant campaigning it requires, by increasing the length of a term in the House of Representatives. Currently, each Member of the House serves 2-year terms. That means that after each election, a House incumbent must begin campaigning again almost immediately. This dangerous cycle almost never stops. A 4-year term would mitigate this to a certain degree. Looking at it another way, a person would have to run only three times to serve the maximum number of years. That is certainly an improvement, especially when tied to term limits.

Mr. Speaker, it is important to note that a 4-year term will not eliminate the House of Representatives' function as the people's House. Today's technology almost instantly allows people in Washington, DC to know how the people they represent in their district feel about issues of the day. No longer must Representatives periodically make the trek home to put themselves back in touch with the local wants and needs. Now we fly home on weekends, read our local papers in DC, receive countless polls and tune in to the news.

In the end, Mr. Speaker, there will be no loss of service by lengthening the term of office while limiting them. Indeed, it will improve as more attention is paid to legislating instead of campaigning. This is a complete reform package deserving of our attention.

VEHICLE FORFEITURE FOR REPEAT DRUNK DRIVERS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. BLUMENAUER. Mr. Speaker, as sure as we are standing here tragedy will strike again on America's roadways. Within the next few week there will be another national example where repeat drunk drivers lay carnage on our streets.

Sadly, this is an all too frequent occurrence in our county. Over 17,000 people a year are killed because of drunk driving and hundreds of thousands are injured.

I have a long standing commitment to doing everything possible to stop people from getting behind the wheel after drinking too much. As a member of the Portland City Council, I introduced the first ordinance in the country to take away the cars of repeat drunk drivers. This law has had a dramatic effect.

In Portland we have confiscated almost a thousand cars and forfeited almost a third of those. Most importantly it has made a difference in terms of repeat drunk driving.

From 1994 to 1995, drunk driving deaths increased nationally. During that same time period, we saw a 42-percent decrease in these fatalities in Portland. Empirical studies show when you take away the car of the repeat drunk drivers it does get their attention, and the recidivism rate has dropped. This is a program that works.

Today I am reintroducing what was my first piece of legislation as a Member of the U.S. Congress. Currently States must meet five of seven eligibility criteria to receive a share of the $25 million in Federal drunk driving counter measure grants. My proposal will add another criteria to choose from, a program to confiscate the cars of repeat drunk drivers, like we've done in Portland.

I'm convinced that this simple step is going to move dramatically and spread the forfeiture concept around the country. Already, over 60 cities and counties have requested information on our program.

When so many issues pit one group against another, it is encouraging that taking away the cars of repeat drunk drivers has had such a broad coalition behind it. Law enforcement agencies, advocates like the Mothers Against Drunk Driving, beer and wine distributors, and others have all lent their support for Portland's program. I have begun to reach out to national coalitions and will continue to work with them on perfecting this bill.

NATURAL DISASTER PROTECTION AND INSURANCE ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I rise to introduce the Natural Disaster Protection and Insurance Act. As many of my colleagues know, I have taken a great interest in past efforts to reduce the impact of catastrophic disasters.

We know that areas most likely to experience natural disasters, like my State of Florida, are currently experiencing population growth. As the population grows, demand for insurance grows while property values increase. Unless affordable insurance is available to these property owners, the Federal Government will continue to face open-ended liability. According to a policy paper prepared by the Clinton administration, private insurance plays a critical role in providing financial protection to living in disaster-prone areas by assisting in rebuilding, providing emergency living expenses, and reducing income losses.

In fact, since 1989, private insurance companies have paid claims amounting to more than $30 billion.

Furthermore, a document issued by the Senate Bipartisan Task Force on Funding Disaster Relief in 1994 concluded that, between fiscal year 1977 and 1993, the Federal Government spent approximately $120 billion on natural disasters.

Mr. Speaker, the problem at hand is that the demand for insurance in disaster-prone areas is increasing while the supply of private insurance has not kept pace. Many large insurance companies which would ordinarily be competing for this premium income in disaster-prone areas have stopped writing new policies, while many other small- and medium-size companies have been reluctant to fill in the resulting gaps due to their fear of a truly catastrophic event.

Prior to the large number of disasters that began in the late 1980's, actuarial techniques used by insurance companies were inadequately reserving for disasters. For example, losses were estimated on a 30-year cycle. From late 1950 until the late 1980's few disasters occurred. As a result, prices for catastrophic insurance were low compared to the actual risk carried by U.S. insurers.

Due to the lack of insurance coverage available, my home State of Florida has embarked on the only path available after the devastation of Hurricane Andrew. It has set up the Florida Catastrophe Fund and enhanced the Joint Underwriting Association and Windstorm Association, both of which are to be the insurers of last resort for those who are unable to find insurance. However, no one should be forced to seek coverage from a more-expensive, less-responsive Government program, so it is incumbent on us as policymakers to find the proper incentives for the private sector to write more coverage. Otherwise, I can only believe this is a manmade disaster waiting to happen.

Our experience with State insurance pools demonstrate that States cannot go it alone when they are ravaged by destructive occurrences. Therefore, I believe action at the Federal level is needed to encourage private insurance companies, including smaller and medium-size companies, to continue insuring individual homeowners and businesses in areas prone by natural disasters. Additionally, action at the Federal level can be instrumental in encouraging high-risk areas to better prepare for such events.

Fortunately, a lot of exciting and innovative thought is taking place in the insurance industry. For example, many insurance companies are teaming up with investment banks to bring capital to their markets by securitizing risk and thereby increasing the amount of exposure they can carry. This innovative development will help alleviate the shortage of insurance for those in disaster-prone areas.

We, in Congress, should not do anything that stifles this creative spirit within the industry. However, we should use the Federal Government as a tool to complement the efforts being made by the private sector to deal with natural disasters.

I have introduced a bill that contains three main parts to address the issues created by natural disasters. First, this bill provides immediate relief in the form of reinsurance for primary insurers through a fiscally responsible prefunded bond approach. Currently, there is a shortage of mega-catastrophe reinsurance available for primary insurance companies and this bill will bring much-needed capital to those high excess layers of risk. Second, this bill calls for a study regarding the viability of changing the Tax Code to encourage insurance companies to reserve for catastrophic events. Third, this bill has a mitigation component designed to keep damage caused by natural disasters to a minimum when they inevitably strike.

This bill follows the important bipartisan work on this issue by Senator STEVENS, Senator DAN INOUYE, and former Congressmen BILL EMERSON and NORM MINETA. I believe this bill creates a framework that contains the essential elements to begin the dialog on this important issue facing this Nation. Congress needs to take a leadership role in bringing together all those involved in natural disaster planning in order to reach a resolution to this issue. I plan on working with my colleagues, the administration, State, and local governments, and with industry to find the right solution for the American people. It is my hope that we can hold hearings on this subject soon.

INTERNATIONAL CUSTOMS DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CRANE. Mr. Speaker, January 26 has been designated by the World Customs Organization [WCO] as International Customs Day, a time to give recognition to customs services around the world for the role they play in generating revenue and protecting national borders from unauthorized imports.

The U.S. Customs Service represents the United States in the World Customs Organization which, since 1953, has grown into a 142-member international organization. The WCO's purpose is to facilitate international trade, promote cooperation between governments on customs matters, and standardize and simplify customs procedures internationally. It also offers technical assistance in the areas of customs valuation, nomenclature, and law enforcement. The organization's objective is to obtain the highest possible level of uniformity among the customs systems of its member countries. The involvement of the U.S. Customs Service in the WCO reflects the recognition that our country and its trading partners benefit when international trade is facilitated by simple, unambiguous customs operations around the world.

I take this opportunity to offer my congratulations to the World Customs Organization on its past accomplishments and wish it well in its ambitious efforts to further harmonize and simplify customs regulations. I also congratulate the U.S. Customs Service for its many years of fine work both domestically and internationally.

IT IS TIME FOR TERM LIMITS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, I am pleased to introduce a proposed amendment to the Constitution limiting the terms of Members of the House to 12 years of service and Senators to 12 years of service. This is a proposal I have enthusiastically pushed for over the years and one I continue to support.

Many may remember the term limits bill the House considered in March 1995 as part of the Contract with America. This is the exact same bill. I was excited when the first ever vote in the House produced 227 ayes. While this is a majority, it was not the two-thirds majority needed to pass a proposed constitutional amendment. I look forward to addressing this issue again in the 105th Congress.

The arguments for term limits are numerous and persuasive. Volumes could be written on the issue, but I would like to stress one point. Term limits are not simply to create turnover for the sake of turnover. Sure, it is important to get fresh blood in Congress, but it is more important to change the institution as a whole in a manner that only term limits can achieve. Term limits would end the pervasive careerism in Congress.

Mr. Speaker, the status quo in Congress encourages longevity in service. One's impact in Congress is almost always directly related to the length of time the Member has served. This is due to the fact that the House and Senate are directed primarily by the elected leadership and the full and subcommittee chairmen. Few rise to these levels without significant time served.

Therefore, many Members will do their best to stay in Congress as long as possible, making it a career. It is my firm belief that human nature dictates that most Members of Congress, whether Republican or Democrat, are going to worry more about getting reelected than anything else in the career oriented environment of the present system. Consequently the tendency of most will be to try to please every interest group in order to get reelected. While term limits would not completely end this attitude, it would mitigate it considerably because term limits would mean that when somebody is elected to Congress they would know that they were only coming here to serve a short period of time, not to make a career out of it. I am firmly convinced that this is the single biggest obstacle to getting a balanced budget and making some of the tough decisions that have to be made as we move into the 21st century.

Finally, Mr. Speaker, term limits is supported by over 70 percent of Americans. This is not a partisan issue. It is a sound proposal with popular support. Isn't it time that Congress passed this critical reform?

INTRODUCTION OF THE STOP SWEATSHOPS ACT OF 1997

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CLAY. Mr. Speaker, last year, I joined with Senator KENNEDY and more than 50 other Members of Congress to introduce legislation to curb the reemergence of sweatshops in the domestic garment industry. Today, I am introducing that legislation once again.

Sweatshops have returned to the apparel industry in the United States in numbers and forms reminiscent of the turn of the century. Sweatshop employers exploit those who work for them, sometimes subjecting workers to slave-like conditions. By exploding workers, sweatshop employers derive an unfair and unlawful competitive advantage that harms law abiding employers, as well as workers and their families.

The Stop Sweatshops Act of 1997 strengthens the ability of the Department of Labor to enforce the Fair Labor Standards Act [FLSA] and improves the ability of workers in the garment industry to obtain redress for violations of the act. As importantly, at a time when the Congress is reducing funds available for enforcement of the labor laws, the bill encourages manufacturers in the garment industry to deal with reputable contractors and acts to balance market pressures that have encouraged the reemergence of sweatshops.

The reemergence of sweatshops represents a problem that cannot be allowed to continue to grow. As we approach the 21st century, we have an obligation to eliminate this vestige of the 19th century. I urge my colleagues to support this humane legislation.

THE FLORIDA WETLANDS MITIGATION BANKING STUDY ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation to authorize a study on a topic of growing environmental importance, mitigation banking. Specifically, this bill authorizes the Army Corps of Engineers to conduct a 2-year study in Florida on the process of authorizing mitigation banking and its effectiveness.

In an effort to minimize impacts to wetlands, mitigation banks have been created. In the past, developers who adversely impacted a wetland area were required to either restore an existing wetland or create a new one. The restoration was usually performed on the impact site and often resulted in small, scattered wetlands which were not effective in maintaining or restoring the overall health of the watershed.

A mitigation bank typically consists of a large parcel of land on which an entity voluntarily restores, enhances, creates, or preserves wetlands and uplands. These entities may be a developer or group of developers, a public agency, or a private firm that has rights to land for the creation of a mitigation bank. A bank is formed through an agreement between regulatory agencies and the bank sponsor. The entity establishing the mitigation bank is then given mitigation credits for work on the wetlands. Credits are assigned by State and Federal regulators, including local water management districts and the Army Corps of Engineers. These credits can be used as a "debit" at another site to offset unavoidable damage to wetlands.

Mr. Speaker, this process is becoming more and more widespread. Because of the potential impact mitigation banking has for the nation, it is important to examine it further to better identify both the advantages and disadvantages of the process. My bill allows the Corps to conduct a study which analyzes the establishment and use of mitigation banks under current federal guidelines and Florida law to determine if any further federal action is needed. Florida was chosen as a study state because it has some of the most advanced statutes and regulations on mitigation banks, and a large number of mitigation banks have already been established and used.

As this realively new procedure begins to spread, I believe that it is important that all aspects and potential effects are examined. My bill will provide a study that I hope will clarify the future federal role. I encourage your support for this bill and look forward to working with many of my colleagues on its passage.

REPRESENTATIVE PELOSI HONORED FOR HUMAN RIGHTS WORK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STARK. Mr. Speaker, Representative NANCY PELOSI was cited in a recent New York Times article for her work as a tireless advocate on behalf of human rights in China. She has been the persistent voice reminding this Congress and the administration that we cannot ignore the atrocities in China. They are too awful, too numerous for us not to recognize.

A large market like China can be seductive for those who see commercial gain to be made. They do not want to see the pain wrought by the Chinese Government operating in its normal course whether it be false imprisonment, loss of freedom of religion, speech and association, proliferation of nuclear weapons or even the illegal shipping and sale of AK–47s to our own streets.

Representative PELOSI is the voice that reminds us that there is no such thing as business as usual with China. She is to be commended for her tireless efforts. I commend to you the enclosed article by A.M. Rosenthal:

CLINTON'S CHINA WRIGGLE

(By A.M. Rosenthal)

President Clinton, his supporting cast of bureaucrats and even most of his political opponents are so twisting the essence of the visit to the White House of Communist China's top weapons dealer that the deeply important meaning is wrung right out of it. And that is no accident.

Mr. Clinton is doing what comes naturally at times of political embarrassment, the old Washington dance. Wriggle, two, three, four, wriggle, two three, glide, everybody sing out together: "Doin' the White House wriggle!"

"It was inappropriate," the President says with a fine show of chin. Screening must be tightened!

Republicans and Democrats un-in-love with Mr. Clinton say no, the problem is political money.

Wang Jun, the Chinese Army's chief arms broker, missile salesman and weapons smuggler, was brought to a White House reception by an Arkansas businessman who became a hotshot Democratic fund-raiser.

Taking some of the stink out of fund-raising would be real nice. But it won't get at the why and how come of Mr. Wang, whose job is to make money and build power for the Chinese armed forces by peddling weapons worldwide, and whose name is known to every China expert, spook and high military officer in the world, getting to a White House do with the President.

Nor will it deal with the hypocrisy of the Administration now clucking about this fellow's visit in February when the man he reports to was the official guest of the United States Government just a couple of weeks ago. This one got to the White House not for a handshake but for a real sit-down meeting with none other than the old screening-tightener-upper, Mr. Clinton himself. He is Gen. Chi Haotian, who gave the order to kill dissidents in and around Tiananmen Square in 1989 and was promoted to Defense Minister by a grateful Politburo.

No, the answer to how these characters got to the White House is not political money or screening. It is Mr. Clinton's decision to base America's policy about Communist China on trade.

For Beijing, the principal purpose of trade is to build up its police and military power. The biggest owner of Chinese industry and commerce is the military establishment. It uses the profit to build more weapons to sell, particularly missiles amusingly forbidden under U.S. regulation, and to modernize its armies, including the police army operating the Chinese gulag.

There is no hiding place, not for Mr. Clinton, not for America's allies, not for American C.E.O.'s, not for the American consumer or stockholder: doing business with China means providing money for the Chinese armed forces. So let's not get all wriggly when China's killers and arms-selling chiefs show up at our parties.

Most of Mr. Clinton's political opponents are trapped by and with him. They went along with him in sacrificing democracy and American security to the Trade Gods. So, like him, they have to do something when a killer-salesman comes to Washington. Watch them dance.

How did a nice young fellow from Arkansas, who preached human rights when he ran for President the first time, sell them out a year later? Why did that nice Assistant Secretary of State for China affairs go along, after attacking the early Bush clone of the Clinton policy?

Why did Bob Dole, and his party, wipe out any difference of principle between them and Mr. Clinton on providing China with the huge trade profits to build its military power? Oh, who cares why; they did.

Well, it is holiday time. Here's a fine present: three names among those Washingtonians who fight for Chinese human rights and American democratic honor. In government, Nancy Pelosi, San Francisco's Representative, and in this cause truly all America's. Among the experts: William C. Triplett

2d, former chief Republican counsel to the Senate Foreign Relations Committee; indispensable to the struggle. In journalism, the conservative Washington journal The Weekly Standard—may its editorials against the sellout of China reach the conservative movement and awaken the liberal.

And to all readers who have written that they will not support the suppression of Chinese freedom by purchasing China-made goods, this column goes with respect and thanks. These people, they just do not know how to wriggle.

CREDIT OPPORTUNITY AMENDMENTS ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. McCOLLUM. Mr. Speaker, today I rise to reintroduce the Credit Opportunity Amendments Act which will fundamentally reform the Community Reinvestment Act [CRA] of 1977, and clarify the enforcement of our fair lending laws.

The original purpose of CRA was to encourage banks to loan into the communities in which they maintained deposit taking facilities.

In addition, the Members of the 95th Congress were concerned about redlining, the practice of denying loans in certain neighborhoods based on racial or ethnic characteristics. The enforcement mechanism chosen was to have CRA performance taken into account when regulators were deciding on applications by the banks.

When CRA passed in 1977, the Senate report stated that no new paperwork would be required under the new law. It was believed that examiners had all the information they needed on hand from call reports and their examination reports to enforce CRA. This is not the case. Instead of relying on existing information, regulators have created expansive new reporting requirements resulting in mounds of additional paperwork and many wasted hours that could have been used to serve the community.

CRA's enforcement mechanism has gone completely haywire. It has become what many refer to as regulatory extortion. By holding up applications on the basis of CRA protests, some community groups hope to get sizable grants or other contracts from banks. This happens all too often.

Recently, the Clinton administration has linked the enforcement of CRA with other fair lending statutes. This has placed the Justice Department in the position of being an additional bank regulator. This new bank regulator caught the lending industry off guard by using the disparate impact test for proving discrimination. Disparate impact is a controversial theory for proving discrimination in employment law purely using statistical data. Under this scenario, a lender can be found to have discriminated without some element of intent or without proving that any harm resulted from a lending practice.

This legislation remedies these problems while ensuring that lenders reinvest in the communities in which they serve. First, it replaces the current system of enforcement and graded written evaluations with a public disclosure requirement. This will dramatically reduce unnecessary paperwork and end the extortion-like nature of the current enforcement mechanism.

This approach allows bank customers to decide whether the bank is doing an adequate job in meeting its community obligations; not bureaucrats in Washington or organized community groups. If not, consumers can take their business elsewhere.

This will not end the congressional requirement that banks invest in their community. Nor will it stop organized groups from being involved. They will have the enforcement from the public disclosure on the bank's intentions and performance. They can raise any concerns with the bank or the regulators at any time. Consumers and the groups representing their interests can make their concerns known without having the extraordinary authority to hold up mergers and other obligations.

The second change in this bill makes the practice of redlining a violation of the Equal Credit Opportunity Act and the Fair Housing Act. Redlining will be defined as failing to make a loan based on the characteristics of the neighborhood where the house or business is located. Currently no prohibition against redlining in fair housing or fair lending exists, however, courts have interpreted these statutes to prohibit redlining. By placing a prohibition on redlining in statute, we will be sending a clear message that we are opposed to discrimination in lending in all forms, whether based on an individual's race, gender, age, sex, or makeup of the neighborhood where the individual lives or works.

This will also clarify that the method chosen to enforce our antidiscrimination laws is clear and resides in the fair housing and lending laws. No longer will regulators be forced to confront laws to attempt to address problems that the laws are inadequate for the purpose.

Third, the Credit Opportunity Amendment Act adds two criteria to the current use of the disparate impact theory. First, it requires regulators show actual proof that the lender discriminated and that the discrimination caused harm to the victim. Second, this legislation requires the party bringing suit to prove the lender intended to discriminate when making its lending criteria.

Finally, by designating a lead regulator to enforce our fair lending and community reinvestment statutes, we will have more even-handed enforcement of these laws. In turn, banks will be in a better position to know how to comply with them. Currently, confusion is the most prevailing reaction to the enforcement of CRA over the last 15 years and fair lending more recently.

The current bill makes substantial reforms to CRA which I strongly support. By enacting this legislation, we make a bold step to eliminate credit allocations in the guise of CRA and rationalize our regulation of the banking industry. At the same time, we make it absolutely clear that redlining is unacceptable and is against the law. Therefore, Mr. Speaker, I urge my colleagues to support my legislation in the 105th Congress.