

LoBIONDO, Mr. CONYERS, and Mr. BARCIA of Michigan.

H.R. 2211: Mr. OWENS.

H.R. 2281: Mr. BONO.

H.R. 2327: Mr. CALVERT, Mr. CUNNINGHAM, Mr. EWING, Mr. CASTLE, Mr. ADAM SMITH of Washington, Mr. LATHAM, Mr. NORWOOD, Mr. FORD, and Mr. GOODE.

H.R. 2357: Mr. CALVERT and Mr. PETERSON of Pennsylvania.

H.R. 2358: Ms. PELOSI.

H.R. 2373: Mr. KING of New York, Mr. CALAHAN, Mr. BACHUS, Mrs. MYRICK, Mr. SPENCE, Mr. WATTS of Oklahoma, Mrs. CHENOWETH, Mr. HOSTETTLER, Mrs. NORTHUP, Mr. FRANKS of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SMITH of New Jersey, Mr. FOX of Pennsylvania, Mr. CAMP, and Mr. SHADEGG.

H.R. 2377: Mr. STUMP, Mrs. CHENOWETH, Mr. BOUCHER, Mr. THOMAS, Mr. GRAHAM, Mr. LAHOOD, Mrs. LINDA SMITH of Washington, Mr. CANADY of Florida, Mr. BALLENGER, Mr. LATHAM, Mr. MCHUGH, Mrs. KENNELLY of Connecticut, Mr. EHRlich, Mr. FOLEY, and Mr. CANNON.

H.R. 2397: Mr. ENGLISH of Pennsylvania, Mr. OXLEY, Mr. RANGEL, Mr. BOUCHER, Ms. WOOLSEY, and Ms. LOFGREN.

H.R. 2438: Mr. CRAPO, Ms. DUNN of Washington, Mr. CAMPBELL, Mr. MCINTOSH, Mr. RILEY, Mr. HYDE, and Mr. COOKSEY.

H.R. 2462: Mr. ARMEY, Mr. DELAY, Mr. CONDIT, and Mr. INGLIS of South Carolina.

H.R. 2483: Mr. HEFLEY, Mr. TAUZIN, Mr. WAMP, Mr. EHRlich, Mr. BRYANT, Ms. GRANGER, Mr. HALL of Texas, Mr. WELDON of Pennsylvania, Mr. GILCHREST, Mr. POMBO, Mr. CUNNINGHAM, Mr. MANZULLO, Mr. BRADY, Ms. PRYCE of Ohio, Mr. TIAHRT, Mr. DUNCAN, and Mr. DAN SCHAEFER of Colorado.

H.R. 2503: Mr. FROST, Mr. WEXLER, Mr. EVANS, and Mr. FOLEY.

H.R. 2527: Mr. McNULTY and Mr. JEFFERSON.

H. Con. Res. 27: Mr. DEFazio and Mr. DIAZ-BALART.

H. Res. 224: Mr. BONO, Mr. RODRIGUEZ, Mr. GILMAN, and Mr. PICKERING.

H. Res. 235: Mr. BAKER, Mr. FARR of California, Mr. MCINTYRE, Mr. SCHIFF, Mr. KENNEDY of Rhode Island, Mr. PEASE, Mr. TIERNEY, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. THOMPSON, Mr. NADLER, Mr. BENTSEN, and Ms. STABENOW.

## MONDAY, SEPTEMBER 29, 1997 (109)

### ¶109.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. NETHERCUTT, who laid before the House the following communication:

WASHINGTON, DC,  
September 29, 1997.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### ¶109.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 462. An Act to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes;

S. 1178. An Act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; and S. 1227. An Act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

### ¶109.3 "MORNING-HOUR DEBATE"

The SPEAKER pro tempore, Mr. NETHERCUTT, pursuant to the order of the House of Tuesday, January 21, 1997, recognized Members for "morning-hour debate".

### ¶109.4 RECESS—10:43 A.M.

The SPEAKER pro tempore, Mr. NETHERCUTT, pursuant to clause 12 of rule I, declared the House in recess until 12 o'clock noon.

### ¶109.5 AFTER RECESS—12 NOON

The SPEAKER pro tempore, Mr. UPTON, called the House to order.

### ¶109.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. UPTON, announced he had examined and approved the Journal of the proceedings of Friday, September 26, 1997.

Pursuant to clause 1, rule I, the Journal was approved.

### ¶109.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

5215. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV96-916-3 FIR] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5216. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the New Mexico-West Texas Marketing Area; Suspension of Certain Provisions of the Order [DA-97-07] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5217. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Change in Handling Regulation for Area No. 2 [Docket No. FV97-948-1 IFR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5218. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Suspension of Provisions Concerning Certain Offers of Reserve Raisins to Handlers for Free Use [Docket No. FV-97-989-2 FR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5219. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Specialty Crops; Import Regulations; Extension of Reporting Period for Peanuts Imported Under 1997 Import Quotas [Docket No. FV97-999-1 IFR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5220. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Revision to Requirements Regard-

ing Inedible Almonds [Docket No. FV97-981-3 FIR] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5221. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tree Assistance Program [Workplan No. 97-011] (RIN: 0560-AF17) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5222. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Lackland Air Force Base, Texas, has conducted a cost comparison to reduce the cost of Kennel Management, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

5223. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander in Chief of United States Strategic Command is initiating a cost comparison of non-military essential computer systems support functions impacting a total of 352 employees, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

5224. A letter from the Acting Under Secretary (Acquisition and Technology), Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1996, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on National Security.

5225. A letter from the Acting Assistant Secretary (Command, Control, Communications, and Intelligence), Department of Defense, transmitting a report on support services other than telecommunications support services provided to the White House by the Department of Defense through the White House Communications Agency for the 3rd quarter of FY 1997, pursuant to Public Law 104-201, section 912; to the Committee on National Security.

5226. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting a letter advising that the report on reserve retirement initiatives will be submitted on or about November 28, 1997, pursuant to Public Law 104-201, section 531; to the Committee on National Security.

5227. A letter from the Secretary of Defense, transmitting a report on Modification of Requirement for Conversion of Military Positions to Civilian Positions; to the Committee on National Security.

5228. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 1996, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

5229. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Depositories and Financial Agents of the Federal Government (RIN: 1510-AA42) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5230. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's "Major" final rule—Medicaid Program; Coverage of Personal Care Services [MB-071-F] (RIN: 0938-AH00) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5231. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Enforcement Guidance Memorandum [EGM 97-015] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5232. A letter from the Secretary of Energy, transmitting the Department's Com-

bined Thirty-sixth and Thirty-seventh Quarterly Report to Congress on the status of Exxon and Stripper Well Oil Overcharge Funds as of December 31, 1996; to the Committee on Commerce.

5233. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration under the Securities Act of 1933 of Certain Investment Company Securities [Release Nos. 33-7448, IC-22815; File No. S7-19-97] (RIN: 3235-AG73) received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5234. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rule Amendments Relating to Multiple Class and Series Investment Companies [Release No. IC-22835; File No. S7-24-96] (RIN: 3235-AG72) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5235. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the United States Embassy in Jerusalem, pursuant to Public Law 104-45, section 6 (109 Stat. 400); to the Committee on International Relations.

5236. 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: Additional Designations and Removal of Two Individuals [31 CFR Chapter V] received September 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5237. A letter from the Deputy Director, Russia-NIS Program Office, International Trade Administration, transmitting the Administration's final rule—Cooperative Agreement Program for American Business Centers in Russia and the New Independent States [Docket No. 970910230-7230-01] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-106, "Arts and Humanities Enterprise Fund Establishment Amendment Act of 1997" received September 26, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5239. A letter from the Mayor, The District of Columbia, transmitting a copy of D.C. Act 12-147, "Amended Fiscal Year 1998 Concensus Budget Request Act of 1997" received September 11, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5240. 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 and Deletions from the Procurement List [97-017] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5241. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Government Contractors, Affirmative Action Requirements, Executive Order 11246 (RIN: 1215-AA01) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5242. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Part 15 Rewrite; Contracting by Negotiation and Competitive

Range Determination (National Aeronautics and Space Administration) [FAC 97-02; FAR Case 95-029] (RIN: 9000-AH21) received September 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5243. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Achieving a Representative Federal Workforce: Addressing the Barriers to Hispanic Participation," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

5244. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's strategic plan, including mission and vision statement, goals, and an annual performance plan, pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

5245. A letter from the Deputy Director, Office of Government Ethics, transmitting the Office's final rule—Removal of Superseded References to the Former Honorarium Ban, Revisions to Conform with Procurement Integrity Changes and Conflict-of-Interest Exemptions, and Other Updates (RINs: 3209-AA00 and 3209-AA04) received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5246. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Retirement, Health, and Life Insurance Coverage for Certain Employees of the District of Columbia Under the National Capital Revitalization and Self-Government Improvement Act of 1997 (RIN: 3206-A102) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5247. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in FY 1996, pursuant to 30 U.S.C. 237; to the Committee on Resources.

5248. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Frederick Law Olmstead National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary; to the Committee on Resources.

5249. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Richmond National Battlefield Park, in the Commonwealth of Virginia, by modifying the boundary; to the Committee on Resources.

5250. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AE14) received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5251. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7052-02; I.D. 092297D] received September 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5252. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a uniform, workable administrative process by which those States

and local governments that claim R.S. 2477 rights-of-way across Federal land can have the appropriate Federal land manager make binding determinations of their existence and validity; to the Committee on Resources.

5253. A letter from the Secretary of Housing and Urban Development, transmitting the report on Loan Portfolio Valuation, pursuant to Public Law 104-134, section 31001; to the Committee on the Judiciary.

5254. A letter from the Executive Secretary, Inland Waterways Users Board, transmitting the Board's eleventh annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

5255. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report entitled "Columbia River Treaty Fishing Access Sites," pursuant to Public Law 104-303, section 512; to the Committee on Transportation and Infrastructure.

5256. A letter from the Commissioner, Social Security Administration, transmitting the report on continuing disability reviews for the fiscal year 1996, pursuant to Public Law 104-121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

5257. A letter from the Commissioner, Social Security Administration, transmitting the report on options for enhancing the Social Security card, pursuant to Public Law 104-208, section 657; Public Law 104-93, section 111; jointly to the Committees on Ways and Means and the Judiciary.

#### ¶109.8 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mr. UPTON, laid before the House the following communication from Mr. Reid P.F. Stuntz, Minority Staff Director and Chief Counsel of the Committee on Commerce:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 25, 1997.  
Hon. NEWT GINGRICH,  
Speaker, 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 of Representatives, that I have received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al., No. SA CV-96-1119 AHS (Eex)* (D.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent consistent with the rights and privileges of the House, should be resisted.

Sincerely,  
REID P.F. STUNTZ,  
Minority Staff Director and  
Chief Counsel.

#### ¶109.9 RELIGIOUS WORKERS IMMIGRATION

Mr. SMITH of Texas moved to suspend the rules and pass the bill of the Senate (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the