

was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1423

At the request of Mr. GREGG, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1483

At the request of Mr. KYL, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Oklahoma [Mr. INHOFF], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1483, a bill to control crime, and for other purposes.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1610

At the request of Mr. BOND, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

SENATE RESOLUTION 224

At the request of Mr. D'AMATO, the names of the Senator from Nebraska [Mr. EXON], the Senator from Nebraska [Mr. KERREY], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Resolution 224, a resolution to designate September 23, 1996, as "National Baseball Heritage Day."

AMENDMENT NO. 3528

At the request of Mr. BAUCUS his name was added as a cosponsor of amendment No. 3528 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. WARNER, Mr. SMITH, Mr.

FAIRCLOTH, Mr. KEMPTHORNE, Mr. INHOFF, Mr. THOMAS, Mr. MCCONNELL, Mr. BOND, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. GRAHAM, Mr. LIEBERMAN, and Mrs. BOXER):

S. Res. 232. A resolution to commend Jean Schrag Lauver for her long, dedicated, and exemplary service to the United States Senate Committee on Environment and Public Works; considered and agreed to.

SENATE RESOLUTION 232—RELATIVE TO JEAN LAUVER

Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. INHOFF, Mr. THOMAS, Mr. MCCONNELL, Mr. BOND, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. GRAHAM, Mr. LIEBERMAN, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas Jean Lauver has expertly served the Committee on Environment and Public Works over the past twenty-one years, both as a majority and minority professional staff person;

Whereas Jean Lauver has helped shape federal infrastructure policy for over two decades;

Whereas Jean Lauver has at all times discharged the duties and responsibilities of her office with unparalleled efficiency, diligence and patience;

Whereas her dedication, good humor, low key style and ability to get along with others are a model for all of us in the Senate;

Whereas Jean Lauver's exceptional service has earned her the respect and affection of Republican and Democratic Senators and their staffs alike: Now, therefore, be it

Resolved, That the United States Senate—expresses its appreciation to Jean Schrag Lauver and commends her for twenty-one years of outstanding service to the Senate and the country.

AMENDMENTS SUBMITTED

THE 1996 BALANCED BUDGET DOWNPAYMENT ACT, II

BURNS AMENDMENT NO. 3548

Mr. BURNS proposed an amendment to amendment No. 3530 proposed by him to amendment No. 3466 proposed by Mr. HATFIELD to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; as follows:

In lieu of the pending matter, insert the following:

TITLE IX—RESTRUCTURING OF THE CIRCUITS OF THE UNITED STATES COURTS OF APPEALS

Subtitle A—Ninth Circuit Court of Appeals Reorganization

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Ninth Circuit Court of Appeals Reorganization Act of 1996".

SEC. 902. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking out "thirteen" and inserting in lieu thereof "fourteen";

(2) in the table, by striking out the item relating to the ninth circuit and inserting in lieu thereof the following new item:

"Ninth ..... California, Hawaii, Guam, Northern Mariana Islands.";

and

(3) between the last 2 items of the table, by inserting the following new item:

"Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.".

SEC. 903. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking out the item relating to the ninth circuit and inserting in lieu thereof the following new item:

"Ninth ..... 15";

and

(2) by inserting between the last 2 items at the end thereof the following new item:

"Twelfth ..... 13".

SEC. 904. PLACES OF CIRCUIT COURT.

The table in section 48 of title 28, United States Code, is amended—

(1) by striking out the item relating to the ninth circuit and inserting in lieu thereof the following new item:

"Ninth ..... San Francisco, Los Angeles.";

and

(2) by inserting between the last 2 items at the end thereof the following new item:

"Twelfth ..... Portland, Seattle, Phoenix.".

SEC. 905. ASSIGNMENT OF CIRCUIT JUDGES AND CLERK OF THE COURT.

(a) CIRCUIT JUDGES.—(1) Subject to paragraph (2), each circuit judge in regular active service of the former ninth circuit whose official duty station on March 1, 1996—

(A) was in California, Hawaii, Guam, or the Northern Mariana Islands is assigned as a circuit judge of the new ninth circuit; and

(B) was in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

(2)(A) No more than 2 circuit judges in each of the new ninth circuit and the twelfth circuit as assigned under paragraph (1), may elect to be assigned to a circuit other than the circuit so assigned.

(B) An election under this paragraph— (i) may be only for assignment to the new ninth circuit or the twelfth circuit; and

(ii) shall be made on the basis of seniority.

(C)(i) If the elections of circuit judges under subparagraph (A) result in a greater number of judges for a circuit than is provided under the amendments made under section 903, the number of vacancies described under clause (ii) in the office of circuit judge for such circuit shall not be filled.

(ii) The number of vacancies referred to under clause (i) are the number of vacancies that—

(I) first occur after the date on which such elections become effective; and

(II) are necessary for the number of judges in such circuit to conform with the amendments made under section 903.

(D) The judicial council of the former ninth circuit shall administer this paragraph.

(3) If no election is made by a circuit judge under paragraph (2), and as a result of assignments under paragraph (1) the number of judges assigned to a circuit is not in conformity with the amendments made under section 903, such conformity shall be achieved by not filling the number of vacancies in the office of circuit judge for such circuit that—

(A) first occur after the effective date of this subtitle; and

(B) are necessary for the number of judges in such circuit to conform with the amendments made under section 903.

(b) CLERK OF THE COURT.—The Clerk of the Court for the Twelfth Circuit United States Court of Appeals shall be located in Phoenix, Arizona.

**SEC. 906. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.**

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this subtitle may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

**SEC. 907. SENIORITY OF JUDGES.**

The seniority of each judge—

(1) who is assigned under section 905 of this subtitle; or

(2) who elects to be assigned under section 906 of this subtitle;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

**SEC. 908. APPLICATION TO CASES.**

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this subtitle, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this subtitle had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which it would have gone had this subtitle been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this subtitle, or submitted before the effective date of this subtitle and decided on or after the effective date as provided in paragraph (1) of this section, shall be treated in the same manner and with the same effect as though this subtitle had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this subtitle had not been enacted.

**SEC. 909. DEFINITIONS.**

For purposes of this subtitle, the term—

(1) "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this subtitle;

(2) "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 902(2) of this subtitle; and

(3) "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 902(3) of this subtitle.

**SEC. 910. ADMINISTRATION.**

The court of appeals for the ninth circuit as constituted on the day before the effective date of this subtitle may take such administrative action as may be required to carry out this subtitle. Such court shall cease to exist for administrative purposes on July 1, 1998.

**SEC. 911. APPROPRIATIONS.**

Of the \$2,433,141,000 appropriated under the subheading "SALARIES AND EXPENSES" under

the heading "COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES" under the heading "TITLE III—THE JUDICIARY" of this Act, \$3,000,000 shall remain available until expended for the Twelfth Circuit Court of Appeals.

**SEC. 912. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle shall take effect 60 days after the date of the enactment of this subtitle.

**Subtitle B—Commission on Restructuring the Circuits of the United States Courts of Appeals**

**SEC. 921. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a Commission on restructuring for the circuits of the United States Courts of Appeals which shall be known as the "Heflin Commission" (hereinafter referred to as the "Commission").

(b) FUNCTIONS.—The function of the Commission shall be to—

(1) study the restructuring of the circuits of the United States Courts of Appeals; and

(2) report to the President and the Congress on its findings.

**SEC. 922. MEMBERSHIP.**

(a) COMPOSITION.—The Commission shall be composed of twelve members appointed as follows:

(1) Three members appointed by the President of the United States.

(2) Three members appointed by the President pro tempore of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Chief Justice of the United States.

(b) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but three may conduct hearings.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman.

**SEC. 923. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

**SEC. 924. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the

daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. 925. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 90 days after the date on which the Commission submits its final report.

**SEC. 926. REPORT.**

No later than 2 years after the date of the enactment of this subtitle, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

**SEC. 927. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated, beginning in fiscal year 1997, such sums as necessary to carry out the purposes of this subtitle.

**HUTCHISON AMENDMENT NO. 3549**

Mr. HATFIELD (for Mrs. HUTCHISON) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 754, before the heading on line 5, insert:

SEC. . (a) In addition to the amounts made available in Public Law 104-61 under

the heading "Research, Development, Test and Evaluation, Defense-Wide", \$50,000,000 is hereby made available to continue the activities of the semiconductor manufacturing consortium known as Sematech;

(b) Of the funds made available in Public Law 104-61 under the heading "Research, Development, Test and Evaluation, Army", \$7,000,000 are rescinded;

(c) Of the funds made available in Public Law 104-61 under the heading "Research, Development, Test and Evaluation, Navy", \$12,500,000 are rescinded;

(d) Of the funds made available in Public Law 104-61 under the heading "Research, Development, Test and Evaluation, Air Force", \$16,000,000 are rescinded;

(e) Of the funds made available in Public Law 104-61 under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$14,500,000 are rescinded; and

(f) Of the funds rescinded under subsection (e) of this provision, none of the reduction shall be applied to the Ballistic Missile Defense Organization.

LEAHY AMENDMENT NO. 3550

Mr. HATFIELD (for Mr. LEAHY) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

Insert at the appropriate place:

SEC. . Of the funds appropriated in Title II of Public Law 104-61, under the heading "Overseas Humanitarian, Disaster, and Civic Aid", for training and activities related to the clearing of landmines for humanitarian purposes, up to \$15,000,000 may be transferred to "Operations and Maintenance, Defense Wide", to be available for the payment of travel, transportation and subsistence expenses of Department of Defense personnel incurred in carrying out humanitarian assistance activities related to the detection and clearance of landmines.

BURNS AMENDMENT NO. 3551

Mr. HATFIELD (for Mr. BURNS) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place, insert:

TITLE IX—RESTRUCTURING OF THE CIRCUITS OF THE UNITED STATES COURTS OF APPEALS

Subtitle A—Ninth Circuit Court of Appeals Reorganization

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Ninth Circuit Court of Appeals Reorganization Act of 1996".

SEC. 902. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking out "thirteen" and inserting in lieu thereof "fourteen";

(2) in the table, by striking out the item relating to the ninth circuit and inserting in lieu thereof the following new item:

"Ninth ..... California, Hawaii, Guam, Northern Mariana Islands."

and

(3) between the last 2 items of the table, by inserting the following new item:

"Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington."

SEC. 903. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking out the item relating to the ninth circuit and inserting in lieu thereof the following new item:

"Ninth ..... 15"; and

(2) by inserting between the last 2 items at the end thereof the following new item:

"Twelfth ..... 13".

SEC. 904. PLACES OF CIRCUIT COURT.

The table in section 48 of title 28, United States Code, is amended—

(1) by striking out the item relating to the ninth circuit and inserting in lieu thereof the following new item:

"Ninth ..... San Francisco, Los Angeles.;"

and

(2) by inserting between the last 2 items at the end thereof the following new item:

"Twelfth ..... Portland, Seattle, Phoenix."

SEC. 905. ASSIGNMENT OF CIRCUIT JUDGES AND CLERK OF THE COURT.

(a) CIRCUIT JUDGES.—(1) Subject to paragraph (2), each circuit judge in regular active service of the former ninth circuit whose official duty station on March 1, 1996—

(A) was in California, Hawaii, Guam, or the Northern Mariana Islands is assigned as a circuit judge of the new ninth circuit; and

(B) was in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

(2)(A) No more than 2 circuit judges in each of the new ninth circuit and the twelfth circuit as assigned under paragraph (1), may elect to be assigned to a circuit other than the circuit so assigned.

(B) An election under this paragraph—

(i) may be only for assignment to the new ninth circuit or the twelfth circuit; and

(ii) shall be made on the basis of seniority.

(C)(i) If the elections of circuit judges under subparagraph (A) result in a greater number of judges for a circuit than is provided under the amendments made under section 903, the number of vacancies described under clause (ii) in the office of circuit judge for such circuit shall not be filled.

(ii) The number of vacancies referred to under clause (i) are the number of vacancies that—

(I) first occur after the date on which such elections become effective; and

(II) are necessary for the number of judges in such circuit to conform with the amendments made under section 903.

(D) The judicial council of the former ninth circuit shall administer this paragraph.

(3) If no election is made by a circuit judge under paragraph (2), and as a result of assignments under paragraph (1) the number of judges assigned to a circuit is not in conformity with the amendments made under section 903, such conformity shall be achieved by not filling the number of vacancies in the office of circuit judge for such circuit that—

(A) first occur after the effective date of this subtitle; and

(B) are necessary for the number of judges in such circuit to conform with the amendments made under section 903.

(b) CLERK OF THE COURT.—The Clerk of the Court for the Twelfth Circuit United States Court of Appeals shall be located in Phoenix, Arizona.

SEC. 906. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this subtitle may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 907. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 905 of this subtitle; or

(2) who elects to be assigned under section 906 of this subtitle;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 908. APPLICATION TO CASES.

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this subtitle, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this subtitle had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which it would have gone had this subtitle been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this subtitle, or submitted before the effective date of this subtitle and decided on or after the effective date as provided in paragraph (1) of this section, shall be treated in the same manner and with the same effect as though this subtitle had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this subtitle had not been enacted.

SEC. 909. DEFINITIONS.

For purposes of this subtitle, the term—

(1) "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this subtitle;

(2) "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 902(2) of this subtitle; and

(3) "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 902(3) of this subtitle.

SEC. 910. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this subtitle may take such administrative action as may be required to carry out this subtitle. Such court shall cease to exist for administrative purposes on July 1, 1998.

SEC. 911. APPROPRIATIONS.

Of the \$2,433,141,000 appropriated under the subheading "SALARIES AND EXPENSES" under the heading "COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES" under the heading "TITLE III—THE JUDICIARY" of this Act, \$3,000,000 shall remain available until expended for the Twelfth Circuit Court of Appeals.

SEC. 912. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect 60 days after the date of the enactment of this subtitle.

BURNS AMENDMENT NO. 3552

Mr. BURNS proposed an amendment to amendment No. 3551 proposed by

him to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the end of the amendment add the following:

Subtitle B—Commission Restructuring the Circuits of the United States Courts of Appeals

**SEC. 921. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.**

(a) **ESTABLISHMENT.**—There is established a Commission on restructuring for the circuits of the United States Courts of Appeals which shall be known as the "Heflin Commission" (hereinafter referred to as the "Commission").

(b) **FUNCTIONS.**—The function of the Commission shall be to—

(1) study the restructuring of the circuits of the United States Courts of Appeals; and  
(2) report to the President and the Congress on its findings.

**SEC. 922. MEMBERSHIP.**

(a) **COMPOSITION.**—The Commission shall be composed of twelve members appointed as follows:

(1) Three members appointed by the President of the United States.

(2) Three members appointed by the President pro tempore of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Chief Justice of the United States.

(b) **CHAIR.**—The Commission shall elect a Chair and Vice Chair from among its members.

(c) **QUORUM.**—Seven members of the Commission shall constitute a quorum, but three may conduct hearings.

(d) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) **INITIAL MEETING.**—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) **MEETINGS.**—The Commission shall meet at the call of the Chairman.

**SEC. 923. POWERS OF THE COMMISSION.**

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

**SEC. 924. COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged

in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. 925. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 90 days after the date on which the Commission submits its final report.

**SEC. 926. REPORT.**

No later than 2 years after the date of enactment of this subtitle, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

**SEC. 927. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated, beginning in fiscal year 1997, such sums as necessary to carry out the purposes of this subtitle.

**NOTICE OF HEARING**

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 20, 1996, at 9:30 a.m., to hold an oversight hearing on the Congressional Research Service.

For further information concerning this hearing, please contact Ed Edens of the committee staff on 224-6678.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1605, a bill to amend and extend certain authorities in the Energy Policy and Conservation Act which either have expired or will expire June 30, 1996, on Thursday, March 21, 1996, has been canceled.

A new date and time for the hearing will be announced.

For further information, please call Karen Hunsicker or Betty Nevitt at (202) 224-0765.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding the Global Proliferation of Weapons of Mass Destruction, part II.

This hearing will take place on Wednesday, March 27, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel S. Gelber of the subcommittee staff at 224-9157.

**AUTHORITY FOR COMMITTEE TO MEET**

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, March 18, 1996, to review U.S. postal reform.

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

**ADDITIONAL STATEMENTS**

**CBO ANALYSIS OF UNFUNDED MANDATES**

● Mr. MURKOWSKI. Mr. President, pursuant to Public Law 104-4, I am submitting for the information of the Senate a CBO analysis of unfunded mandates of bills reported by the Senate Energy and Natural Resources Committee currently on the Senate Calendar. As further information is available, it will also be provided to the Senate. The analysis follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 15, 1996.

Hon. FRANK MURKOWSKI,  
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In previous correspondence dated February 8, 1996, regarding The Unfunded Mandates Reform Act of 1995 (Public law 104-4), the Congressional Budget Office (CBO) included two lists of the legislation on the calendar as of January 23, 1996. The lists assessed intergovernmental