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House of Representatives

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let our prayers of thanksgiving, O God, rise as incense to the heavens as we express our gratitude for all Your wondrous blessings. May Your good words of peace, of reconciliation, of faithfulness echo in our hearts and in our lives.

On this day we remember those men and women who have dedicated themselves to public service, who use their abilities as leaders in doing the works of righteousness and justice for all people. We pray, almighty God, that You would bless their efforts as they seek to demonstrate anew the strength that comes when people join in a vision that unites each person for the common good.

May Your peace, O God, that You freely give to us in the depths of our hearts, be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KILDEE] come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

COMMUNICATION FROM HON. JIM BUNNING, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable JIM BUNNING, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 1997.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that I consider my service as a member of the Ethics Committee complete.

Best personal regards,

JIM BUNNING,
Member of Congress.

APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON ETHICS

Mr. ARMEY. Mr. Speaker, pursuant to clause 4(e)(3) of rule X, I hereby appoint the Honorable LAMAR SMITH of Texas to fill a vacancy on the Select Committee on Ethics.

MAKING TECHNICAL CORRECTIONS TO OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I offer a joint resolution (H.J. Res. 25) making technical corrections to the Omnibus Consolidated Appropriations Act of 1997 (Public Law 104–208), and for other purposes, and I ask unanimous consent that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I do not intend to object, but I simply do so to enable the gentleman from Louisiana to explain his request.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I will be happy to explain the changes to the fiscal year 1997 Omnibus Consolidated Appropriations Act proposed in the joint resolution that is the object of my unanimous-consent request.

As the gentleman will recall, one of the last actions of the 104th Congress was to pass this Omnibus Consolidated Appropriations Act. Back in late September, even though we were intensely negotiating for several consecutive days almost around the clock, we were running out of time before the new fiscal year began. We were rushing to complete our work. In this rush, several errors and omissions were made during the bill preparation so that what was signed into law did not reflect the actual agreement on this bill in a few instances.

The bill was hand enrolled and was over 8 inches thick, plus another 4 inches for the Statement of Managers. During the preparation and reproduction of the bill, one page was omitted in the copy that became law. This bill had 1,929 pages, and the Statement of Managers had nearly 1,000 pages. While it is unfortunate that this type of error occurred, considering the sheer volume of the bill and the time we had to put it together, I think we did a pretty good job. Section 1 of this joint resolution inserts the matter that was inadvertently dropped.

Sections 2 and 3 deal with correcting text that did not reflect agreement on the bill. These drafting errors resulted from failing to change all portions of preliminary text to reflect the intent of the final agreement.

The corrections proposed by this joint resolution reflect only the original agreement on this Omnibus Appropriations Act, not any changes to that agreement. They are necessary to fully carry out the original agreement.

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I thank the gentleman for yielding to me, and I urge the adoption of this joint resolution.

Mr. OBEY. Mr. Speaker, I support the gentleman's motion, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title III of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (as contained in DIVISION A, TITLE I—OMNIBUS APPROPRIATIONS, section 101(a) of the Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208) is amended under the heading ''COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—DEFENDER SERVICES'' by striking ''attorneys ap-'' at the end and inserting the following: ''attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $308,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).''. The foregoing amendment shall be considered for all purposes to have taken effect on the date of enactment of Public Law 104–208, and any actions taken prior to the date of enactment of this section on the basis that Public Law 104–208 should be interpreted as if it included the amendment made by this section, if otherwise valid, are ratified and approved by Congress.

SEC. 2. Title I of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in DIVISION A, TITLE I—OMNIBUS APPROPRIATIONS, section 101(e) of the Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208) is amended under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION—STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS'' by striking ''$23,452,000'' and inserting ''$173,452,000''.

SEC. 3. Funds available for title IV–A–1 of the Elementary and Secondary Education act in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies, Appopriations Act, 1997 (as contained in DIVISION A, TITLE I—OMNIBUS APPROPRIATIONS, section 101(e) of the Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208) under the heading ''SCHOOL IMPROVEMENT PROGRAMS'' shall also be available for title IV–A–2 of the Elementary and Secondary Education Act: *Provided,* That, of the funds under these headings in that Act available July 1, 1997, through September 30, 1998, $25,000,000 shall instead be available October 1, 1996, through September 30, 1997.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just passed, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LIVINGSTON. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 25) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 25

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees:

Committee on Science: Mr. Sensenbrenner, Chairman.

Committee on Small Business: Mr. Talent, Chairman.

Committee on Veterans' Affairs: Mr. Stump, Chairman.

The resolution was agreed to. A motion to reconsider was laid on the table.

APPOINTMENT OF TEMPORARY CHIEF ADMINISTRATIVE OFFICER OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1(a)), the Chair appoints Jeff Trandahl of Virginia to act as and to exercise temporarily the duties of Chief Administrative Officer of the House of Representatives.

Mr. Trandahl appeared 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 1997.

Hon. Newt Gingrich,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 105th Congress or until modified by me.

Sincerely yours,

ROBIN H. CARLE,
Clerk.

APPOINTMENT AS TELLERS ON THE PART OF THE HOUSE TO COUNT ELECTORAL VOTES

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 1, 105th Congress, the Chair appoints as tellers on the part of the House to count the electoral votes the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement.

The Chair desires to defer unanimous-consent requests and 1-minute speeches until after the formal ceremony of the day, which is the counting of electoral votes for President and Vice President.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 12:55.

Accordingly (at 12 o'clock and 9 minutes p.m.) the House stood in recess until approximately 12:55 p.m.

□ 1259

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 59 minutes p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 1 p.m., the Assistant Sergeant at Arms, George Awkward, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker and Members of Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, are meeting in joint session for the purpose of opening the certificates and ascertaining and counting the

votes of the electors of the several States for President and Vice President.

Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their places at the Clerk's desk.

The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

The tellers, Mr. WARNER and Mr. FORD on the part of the Senate, and Mr. THOMAS and Mr. GEJDENSON on the part of the House, took their places at the desk.

Senator WARNER (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Bob Dole of the State of Kansas received 9 votes for President, and Jack Kemp of the State of Maryland received 9 votes for Vice President.

The VICE PRESIDENT. If there is no objection, the Chair will omit in the further procedure the formal statement just made, and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the votes of the electors in each State; and the tellers will then read, count and announce the result in each State as was done with respect to the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

□ 1315

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all the States have now been opened and read, and the tellers will make final ascertainment of the result and deliver the same to the President of the Senate.

The tellers delivered to the President of the Senate the following statement of the results:

Joint Session to Count Electoral Votes, Thursday, Jan. 9, 1997

	Amount	Winner
Alabama	9	Dole/Kemp
Alaska	3	Dole/Kemp
Arizona	8	Clinton/Gore
Arkansas	6	Clinton/Gore
California	54	Clinton/Gore
Colorado	8	Dole/Kemp
Connecticut	8	Clinton/Gore
Delaware	3	Clinton/Gore
District of Columbia	3	Clinton/Gore
Florida	25	Clinton/Gore

Joint Session to Count Electoral Votes, Thursday, Jan. 9, 1997—Continued

	Amount	Winner
Georgia	13	Dole/Kemp
Hawaii	4	Clinton/Gore
Idaho	4	Dole/Kemp
Illinois	22	Clinton/Gore
Indiana	12	Dole/Kemp
Iowa	7	Clinton/Gore
Kansas	6	Dole/Kemp
Kentucky	8	Clinton/Gore
Louisiana	9	Clinton/Gore
Maine	4	Clinton/Gore
Maryland	10	Clinton/Gore
Massachusetts	12	Clinton/Gore
Michigan	18	Clinton/Gore
Minnesota	10	Clinton/Gore
Mississippi	7	Dole/Kemp
Missouri	11	Clinton/Gore
Montana	3	Dole/Kemp
Nebraska	5	Dole/Kemp
Nevada	4	Clinton/Gore
New Hampshire	4	Clinton/Gore
New Jersey	15	Clinton/Gore
New Mexico	5	Clinton/Gore
New York	33	Clinton/Gore
North Carolina	14	Dole/Kemp
North Dakota	3	Dole/Kemp
Ohio	21	Clinton/Gore
Oklahoma	8	Dole/Kemp
Oregon	7	Clinton/Gore
Pennsylvania	23	Clinton/Gore
Rhode Island	4	Clinton/Gore
South Carolina	8	Dole/Kemp
South Dakota	3	Dole/Kemp
Tennessee	11	Clinton/Gore
Texas	32	Dole/Kemp
Utah	5	Dole/Kemp
Vermont	3	Clinton/Gore
Virginia	13	Dole/Kemp
Washington	11	Clinton/Gore
West Virginia	5	Clinton/Gore
Wisconsin	11	Clinton/Gore
Wyoming	3	Dole/Kemp
Total	538	
Clinton/Gore	379	
Dole/Kemp	159	

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for President of the United States is 538, of which a majority is 270.

Bill Clinton, of the State of Arkansas, has received for President of the United States 379 votes.

Bob Dole, of the State of Kansas, has received 159 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

AL GORE, of the State of Tennessee, has received for Vice President of the United States 379 votes.

Jack Kemp, of the State of Maryland, has received 159 votes.

This announcement shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January 1997, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

Members of the Congress, the purpose for which the joint session of the two Houses of Congress has been called having been accomplished, pursuant to Senate Concurrent Resolution 1, 105th Congress, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 24 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1328

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 105th Congress, the Chair directs that the electoral vote will be spread at large upon the Journal.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the House will stand in recess until 1:45 p.m.

Accordingly (at 1 o'clock and 28 minutes p.m.) the House stood in recess until 1:45 p.m.

□ 1345

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore. [Mr. LIVINGSTON]) at 1 o'clock and 45 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER A RESOLUTION RAISING A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MILLER of California. Pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of privileges of the House. The form of the resolution is as follows:

> Be it resolved that the Select Committee on Ethics should complete its final report concerning Representative NEWT GINGRICH, and release that report to the public, before the House of Representatives considers a disciplinary resolution concerning the matter.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days its being properly noticed. That designation will be announced at a later time. In the meantime, the form of the resolution noticed by the gentleman from California [Mr. MILLER] will appear in the RECORD at this point.

The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated for the consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER A RESOLUTION RAISING A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MILLER of California. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

Be it resolved that the Select Committee on Ethics should, when it releases its final report concerning Representative NEWT GINGRICH, disclose to the public all documents concerning the matter, including but not limited to the work of the special counsel.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days its being properly noticed. That designation will be announced at a later time. In the meantime, the form of the resolution noticed by the gentleman from California will appear in the RECORD at this point.

The Chair is not at this point making a determination as to whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for the consideration of the resolution.

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

[Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

BIPARTISAN SUPPORT ESSENTIAL FOR COMPREHENSIVE EDUCATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee is recognized for 5 minutes.

Mr. FORD. Mr. Speaker, today, January 9, is a monumental day for postsecondary education. Just a few hours ago President Clinton announced that the college loan default rate has fallen to a 7-year low which translates into lower interest rates and more loans for young people. From a high of 22.4 percent in 1990 the default rate has dropped to approximately 10½ percent, and I applaud the Clinton administration for its efforts to improve the collection of defaulted loans and to prevent loans from falling into default status.

The Department of Education has done a sensational job in counseling students about their loan responsibilities and helping to create more flexible payment options for young people. A spokesman for the American Council on Education, an association representing colleges and universities, stated, ''This administration has tightened up on weaknesses in the system, and defaults are down.''

I agree, Mr. Speaker, with my colleagues who suggest we need to reform our educational system. However, I disagree with those who call for the abolition of the Department of Education. To the contrary, we need to expand the role of the Federal Government with respect to education and educational funding.

Recently, the Department of Education released Pursuing Excellence: A Study of Eighth Grade Mathematics and Science Teaching, Learning, Curriculum and Achievement in International Context. The results were not surprising. Although the United States is making progress compared to our major economic and political allies, Mr. Speaker, we must do much more. We must and can do so much for our children.

Instead of focusing entirely on punishing and sentencing young people, we should be searching for ways to challenge and propel people into the 21st century equipped with the tools to keep America competitive and make these young people viable holders of jobs in the marketplace.

As a new Member of Congress I intend to reach out to all of my colleagues on both sides of the aisle, particularly those in my own class. I was heartened yesterday, Mr. Speaker, by an encounter that I had with my new friend, the gentlewoman from Texas [Ms. GRANGER]. Strong bipartisan support is essential for any dynamic and comprehensive educational reform package to gain the support of the American people.

The investment in America that will generate the largest yield is an investment in America's potential. That is the education of our youth. As I stated earlier, this investment effort must be driven by bipartisanship and common sense rather than partisan ideology which lacks both a vision and a mandate.

I was pleased to see the Speaker both contrite and repentant in his view of the work facing the 105th Congress. The circumstances surrounding his election and the will of the American people necessitate our building together for the best interests, working together for the best interests of the future of America.

TAKING AIM AT OUR NATION'S PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I just want to take this opportunity to rise and follow up on our wonderful celebration on Tuesday of this week when the new Congress, the 105th Congress in our country's history, was sworn in and to remind my colleagues that amidst our welcome celebration it is good to harken back to the words of Winston Churchill, who said in 1942, ''The problems of victory are more agreeable than those of defeat, but they are no less difficult.''

With that in mind, I am anxious to work with my like minded colleagues on both sides of the political aisle to serve our constituents, who elected us to solve the many problems facing our country today, and make no doubt about it, those problems are real and they are severe.

Bill Bennett, a man that I very much respect, former Education Secretary and Drug Czar, was quoted the other day as saying the following: ''America is the most powerful, affluent and envied nation in the world, but America also leads the industrialized world in rates of murder, violent crime, juvenile crime, imprisonment, abortion, divorce and single-parent families, the production and consumption of pornography, the production and consumption of drugs, and that is just a partial list.''

So, Mr. Speaker, I would submit that the lasting lesson of this election, the lasting lesson of politics in America has little to do with the big winners and losers on election day. The real moral of the story, the real moral of this election is simply this. Our faith in our politics cannot be separated as we look at the issues and as we address the problems facing the American people. Whether it be crime in the streets, skyrocketing teen drug use, problems in education, a tax system that bankrupts the family, the crisis of illegitimacy and so forth, an individual's position on these topics is greatly influenced by one's moral and religious perspective.

In fact, as the Speaker suggested in his remarks to the Congress 2 days ago, religion is the single most important factor in determining how we vote. It is more influential than gender, race, or income. Still there are some who want to take morality and religion out of politics altogether. They want our leaders to conduct their business while keeping religious and moral convictions outside of the political debate. After all they would argue you cannot legislate morality.

In truth, however, the only thing that can be legislated is morality, for every legislative act is a moral judgment. Abraham Lincoln understood this clearly when in 1860 our country faced a similar cultural crisis. His opponents and even some of his political advisers told him then not to bring morality into politics or politics into religion, but he saw through their empty arguments and recognized slavery for what it was, a moral crisis that demanded a political response. Lincoln was a true statesman. He understood the moral of the story.

So, Mr. Speaker, I believe that we can work together to make government more efficient, more accountable and less intrusive, that working together we can make the problems of victory our greatest opportunity.

□ 1347

MILITARY WIDOWS MISLED AND MISTREATED

The SPEAKER pro tempore (Mr. LIVINGSTON). Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, the widows of our Nation's veterans are being misled and mistreated, misled and mistreated by our own Government.

Although I introduced legislation 2 years ago to terminate the confusing system that discriminates against surviving military spouses when they reach the age of 62, no action was taken on the bill, and the problem continues. I know you find it hard to believe, Mr. Speaker, that our Government condones a system that penalizes aging widows. I know I was shocked when the situation was first described to me.

Let me share with the Members a sad story that is typical of the thousands of these cases. When a resident of my congressional district retired after many years of honorable military service, he elected to have a portion of his monthly retirement pay set aside under the military survivors benefits plan, so-called SBP, so that when he died his wife would have an income she could count on. He knew the enormous sacrifices she had made in order to maintain a home for their family during his military career, often in parts of the world not nearly as lovely as my town of San Diego. He understood and appreciated that his wife had served their country as surely as he had.

He did not, however, understand that following his too early untimely death, the SBP would provide his wife with the financial cushion she needed, but only until her 62d birthday. On the day she became 62 her SBP benefit, which had been 55 percent of her husband's retired pay, was automatically, automatically reduced to 35 percent of the retirement income. She received no warning that her check would be slashed on her 62d birthday. She received no explanation.

When she was finally able to locate someone who could tell her why she was facing this crisis, she was given the following explanation: Your survivor benefits have been reduced because when you became 62, you also became eligible to receive Social Security. Puzzled, she pointed out that her Social Security payment, such as it was, was based on her own work. It had nothing to do with the survivor benefit plan her husband had paid into. Too bad, she was told. That is the law.

Well, we have to change the law. The SBP plan is very complicated. The benefit for one group of survivors is reduced by the amount of the military retiree's Social Security when the widow reaches age 62, regardless of when she actually begins to draw Social Security benefits. Under the newer SBP plan which covers the widow in my congressional district, the benefit is automatically reduced at age 62 from 55 percent to 35 percent of the military retiree's retired pay. Even people with substantial incomes would have a tough time with a reduction of more than one-third of their retirement benefit.

Mr. Speaker, it is time to change this misleading and unfair law. Too often it causes enormous financial hardship for the affected survivors. We Americans do not treat our aging citizens, some of the most vulnerable members of our American family, with such disdain.

Two days ago, on the first day of the 105th Congress, I introduced H.R. 165, the Military Survivors Equity Act of 1997. This bill would fix the problem by simply eliminating the callous and absurd reduction in benefits that now burdens our military widows. Instead, they would get what they and their deceased spouses thought they would get: 55 percent of the military retiree pay. To put it simply, no offset; a simple solution to a difficult problem, an equitable solution to a mean-spirited practice.

I hope I do not have to raise this issue with my colleagues a year from now, and say again that our Government is still misleading and mistreating military survivors. Let us correct this disgraceful situation and enact H.R. 165 in 1997.

MEMBERS OF CONGRESS PUT IN THE POSITION OF ALICE IN WONDERLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, earlier this week this Congress and the Nation watched as the Republican leadership and the Speaker of this House bargained with, negotiated with, and twisted the arms of the members of the Republican caucus to support the Speaker to be reelected as Speaker of this House for the 105th Congress. That was done because the effort was made to be sure that we would vote on the Speaker of the House of Representatives before the Ethics Committee had completed its work.

That was unconscionable, Mr. Speaker, that we would in fact do that. But now this morning we learn that the Ethics Committee is continuing in that path, because we see now that the schedule of the Ethics Committee that has been set forth by the chairperson of that committee requires that the House will vote on whatever recommended punishment the committee will make to the House, that the House will vote on that prior to the issuance of the final report of the Ethics Committee.

What does this mean? It means that both the Members of the House of Representatives and our constituents will be denied the access to the information necessary on which to make an informed judgment, very similar to the situation that those who supported the candidacy of Speaker GINGRICH earlier this week were put in, in having to vote for him for Speaker before they knew whether or not he was ethically fit to be the Speaker of the House of Representatives.

What is becoming very clear is that the continued orchestration of the Ethics Committee by the Republican leadership to try and dampen the flow of information to the Members of Congress and to the members of the public continues. This committee should be allowed to function independently, and this committee should be allowed to function without a debt to the leadership of this House.

We have hired a special counsel to seek that independence. That special counsel should be allowed to do his work. That special counsel should be allowed to present the evidence, and that special counsel should be allowed to write the final report of this committee prior to the Congress voting, voting on any recommended punishment brought forth by the committee.

But it is also very clear that it is now the intent, it is now the intent of the Ethics Committee to keep that from happening. So once again, we are put in the position of Alice in Wonderland, where once again we will render a verdict first and later we will look at the facts and we will look at the evidence.

I think it is very, very improper that the Members of the House of Representatives be put in this position by the Ethics Committee. I believe, as the House turned down the bipartisan recommendation of the ethics investigative subcommittee and of the special counsel in not allowing them additional time to prepare their work product, it was for the first time, I believe, in the history of the Congress where we turned down a recommendation of a special counsel, a person that is supposed to bring independence to this, on their recommendation that they needed additional time to complete their work product in a proper fashion for a presentation to the committee and to the Congress.

So we now see a series of votes being forced upon the House of Representatives, the sole purpose of which is to deny access to information by the very people that will have to vote on the recommendations of the Ethics Committee. The Members of the House, on a bipartisan basis, should reject that notion. We should not go forward with a vote prior to the issuance of the final report of the special counsel.

Then the Members can go home and say to their constituents, however they decided to vote, that they in fact had a full opportunity to examine the entire

record and to take counsel with themselves and their sense of propriety about the actions and the ethics of the Speaker of the House of Representatives, and then they cast their vote, rather than to be able to say to their constituents, well, I voted, and then I was able to read the report.

There is nobody in America that believes that that is the way that we should conduct the public's business. The public's business should be conducted openly and it should be conducted in a forthright fashion. What we are witnessing over the past several days is an effort to shut down both the ability of the press, the ability of the public, and the ability of the Members of Congress to have access to that information to make an informed judgment on behalf of the Congress and on behalf of our constituents.

THE ETHICS CASE PENDING AGAINST SPEAKER GINGRICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, the gentleman from California just finished talking about the ethics case that is currently pending against the Speaker of the House.

Over a week ago, in a bipartisan fashion, the members of the Ethics Committee, five Democrats and five Republicans, came to an agreement that this case would be completed on or before January 21st of this year and that the case would be brought to the floor of the House before then. That was an agreement made by the 10 members of the Ethics Committee. I think what happened earlier this week when the House reorganized itself is that we confirmed that agreement.

Subsequent to then, members of half of the committee, the Democrat side, have decided that they need more time. We believe that that agreement should in fact be kept. Further, the committee agreed yesterday that for the first time in the history of the Congress, that there would be an open hearing on an ethics case, primarily because the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], agreed to do that. So next week there will be up to 5 days of open hearings for the American people to watch on C-Span, other media outlets, to see the facts.

The Ethics Committee here in the Congress, in the process that they follow, is really bifurcated. Over the last 6 months there has been a subcommittee of the Ethics Committee look at the Gingrich case, two Democrats and two Republicans. The Speaker has voluntarily turned over over 50,000 pages of information to the committee. This subcommittee has done its work in a bipartisan fashion. It is the subcommittee that is going to now report to the full committee its findings. They have issued a preliminary report outlining their findings to the Members and to the full Ethics Committee. So next week there will be ample opportunity for all of the Members and the American people to understand the facts about the case if they need to know any more than what they have already heard.

I think that by January 21 the House will be in a position to make a decision on how to proceed from there.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES 105TH CONGRESS

The SPEAKER pro tempore (Mr. LIVINGSTON). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 2(a)(3) of rule XI of the rules of the House, and rule 1(d) of the rules of the Committee on Rules, the following are the rules of the Committee on Rules for the 105th Congress, adopted at its organizational meeting on January 8, 1997:

RULES OF THE COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, 105TH CONGRESS

RULE 1.—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable motions of high privilege in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2.—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

Notice for regular meetings

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of

(A) the bill or resolution,

(B) any committee reports thereon, and

(C) any letter requesting a rule of the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question;

and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

Emergency meeting

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party members of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3.—MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of the House rule XI (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Quorum

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)), or of taking any other action.

Voting

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of

the Committee is actually present for such purpose.

(2) A rollcall vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any rollcall vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable: (A) each witness who is to appear before the Committee shall file with the Committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and (B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form 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 preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the rules of the House shall apply to any investigative hearing conducted by the Committee.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4.—GENERAL OVERSIGHT AND INVESTIGATIVE RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5.—SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6.—STAFF

In general

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 6 of rule XI of the Rules of the House.

Associate staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House rule XI.

Subcommittee staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 5(d) of House rule XI, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7.—BUDGET, TRAVEL, PAY OF WITNESSES

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Oversight.

Pay of witnesses

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of rule XXXV of the rules of the House.

RULE 8.—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Achieves and Records Administration shall be made available for public use in accordance with rule XXXVI of the rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee publications on the internet

(c) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Calendars

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9.—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

CORRECTION OF CONGRESSIONAL RECORD OF JANUARY 7, 1997, PAGES H–29—H–31

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. KcKeon; 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 Velazquez, 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.

A motion to reconsider was laid upon the table.

CORRECTION TO THE CONGRESSIONAL RECORD OF JANUARY 7, 1997, PAGES H–71—H–74

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 21, 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-Velazquez;

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.

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

Mrs. THURMAN, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

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

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BOEHNER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. OBEY, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,013.40.

(The following Members (at the request of Mr. FILNER) and to include extraneous material:)

Mr. NEAL of Massachusetts.
Mr. RAHALL.
Mr. OBEY.
Mr. BALDACCI.
Mr. RICHARDSON.
Mr. TRAFICANT.
Mr. STARK.
Mr. VENTO.
Mr. BENTSEN.
Mr. OWENS.
Mr. COYNE.
Mr. FILNER.
Ms. HARMAN.
Mr. KLINK.
Mr. MATSUI.
Mr. BARCIA.
Mrs. MALONEY.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous material:)

Ms. ROS-LEHTINEN.
Mr. BARTON of Texas.
Mr. YOUNG of Alaska.
Mr. GILMAN in four instances.
Mr. FORBES.
Mr. SAXTON in two instances.
Mr. PETRI.
Mr. HYDE.
Mr. GILLMOR.
Mrs. MORELLA.
Mr. THOMAS.
Mr. DAVIS of Virginia.
Mr. COBLE.
Mr. GRAHAM.
Mr. LAHOOD.
Mr. LEWIS of California in two instances.
Mr. SOLOMON.
Mrs. ROUKEMA.
Mr. CALVERT.
Mr. BONO.
Mr. SPENCE.

ADJOURNMENT

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

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 3 of the 105th Congress, the House stands adjourned until 10 a.m., Monday, January 20, 1997.

Thereupon (at 2 o'clock and 11 minutes p.m.), pursuant to Senate Concurrent Resolution 3, the House adjourned until Monday, January 20, 1997, at 10 a.m.

NOTICE OF PROPOSED AMENDMENTS TO PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, December 20, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. §1383), I am transmitting the enclosed notice of proposed rulemaking (proposed amendments to the Procedural Rules of the Office of Compliance) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed amendments be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

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 LA200, 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 of an entity alleged to be responsible for correcting a violation has 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

Sec.
4.01 Purpose and scope
4.02 Authority for inspection
4.03 Request for inspections by employees and employing offices
4.04 Objection to inspection
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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 represent 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 officer, operator, agent or employee of a covered facility. As used herein, the term ''employ other reasonable investigative techniques'' includes, but is not limited, the use of devices to measure employee exposure and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposure.

(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 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 employee who made such request of 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 therefore. 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 or 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 tendency 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 compliant 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 compliant 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 compliant 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 sections 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 file 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) *Applications 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 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 deliberation 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 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 215(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 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 REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, December 20, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of regulations, together with a copy of the regulations for publication in the Congressional Record. The adopted regulations are being issued pursuant to 215(d).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

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 delays, 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, T3(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, 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 requirements is expressly contained in and inextricably interwined 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 that 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, citiations, 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 commander 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 Part 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 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 regulation 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 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

[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).'').

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 offic*e*, not employing offic*es*,'' and section 415, which states that funds to correct violations may be paid only from funds appropriated ''to the employing offic*e* or entit*y* 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 officers 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 jogging 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 an 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 of 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 employee 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* measn 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 provision 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.
1910.3333 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 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-Chloromethly ether.
1910.1009 beta-Naphthylamine.
1910.1010 Benzidine.
1910.1011 4-Aminodiphenyl.
1910.1012 Ethyleneimine.
1910.1013 beta-Propiolactone.
1910.1014 2-Acetylaminofluorne.
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.
1910.20 General safety and health provisions.
1910.21 Safety training and education.
1910.22 Recording and reporting of injuries. [Reserved]
1910.23 First aid and medical attention.
1910.24 Fire protection and prevention.
1910.25 Housekeeping.
1910.26 Illumination.
1910.27 Sanitation.
1910.28 Personal protective equipment.
1910.29 Acceptable certifications.
1910.31 Incorporation by reference.
1910.32 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

1926.300 General requirements.
1926.301 Hand tools.
1926.302 Power operated hand tools.
1926.303 Abrasive wheels and tools.
1926.304 Woodworking tools.
1926.305 Jacks—lever and ratchet, screw and hydraulic.
1926.306 Air Receivers.
1926.307 Mechanical power-transmission apparatus.

Subpart J—Welding and Cutting

1926.350 Gas welding and cutting.
1926.351 Arc welding and cutting.
1926.352 Fire prevention.
1926.353 Ventilation and protection in welding, cutting, and heating.
1926.354 Welding, cutting and heating in way of preservative coatings.

Subpart K—Electrical

General
1926.401 Introduction.
1926.401 [Reserved].
Installation Safety Requirements

1926.402 Applicability.
1926.403 General requirements.
1926.404 Wiring design and protection.
1926.405 Wiring methods, components, and equipment for general use.
1926.406 Specific purpose equipment and installations.
1926.407 Hazardous (classified) locations.
1926.408 Special systems.
1926.409–1926.415 [Reserved].

Safety-Related Work Practices

1926.416 General requirements.
1926.417 Lockout and tagging of circuits.
1926.418–1926.430 [Reserved].

Safety-Related Maintenance and Environmental Considerations

1926.431 Maintenance of equipment.
1926.432 Environmental deterioration of equipment.
1926.433–1926.440 [Reserved]

Safety Requirements For Special Equipment

1926.441 Battery locations and battery charging.
1926.442–1926.448 [Reserved]
Definitions .....
1926.449 Definitions applicable to this subpart.

Subpart L—Scaffolding

1926.450 [Reserved]
1926.451 Scaffolding.
1926.452 Guardrails, handrails, and covers.
1926.453 Manually propelled mobile ladder stands and scaffolds (towers).

Subpart M—Fall Protection

1926.500 Scope, application, and definitions applicable to this subpart.
1926.501 Duty to have fall protection.
1926.502 Fall protection systems criteria and practices.
1926.503 Training requirements.

Appendix A to Subpart M—Determining Roof Widths

Appendix B to Subpart M—Guardrail Systems

Appendix C to Subpart M—Personal Fall Arrest Systems

Appendix D to Subpart M—Positioning Device Systems

Appendix E to Subpart M—Sample Fall Protection Plans

Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors

1926.550 Cranes and derricks.
1926.551 Helicopters.
1926.552 Material hoists, personnel hoists and elevators.
1926.553 Base-mounted drum hoists.
1926.554 Overhead hoists.
1926.555 Conveyors.
1926.556 Aerial lifts.

Subpart O—Motor Vehicles and Mechanized Equipment

1926.600 Equipment.
1926.601 Motor vehicles.
1926.602 Material handling equipment.
1926.603 Pile driving equipment.
1926.604 Site clearing.

Subpart P—Excavations

1926.650 Scope, application, and definitions applicable to this subpart.
1926.651 Specific excavation requirements.
1926.652 Requirements for protective systems.

Appendix A to Subpart P—Soil Classification

Appendix B to Subpart P—Sloping and Benching

Appendix C to Subpart P—Timber Shoring for Trenches

Appendix D to Subpart P—Aluminum Hydraulic Shoring for Trenches

Appendix E to Subpart P—Alternatives to Timber Shoring

Appendix F to Subpart P—Selection of Protective Systems

Subpart Q—Concrete and Masonry Construction

1926.700 Scope, application, and definitions, applicable to this subpart.
1926.701 General requirements.
1926.702 Requirements for equipment and tools.
1926.703 Requirements for cast-in-place concrete.
1926.704 Requirements for precast concrete.
1926.705 Requirements for lift-slab construction operations.
1926.706 Requirements of masonry construction.

Appendix to Subpart Q—References to Subpart Q of Part 1926

Subpart R—Steel Erection

1926.750 Flooring requirements.
1926.751 Structural steel assembly.
1926.752 Bolting, riveting, fitting-up, and plumbing-up.
1926.753 Safety Nets.

Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air

1926.800 Underground construction.
1926.801 Caissons.
1926.802 Cofferdams.
1926.803 Compressed air.
1926.804 Definitions applicable to this subpart.

Appendix A to Subpart S—Decompression Tables

Subpart T—Demolition

1926.850 Preparatory operations.
1926.851 Stairs, passageways, and ladders.
1926.852 Chutes.
1926.853 Removal of materials through floor openings.
1926.854 Removal of walls, masonry sections, and chimneys.
1926.855 Manual removal of floors.
1926.856 Removal of walls, floors, and material with equipment.
1926.857 Storage.
1926.858 Removal of steel construction.
1926.859 Mechanical demolition.
1926.860 Selective demolition by explosives.

Subpart U—Blasting and use of Explosives

1926.900 General provisions.
1926.901 Blaster qualifications.
1926.902 Surface transportation of explosives.
1926.903 Underground transportation of explosives.
1926.904 Storage of explosives and blasting agents.
1926.905 Loading of explosives or blasting agents.
1926.906 Initiation of explosive charges—electric blasting.
1926.907 Use of safety fuse.
1926.908 Use of detonating cord.
1926.909 Firing the blast.
1926.910 Inspection after blasting.
1926.911 Misfires.
1926.212 Underwater blasting.
1926.913 Blasting in excavation work under compressed air.
1926.914 Definitions applicable to this subpart.

Subpart V—Power Transmission and Distribution

1926.950 General requirements.
1926.941 Tools and protective equipment.
1926.952 Mechanical equipment.
1926.953 Material handling.
1926.954 Grounding for protection of employees.
1926.955 Overhead lines.
1926.956 Underground lines.
1926.957 construction in energized substations.
1926.958 External load helicopters.
1926.959 Lineman's body belts, safety straps, and lanyards.
1926.960 Definitions applicable to this subpart.

Subpart W—Rollover Protective Structures; Overhead Protection

1926.1000 Rollover protective structures (ROPS) for material handling equipment.
1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.
1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.
1926.1003 Overhead protection for operators of agricultural and industrial tractors.

Subpart X—Stairways and Ladders

1926.1050 Scope, application, and defintions applicable to this subpart.
1926.1051 General Requirements.
1926.1052 Stairways.
1926.1053 Ladders.
1926.1054–1926.1059 [Reserved]
1926.1060 Training Requirements.

Appendix A to Subpart X—Ladders

Subpart Z—Toxic and Hazardous Substances

1926.1100 [Reserved]
1926.1101 Asbestos.
1926.1102 Coal tar pitch volatiles; interpretation of term.
1926.1103 44-Nitrobiphenyl.
1926.1104 alpha-Naphthylamine.
1926.1105 [Reserved]
1926.1106 Methyl chloromethyl ether.
1926.1107 3.3'-Dichlorobenzidine (and its salts).
1926.1108 bis-Chloromethyl ether.
1926.1109 beta-Naphthylamine.
1926.1110 Benzidine.
1926.1111 4–Aminodiphenyl.
1926.1112 Ethyleneimine.
1926.1113 beta–Propiolactone.
1926.1114 2–Acetylaminofluorence.
1926.1115 4–Dimethylaminoazobenzene.
1926.1116 N–Nitrosodimethylamine.
1926.1117 Vinyl chloride.
1926.1118 Inorganic arsenic.
1926.1127 Cadmium.
1926.1128 Benzene.
1926.1129 Coke oven emissions.
1926.1144 1,2–dibromo–3–chloropropane.
1926.1145 Acrylonitrile.
1926.1147 Ethylene oxide.
1926.1148 Formaldehyde.

Appendix A to Part 1926—Designations for General Industry Standards

NOTICE OF ADOPTION OF REGULATIONS

U.S. Congress,
Office of Compliance,
Washington, DC, December 20, 1996.

Hon. Newt Gingrich,
Speaker of the House, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of regulations, together with a copy of the regulations for publication in the Congressional Record. The adopted regulations are being issued pursuant to Section 210(e).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

Glen D. Nager,
Chair of the Board.

Enclosure

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, DC 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 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

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

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 these 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 (Defintions).*

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 cover 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 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]

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.

[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.

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 regulations, 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 purpose 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
2.102 Service of charge or notice of charge
2.103 Investigations by the General Counsel
2.104 Mediation
2.105 Dismissal of charge
2.106 Complaint by the General Counsel
2.107 Settlement of complaints
2.108 Compliance date

§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 identify 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 of a violation of section 210, compliance shall take place as soon as possible, but not 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

Subpart A—General

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35.101 Purpose.
35.102 Application.
35.103 Relationship to other laws.
35.104 Definitions.
35.105 Self-evaluation.
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Subpart B—General Requirements

35.130 General prohibitions against discrimination.
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Subpart C—Employment

35.140 Employment discrimination prohibited.
35.141–35.148 [Reserved]

Subpart D—Program Accessibility

35.149 Discrimination prohibited.
35.150 Existing facilities.
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Subpart E—Communications

35.160 General.
35.161 Telecommunication devices for the deaf (TDD's).
35.162 Telephone emergency services.
35.163 Information and signage.
35.164 Duties.
35.165–35.169 [Reserved]
35.170–35.189 [Reserved]
35.190–35.999 [Reserved]

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 *pysical 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 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 entity 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 an 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 Telecommunications 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.

§36.162 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]

§§35.170—35.999 [Reserved]

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) Tranvestism, 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.

Drugs 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 take 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 (2) 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 operations, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(3) The geographic separateness, and the administrative of 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 employment 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)(l) 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, railing, 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 good, 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 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 an 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 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 that 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 area 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 alternations.

(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. 36.102(c): commercial facilities. 36.102(e): public entities. 36.103 (other laws) 36.401 (''for first occupancy''). 36.402(a)(alterations).	1,2,3,4.1.1.
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)	4.1.3.(5).
	36.404	
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)

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37.9 Standards for accessible transportation facilities.
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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.
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37.93 One car per train rule.
37.95 [Reserved]
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Subpart E—Acquisition of Accessible Vehicles by Covered Entities

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37.105 Equivalent service standard.
37.107–37.109 [Reserved]
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37.123 ADA paratransit eligibility: Standards.
37.125 ADA paratransit eligibility: Process.
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37.129 Types of service.
37.131 Service criteria for complementary paratransit.
37.133 Subscription service.
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37.165 Lift and securement use.
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37.171 Equivalency requirement for demand responsive service by covered entities not primarily engaged in the business of transporting people.
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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. §§ 1301–4238).

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 avaiable 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 retardiation, 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) Transvertism, 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, specific 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(I) 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 facilitations. 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, 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) Determination 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 to 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 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.

§37.35 [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, telephone 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 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, vary narrow passageways, or freight [non-passenger] elevator 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) Alternations made to provide an accessible path to 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 areas 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 the 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 alternation 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 alternation at issue shall be considered in determining if the cost of providing accessible features in 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 alternations 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 life-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.

§37.10 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 provided 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 of 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 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 of ¾ 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 public, 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 coordinate 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 for 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 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 paratansit 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 public 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.

(3) 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 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 siting 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.

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 sued 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, S.E., Washington, D.C. 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 to 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 procedures 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, explanation, and advisory materials are located in the Appendix.

(d) *General terminology.* (1) *Comply with* means meet one or more specification of these guidelines.

(2) If, or if * * * *then* denotes a specification that applies only when the conditions described are present.

(3) *May* denotes as 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 should 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 over ¼ 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 exceed ⅝ 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 exceed ½ inch horizontally and ⅝ 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 to ¼ inch. Thresholds between ¼ inch and ½ 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 than ⅛ 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 than ¼ 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 to ¼ inch. Changes in level between ¼ inch and ½ 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 exceeds ⅝ 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 than ⅛ 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.

(b) *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, 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'') of ⅝ 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 than ⅛ 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 lights(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 be 1/16 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 minus ⅝ 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'') of ⅝ 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.

§38.57 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 constructions §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 minus ⅝ 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'') of ⅝ 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 than ⅛ 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 wheelchairs 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 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 life 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 off 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 over ¼ 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 exceed ⅝ 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 exceed ½ inch horizontally and ⅝ 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 to ¼ inch. Thresholds between ¼ inch and ½ 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 of 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 than ⅛ 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 than ¼ 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 to ¼ inch. Changes in level between ¼ inch and ½ 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 exceed ⅝ 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 than ⅛ 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 than ⅛ inch. Hardrails 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 compartment, handrails or stanchions shall be sufficient to permit safe on-board circulation, seating and standing assistance, and alighting by person with disabilities.

§ 38.157 Lighting.

(a) Any stepwell or doorway immediately adjacent to the drive 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 existing 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 portions 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 minus ½ 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 platform are not protected by platform screens, a suitable devices 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 subpart 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 unit shall comply with §§38.23(b) or (c) and shall provide at least one space for wheelchair of 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, DC 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:

$$\text{Contrast}=[(B_1-B_2)/B_1]100$$

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:

$$\text{Contrast}=[B_1-B_2)/B_1]100$$

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 System.* 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.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows

823. A communication from the President of the United States, transmitting his request to make available appropriations totaling $75,000,000 to the Department of Justice, $10,525,000 to the Department of State, $3,171,000 to the Judiciary, and $112,900,000 to the special forfeiture fund within funds appropriated to the President—received in the U.S. House of Representatives November 12, 1996, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–19; to the Committee on Appropriations and ordered to be printed.

824. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Navy violation, case No. 94–09, which totaled $691,686, occurred in the fiscal year 1989, fiscal year 1990, fiscal year 1991, and fiscal year 1992 other procurement, Navy appropriations, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

825. A letter from the Secretary of Defense, transmitting the 1995–96 joint military net assessment, pursuant to 10 U.S.C. 113(j)(1); to the Committee on National Security.

826. A letter from the Under Secretary of Defense, transmitting the Secretary's selected acquisition reports [SAR's] for the quarter ending December 31, 1995, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

827. A letter from the Secretary of Defense, transmitting the Secretary's selected acquisition reports [SAR's] for the quarter ending June 30, 1996, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

828. A letter from the Under Secretary of Defense, transmitting the final report on the United States-China Joint Defense Conversion Commission [JDCC] for the period February 10, 1996 through July 19, 1996 when the Commission was terminated, pursuant to Public Law 104–106, section 1343(a) (110 Stat. 487); to the Committee on National Security.

829. A letter from the Chairman, Joint Chiefs of Staff, transmitting the 1996 force readiness assessment, March 1996, pursuant to section 376 of the Defense Authorization Act of fiscal year 1994; to the Committee on National Security.

830. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the Department's fourth semiannual report to Congress, as required by section 403 of the Mexican Debt Disclosure Act of 1995, and the December monthly report to Congress, as required by section 404 of the same act pursuant to Public Law 104–6, section 403(a) (109 Stat. 89); to the Committee on Banking and Financial Services.

831. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Lithuania, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

832. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

833. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the Corporation's fiscal year 1994 annual report; to the Committee on Education and the Workforce.

834. A letter from the Administrator, Energy Information Administration, transmitting a copy of the Energy Information Administration's report entitled ''Annual Energy Outlook 1997,'' pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Commerce.

835. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 109] (RIN: 2127–AG60) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

836. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Adverse Side Effects of Air Bags; Correcting Amendment (Federal Aviation Administration) [Docket No. 74–14; Notice 106] (RIN: 2127–AG14) received December 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

837. A letter from the Director of 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 Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone [LA–34–1–7300; FRL–5670–4] received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

838. A letter from the Director of Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Michigan [MI48–02–7254; FRL–5662–5] received December 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

839. A letter from the Director of Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources [FRL–5667–8] (RIN: 2060–AD06) received December 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

840. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's report on smokeless tobacco sales and advertising expenditures data for 1994 and 1995, and updates the 1995 annual report transmitted to Congress, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

841. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Venezuela (Transmittal No. 05–97) received January 5, 1997, pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

842. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative project concerning the joint strike fighter [JSF] requirements validation [RV] memorandum of agreement [MOA] (Transmittal No. 20–96) received December 20, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

843. 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.

844. A letter from the Director, Arms Control and Disarmament Agency, transmitting the Agency's annual report entitled ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1995,'' pursuant to Public Law 100–213, section 4 (101 Stat. 1445); to the Committee on International Relations.

845. A letter from the Director, Arms Control and Disarmament Agency, transmitting the Agency's classified summary report and compliance annexes to the U.S. Arms Control and Disarmament Agency's [ACDA] 1995 annual report (U), pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

846. A letter from the Inspector General, Department of Commerce, transmitting the Department's report entitled ''Annual Reports on Improving Export Control Mechanisms and on Military Assistance''; to the Committee on International Relations.

847. 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.

848. A letter from the Deputy Secretary of Defense, transmitting the Cooperative Threat Reduction [CTR] Program plan for fiscal years 1997–2001, pursuant to section 1205 of the National Defense Authorization

Act for fiscal year 1995; to the Committee on International Relations.

849. A communication from the President of the United States, transmitting the 1995 annual report of the U.S. Arms Control and Disarmament Agency [ACDA], pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

850. A letter from the Secretary of Defense, transmitting the Department's report entitled ''Report on Accounting for United States Assistance Under the Cooperative Threat Reduction Program Calendar Year 1995,'' pursuant to section 1206 of the National Defense Authorization Act for fiscal year 1996; to the Committee on International Relations.

851. A communication from the President of the United States, transmitting his follow-up report on the deployment of combat-equipped United States Armed Forces to Bosnia and other states in the region in order to participate in and support the North Atlantic Treaty Organization-led Implementation Force [IFOR]—received in the United States House of Representatives December 20, 1996 (H. Doc. No. 105–21); to the Committee on International Relations and ordered to be printed.

852. A letter from the General Counsel, United States Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of the agreement and four joint statements negotiated by the Joint Compliance Inspection Commission [JCIC] and concluded during JCIC–XII, pursuant to Executive Order No. 12958, section 1.5(b); to the Committee on International Relations.

853. A communication from the PRESIDENT OF THE UNITED STATES, transmitting his report on the implementation of locality-based comparability payments for General Schedule employees for calendar year 1997—Received in the U.S. House of Representatives November 22, 1996, pursuant to 5 U.S.C. 5305(a)(3) (H. Doc. No. 105–20); to the Committee on Government Reform and Oversight and ordered to be printed.

854. A letter from the Acting Comptroller General of the United States, transmitting a list of all reports issued or released in November 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

855. A letter from the Secretary, American Battle Monuments Commission, transmitting the fiscal year 1996 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.

856. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the 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.

857. A letter from the Inspector General, Corporation for National Service, transmitting the Corporation's report on the follow-up study to the auditability survey; to the Committee on Government Reform and Oversight.

858. A letter from the Administrator, Environmental Protection Agency, transmitting the fiscal year 1996 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.

859. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1996, through September 30, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 59(b); to the Committee on Government Reform and Oversight.

860. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the fiscal year 1996 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.

861. A letter from the Chairman, Federal Communications Commission, transmitting the fiscal year 1996 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.

862. A letter from the Chairman, Federal Trade Commission, transmitting the fiscal year 1996 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.

863. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register, including all financial recommendations, for the period ending September 30, 1996, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

864. A letter from the Acting Administrator, General Services Administration, 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.

865. A letter from the National Endowment for the Arts, transmitting the fiscal year 1996 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.

866. A letter from the Railroad Retirement Board, transmitting the fiscal year 1996 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.

867. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on 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.

868. A letter from the Secretary of the Treasury, transmitting the fiscal year 1996 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.

869. A letter from the Secretary of Defense, transmitting the classified annex to the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

870. A letter from the Secretary of Defense, transmitting the semiannual report on activities of the inspector general, and classified annex for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

871. A letter from the Secretary of Education, transmitting the fiscal year 1996 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.

872. A letter from the Chairman, Securities and Exchange Commission, transmitting the fiscal year 1996 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.

873. A letter from the Chairperson, U.S. Commodity Futures Trading Commission, transmitting the fiscal year 1996 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.

874. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the fiscal year 1996 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.

875. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1996 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.

876. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the fiscal year 1996 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.

877. A letter from the Director, U.S. Information Agency, transmitting the fiscal year 1996 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.

878. A letter from the Secretary of the Treasury, transmitting the Department's ''Audit Plan of the Secretary of the Treasury on the Uses and Counterfeiting of U.S. Currency in Foreign Countries,'' pursuant to section 807 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132); to the Committee on the Judiciary.

879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulation; Charleston Harbor and Cooper River, SC (U.S. Coast Guard) [COTP Charleston 96–034] (RIN: 2115–AA97) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Offshore Supply Vessels; Alternate Tonnage (U.S. Coast Guard) [CGD 96–058] (RIN: 2115–AF35) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Rail Fixed Guideway Systems; State Safety Oversight (Federal Transmit Administration) [49 CFR Part 659] (RIN: 2132–AA57) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules (U.S. Coast Guard) [CGD 95–010] (RIN: 2115–AF11) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Back River and Foster Creek, Charleston, SC (U.S. Coast Guard) [COTP Charleston 96–072] (RIN: 2115–AA97) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Roadway Worker Protection (Federal Railroad Administration) [FRA Docket No. RSOR 13, Notice No. 9] (RIN: 2130–AA86) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Railroad Accident Reporting (Response to Remaining Issues in Petitions for Reconsideration) (Federal Railroad Administration) [FRA Docket No. RAR–4, Notice No. 16] (RIN: 2130–AB13) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Relief Program (Federal Highway Administration) [FHWA Docket No. 95–25] (RIN: 2125–AD60) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Reporting of Drug and Alcohol Testing Results (Research and Special Programs Administration) [Docket No. PS–152; Amdt. 199–14] (RIN: 2137–AC95) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

888. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions (Research and Special Programs Administration) [Docket No. HM–215B; Amdt. No. 171–149] (RIN: 2137–AC82) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

889. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Fishing Industry Vessel Regulations (U.S. Coast Guard) [CGD 96–046] (RIN: 2115–AF35) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida (U.S. Coast Guard) [CGD07–96–0641] (RIN: 2115–AE47) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

891. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Savannah, GA (U.S. Coast Guard) [COTP Savannah 96–073] (RIN: 2115–AA97) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Management and Monitoring Systems (Federal Highway Administration) [FHWA/FTA Docket No. 92–14] (RIN: 2125–AC97) received December 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Power Brake Regulation: Two-way End-of-Train Telemetry Devices (Federal Railroad Administration) [FRA Docket No. PB–9, Notice No. 6] (RIN: 2130–AA73) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

894. 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–280–AD; Amdt. 39–9868; AD 96–26–52] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Mode 767 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–244–AD; Amdt. 39–9861; AD 96–25–18] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; FLS Aerospace (Lovaux) Ltd. OA7 Optica Series 300 Airplanes (Federal Aviation Administration) [Docket No. 96–CE–12–AD; Amdt. 39–9865; AD 96–26–02] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Mode 747 Series Airplanes [Docket No. 96–NM–279–Ad; Amdt. 39–9867; AD 96–26–04] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sundstrand T–62T–40C Series Auxiliary Power Units (Federal Aviation Administration) [Docket No. 96–ANE–27; Amdt. 39–9855; AD 96–25–12] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

899. 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. 95–NM–271–AD; Amdt. 39–9856; AD 96–25–13] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, –30, and –40 Series Airplanes, and KC–10 (Military) Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–135–AD; Amdt. 39–9857; AD 96–25–14] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–58–AD; Amdt. 39–9852; AD 96–25–09] (RIN: 2120–AA64) received January 2, 1997, pursuant to 5 U.S.C 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–164–AD; Amdt. 39–9849; AD 96–25–07] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111, –211, –212, and –231 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–47–AD; Amdt. 39–9847; AD–96–25–05] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–176–AD; Amdt. 39–9846; AD 96–25–04] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10A (Military) Airplanes (Federal Aviation Administration) [Docket No. 95–NM–199–AD; Amdt. 39–9839; AD 96–24–15] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–57; Amdt. 39–9853; AD 96–25–10] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727–200 Series Airplanes; McDonnell Douglas MD–11 Airplanes; and British Aerospace Avro Model 146–RJ Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–121–AD; Amdt. 39–9858; AD 96–25–15] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Don Luscombe Aviation History Foundation Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T–8F Airplanes (Federal Aviation Administration) [Docket No. 95–CE–99–AD; Amdt. 39–9841; AD 96–24–17] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125–800A, Model Hawker 800, and Model Hawker 800XP Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–136–AD; Amdt. 39–9840; AD 96–24–16] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–201–AD; Amdt. 39–9848; AD 96–25–06] (RIN: 2120–AA64) received December 19, 1994, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

911. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–248–AD; Amdt. 39–9838; AD 96–24–14] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

912. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–268–AD; Amdt. 39–9850; AD 96–24–10] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

913. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–160–AD; Amdt. 39–9862; AD 96–25–19] (RIN: 2120–AA64) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

914. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Los Angeles Class B Airspace Area; CA (Federal Aviation Administration) [Airspace Docket No. 93–AWA–13] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

915. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Stage 2 Airplane Operations [Docket No. 28213; Amdt. No. 91–252] (RIN: 2120–AE83) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

916. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E2 Airspace; Winston-Salem, NC (Federal Aviation Administration) [Airspace Docket No. 96–ASO–37] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Allowable Carbon Dioxide Concentration in Transport Category Airplane Cabins (Federal Aviation Administration) [Docket No. 27704, Amdt. No. 25–89] (RIN: 2120–AD47) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Grass Valley, CA (Federal Aviation Administration) [Airspace Docket No. 96–AWP–25] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Casa Grande, AZ (Federal Aviation Administration) [Airspace Docket No. 96–AWP–22] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Gettysburg, SD; Gettysburg Municipal Airport (Federal Aviation Administration) [Airspace Docket No. 96–AGL–12] (RIN: 2120–AA66) received December 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition of Oxygen Generators as Cargo in Passenger-Aircraft (Research and Special Programs Administration) [Docket No. HM–224; Amdt. Nos. 171–146; and 173–254] (RIN: 2137–AC89) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

922. A letter from the Chairman, Arctic Research Commission, transmitting the Commission's annual reports for fiscal years 1994 and 1995, pursuant to 15 U.S.C. 4103(b); to the Committee on Science.

923. A letter from the Secretary of Energy, transmitting the Department's report on the continued production of the naval petroleum reserves beyond April 5, 1997; jointly to the Committees on National Security and Commerce.

924. A letter from the Under Secretary of Defense, transmitting notification of the Department's intent to transfer funds authorized by sections 8006, 9006, 8006, 8005, and 8005 of the Department of Defense appropriations acts for fiscal year 1992, fiscal year 1993, fiscal year 1994, fiscal year 1995, and fiscal year 1996, respectively, and sections 1001, 1001, 1101, 1001, and 1001 of the Department of Defense authorization acts for those same years; jointly, to the Committees on National Security and Appropriations.

925. A letter from the Chairman, Federal Communications Commission, transmitting the 81st annual report of the Federal Trade Commission, pursuant to 47 U.S.C. 154(k); jointly, Committees on Commerce and the Judiciary.

926. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for assistance to Eastern Europe and the Baltic States, pursuant to 22 U.S.C. 2394–1(a); jointly, to the Committees on International Relations and Appropriations.

927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report of the Dole Amendment restrictions on assistance to Haiti; jointly to the Committees on International Relations and Appropriations.

928. A letter from the Executive Director, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly, to the Committees on House Oversight and Education and the Workforce.

929. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of regulations for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Education and the Workforce.

930. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of regulations for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Education and the Workforce.

931. A communication from the President of the United States, transmitting notification to the Congress that the United States has the capability to prevent the illegal importation of nuclear, biological, and chemical weapons into the United States and its possessions, pursuant to section 229 of the National Defense Authorization Act for fiscal year 1997; jointly, to the Committees on National Security, International Relations, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

Under clause 5 of Rule X and clause 4 of Rule XXII, bills and resolutions of the following titles 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 United States 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 the 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; referred 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; referred 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 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 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. 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, and Mr. HOLDEN):

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 Government 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 names 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 air 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 that 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):

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. MORGAN 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 Employees 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; referred 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 of Michigan, 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, Mr. MCINNIS, Mr. PARKER, Mr. NETHERCUTT, 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 pre-employment 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. BONIOR, 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. BAKER:

H.R. 101. A bill to amend the National Forest Foundation Act to extend and increase the matching funds authorization for the foundation, to provide additional administrative support to the foundation, to authorize the use of investment income, and to permit the foundation to license the use of trademarks, tradenames, and other such devices to advertise that a person is an official sponsor or supporter of the Forest Service or the National Forest System; to the Committee on Agriculture.

By Mr. BARR of Georgia:

H.R. 102. A bill to require the national instant criminal background check system to be established and used in connection with firearms transfers by November 28, 1997; to the Committee on the Judiciary.

By Mr. BARR of Georgia (for himself and Mr. MARTINEZ):

H.R. 103. A bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on Education and the Workforce, 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 for the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. SKEEN, Mr. CRANE, and Mr. HALL of Texas):

H.R. 104. A bill to authorize the private ownership and use of National Park System lands; to the Committee on Resources.

By Mr. BASS:

H.R. 105. A bill to establish a locally oriented commission to assist the city of Berlin, NH, in identifying and studying its region's historical and cultural assets, and for other purposes; to the Committee on Resources.

By Mr. BENTSEN:

H.R. 106. A bill to amend the Social Security Act to establish the teaching hospital and graduate medical education trust fund, and for other purposes; 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. BILIRAKIS:

H.R. 107. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, 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. BLUMENAUER:

H.R. 108. A bill to amend title 23, United States Code, concerning eligibility for grants to implement alcohol-impaired driving countermeasures; to the Committee on Transportation and Infrastructure.

By Mr. CLAY:

H.R. 109. A bill to amend the Family and Medical Leave Act of 1993, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and 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.

By Mr. CLEMENT:

H.R. 110. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money in elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. CONDIT:

H.R. 111. A bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Agriculture.

H.R. 112. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, CA; to the Committee on Science.

By Mr. CONDIT (for himself and Ms. GRANGER):

H.R. 113. A bill to amend chapter 11 of title 31, United States Code, to require that each President's budget submission to Congress include a detailed plan to achieve a balanced Federal budget, and for other purposes; to the Committee on the Budget, 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. CONDIT:

H.R. 114. A bill to require the President to submit to the Congress each year an integrated justification for U.S. foreign assistance programs, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, Banking and Financial Services, 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. CONYERS:

H.R. 115. A bill to prohibit the transfer of a firearm to, and the possession of a firearm by, a person who is intoxicated; to the Committee on the Judiciary.

H.R. 116. A bill to apply equal standards to certain foreign made and domestically produced handguns; to the Committee on the Judiciary.

H.R. 117. A bill to reauthorize the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

H.R. 118. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

H.R. 119. A bill to amend the Nationality Act to impose additional conditions on employers of H–1B nonimmigrants; to the Committee on the Judiciary.

H.R. 120. A bill to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself and Mr. NORWOOD):

H.R. 121. A bill to repeal the statutory authority for the Corporation for Public Broadcasting; to the Committee on Commerce.

By Mr. CRANE (for himself, Mr. SAM JOHNSON, and Mr. NORWOOD):

H.R. 122. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Education and the Workforce.

By Mr. CUNNINGHAM (for himself, Mrs. EMERSON, Mr. ARMEY, Mr. DELAY, Mr. LINDER, Mr. GOODLING, Mr. RIGGS, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. SAM JOHNSON, Mr. TALENT, Mr. KNOLLENBERG, Mr. SOUDER, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. ARCHER, Mr. YOUNG of Alaska, Mr. STUMP, Mr. BEREUTER, Mr. SOLOMON, Mr. THOMAS, Mr. PORTER, Mr. BLILEY, Mr. HUNTER, Mr. MCCOLLUM, Mr. WOLF, Mr. BURTON of Indiana, Mr. GEKAS, Mr. KASICH, Mr. SISISKY, Mr. SAXTON, Mr. BARTON of Texas, Mr. BUNNING of Kentucky, Mr. GALLEGLY, Mr. HASTERT, Mr. HERGER, Mr. PICKETT, Mr. SHAYS, Mr. CLEMENT, Mr. DUNCAN, Mr. ROHRABACHER, Mr. TANNER,

Mr. DOOLITTLE, Mr. RAMSTAD, Mr. CRAMER, Mr. EWING, Mr. BACHUS, Mr. CALVERT, Mr. COLLINS, Mr. DEAL of Georgia, Ms. DUNN of Washington, Mr. GOODLATTE, Mr. HORN, Mr. KING of New York, Mr. MILLER of Florida, Mr. ROYCE, Mr. LEWIS of Kentucky, Mr. BARR of Georgia, Mr. BILBRAY, Mr. BRYANT, Mr. BURR of North Carolina, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBURN, Mr. GANSKE, Mr. HAYWORTH, Mr. NETHERCUTT, Mr. NEY, Mr. SALMON, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. HULSHOF):

H.R. 123. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and the Workforce.

By Mr. CRANE:

H.R. 124. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Ways and Means.

H.R. 125. A bill to make clear that the definition of a base period, under the unemployment compensation law of a State, is not an administrative provision subject to section 303(a)(1) of the Social Security Act; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Ms. HARMAN, Mr. WATTS of Oklahoma, Mr. SCHUMER, Mr. ROYCE, Mr. GOSS, Mr. SOLOMON, Mr. NORWOOD, Mr. HAYWORTH, Mr. COBURN, Mrs. MORELLA, Mr. TALENT, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. FROST, Mr. INGLIS of South Carolina, Ms. MOLINARI, Ms. DUNN of Washington, Mr. GREENWOOD, Mr. BURR of North Carolina, Mr. BLUNT, Mr. MCKEON, Mr. SHAYS, Mrs. MYRICK, Mr. ENSIGN, Mr. FOLEY, Mr. GOODLATTE, Mr. DEAL of Georgia, Mr. PAPPAS, Mr. POSHARD, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. STENHOLM, Mr. WHITE, and Mr. FOX of Pennsylvania):

H.R. 126. a bill to establish procedures to provide for a deficit reduction lock-box and related downward adjustment of discretionary spending limits; to the Committee on the Budget, 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. LEVIN (for himself, Mr. SHAW, Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. MATSUI, Mr. CRANE, Mr. COYNE, Mr. HOUGHTON, Mrs. KENNELLY of Connecticut, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. PETRI, Mr. OBERSTAR, Mr. KNOLLENBERG, Mr. WAXMAN, Mr. HOLDEN, Mr. MCHALE, Mr. POMEROY, Ms. NORTON, and Mr. JACKSON):

H.R. 127. A bill to amend the Internal Revenue Code of 1986 to permanently extend the exclusion for employer-provided educational assistance and to restore the exclusion for graduate level educational assistance; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Mr. HANSEN, Mr. SMITH of Oregon, Mrs. CHENOWETH, and Mr. SKEEN):

H.R. 128. 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; to the Committee on the Judiciary, and in addition to the Committee on Resources, 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 Mrs. CUBIN:

H.R. 129. A bill to provide for the retention of the name of the geologic formation known as Devils Tower at the Devils Tower National Monument in the State of Wyoming; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. HUNTER, and Mr. BILBRAY):

H.R. 130. A bill to amend the Clean Air Act to provide for the reclassification of downwind nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM (for himself, and Mr. BARTLETT of Maryland):

H.R. 132. A bill to establish a second National Blue Ribbon Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

By Mr. CUNNINGHAM (for himself, Mr. GALLEGLY, Mr. RIGGS, Mr. MCKEON, Mr. BONO, Mr. BILBRAY, and Ms. HARMAN):

H.R. 133. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. ROYCE, Ms. PRYCE of Ohio, Mr. MCKEON, Mr. RIGGS, and Mr. ENGLISH of Pennsylvania):

H.R. 131. A bill to provide that a new Federal program shall terminate not later than 5 years after the date of the enactment of the law that authorizes the program; to the Committee on Government Reform and Oversight.

By Mr. CUNNINGHAM:

H.R. 134. A bill to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain water storage project, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. DINGELL, Mrs. ROUKEMA, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. DEFAZIO, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FOGLIETTA, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Mr. LAFALCE, Mrs. LOWEY, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. QUINN, Mr. RAHALL, Ms. RIVERS, Mr. SANDERS, Ms. SLAUGHTER, Mr. TOWNS, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Mr. KENNEDY of Massachusetts, and Mr. MATSUI):

H.R. 135. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Commerce, 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 Mr. DEUTSCH (for himself and Mr. GOSS):

H.R. 136. A bill to amend the National Parks and Recreation Act of 1978 to designate the Majority Stoneman Douglas Wilderness and to amend the Everglades National park protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center; to the Committee on Resources.

By Mr. DICKEY:

H.R. 137. A bill to prohibit the Secretary of Health and Human Services from finding that a State Medicaid plan is not in compliance with title XIX of the Social Security Act solely on the grounds that the plan does not cover abortions for pregnancies resulting from an act of rape or incest if coverage for such abortions is inconsistent with State law; to the Committee on Commerce.

H.R. 138. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions by nonparty multicandidate political committees; to the Committee on House Oversight.

By Mr. DICKEY (for himself, Mr. SHAYS, Mr. DUNCAN, Mr. TAYLOR of North Carolina, Mr. NORWOOD, and Mr. INGLIS of South Carolina):

H.R. 139. A bill to reform the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 140. A bill to amend the Federal Election Campaign Act of 1971 to promote the disclosure of contributions and expenditures made with respect to campaigns for election for Federal office, to ban the use of soft money with respect to such campaigns, and for other purposes; to the Committee on House Oversight.

H.R. 141. A bill to establish the Select Commission to Advise on Reforming Elections to issue recommendations for the reform of laws governing the financing of campaigns for election for Federal office, to establish expedited procedures for the consideration of legislation implementing the recommendations, and for other purposes; 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 Ms. DUNN of Washington:

H.R. 142. A bill to require the President to submit a separately identified appropriation request to provide priority funding for the national parks of the United States, and for other purposes; to the Committee on the Budget.

By Ms. DUNN of Washington (for herself, Mr. MATSUI, Mr. HERGER, Mr. JEFFERSON, Mr. CRANE, Mr. NEAL of Massachusetts, Mr. MCCRERY, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, and Mr. WELLER):

H.R. 143. A bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 144. A bill to amend the Internal Revenue Code of 1986 to make health insurance costs fully deductible for the self-employed; to the Committee on Ways and Means.

By Mr. BORSKI (for himself, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, Ms. BROWN of Florida, Mr. EVANS, Mr. TRAFICANT, Mr. QUINN, Mr. CLEMENT, Mr. DIAZ-BALART, Mr. MASCARA, Mr. COSTELLO, Mr. HALL of Ohio, Mr. HOLDEN, Mr. FROST, Mr. LANTOS, Mr. COYNE, Mr. JACKSON, Mr. DEFAZIO, Mr. SPRATT, Mr. NEY, Ms. KAPTUR, and Mr. NADLER):

H.R. 145. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON (for herself and Mr. GOSS):

H.R. 146. 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 5-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. ENGEL:

H.R. 147. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to establish an ethnic and minority affairs section; to the Committee on Commerce.

H.R. 148. A bill to amend title XIX of the Social Security Act to assure that Medicaid disproportionate share hospital payments go directly to Medicaid disproportionate share hospitals; to the Committee on Commerce.

By Mr. ENGEL (for himself, Mr. ACKERMAN, Mr. MANTON, Mr. SERRANO, Mrs. LOWEY, Mr. RANGEL, and Mr. FLAKE):

H.R. 149. A bill to amend the Elementary and Secondary Education Act of 1965 to allow certain counties flexibility in spending funds; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. MANTON, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. SHAYS, Mrs. LOWEY, Mr. MENENDEZ, Mr. LAZIO of New York, Mr. DOYLE, Mr. ACKERMAN, Mr. OLVER, Mrs. KELLY, and Mr. NADLER):

H.R. 150. A bill to amend the Anglo-Irish Agreement Support Act of 1986 to require that disbursements from the International Fund for Ireland are distributed in accordance with the MacBride principles of economic justice, and for other purposes; to the Committee on International Relations.

By Mr. ENGEL:

H.R. 151. A bill concerning paramilitary groups and British security forces in Northern Ireland; to the Committee on International Relations.

By Mr. ENGEL (for himself and Mr. GILMAN):

H.R. 152. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H.R. 153. A bill to amend title 49, United States Code, to exempt noise and access restrictions on aircraft operations to and from metropolitan airports from certain Federal review and approval requirements, and for other purposes, to the Committee on Transportation and Infrastructure.

H.R. 154. A bill to amend the Internal Revenue Code of 1986 to require governmental deferred compensation plans to maintain set asides for the exclusive benefits of participants; to the Committee on Ways and Means.

H.R. 155. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the U.S. textbook and technology trust fund, and for other purposes; 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 Mr. English of Pennsylvania:

H.R. 156. A bill to amend title 31, United States Code, to provide that recently enacted provisions requiring payment of Federal benefits in the form of electronic funds transfers do not apply with respect to benefits payable under the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Government Reform and Oversight.

H.R. 157. A bill to authorize and request the President to award the Congressional Medar of Honor posthumously to Brevet Brig. Gen. Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg, July 2, 1863; to the Committee on National Security.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. COX of California, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. MCINTOSH, and Mr. KNOLLENBERG):

H.R. 158. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. NEAL of Massachusetts, and Mr. MCHUGH):

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 160. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the retail tax on heavy trucks and trailers; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. FRANK of Massachusetts, and Mr. MCDERMOTT)::

H.R. 161. A bill to amend the Internal Revenue Code of 1986 to terminate the tax subsidies for large producers of ethanol used as a fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 162. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax; to the Committee on Ways and Means.

H.R. 163. A bill to amend the Internal Revenue Code of 1986 to place the burden of proof on the Secretary to prove that the cash method of accounting does not clearly reflect income; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Ms. DELAURO,: Mr. MCGOVERN, Mr. TOWNS, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. FROST):

H.R. 164. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies; to the Committee on Commerce, 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 Mr. FILNER:

H.R. 165. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the survivor benefit plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on National Security.

H.R. 166. A bill to amend title 38, United States Code, to clarify the conditions under which an action may be brought against a State to enforce veterans' reemployment rights, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 167. A bill to amend title 38, United States Code, to provide for a Veterans' Employment and Training Bill of Rights, to strengthen preference for veterans in hiring, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 168. A bill to amend the Small Business Act to establish programs and undertake efforts to assist and promote the creation, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; to the Committee on Small Business, 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. FRANKS of New Jersey (for himself, Mr. CAMPBELL, Mrs. EMERSON, Mr. LOBIONDO, Mr. MCHALE, Mr. NORWOOD, Mr. GRAHAM, and Mr. ROYCE):

H.R. 169. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to prevent luxurious conditions in prisons; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.R. 170. 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. GALLEGLY:

H.R. 171. A bill to amend section 214 of the Housing and Community Development Act of 1980 to make technical corrections; to the Committee on Banking and Financial Services.

H.R. 172. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers; to the Committee on Government Reform and Oversight.

By Mr. GALLEGLY (for himself and Mr. SHAYS):

H.R. 173. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of surplus Federal law enforcement canines to their handlers; to the Committee on Government Reform and Oversight.

By Mr. GALLEGLY:

H.R. 174. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, CA; to the Committee on Science.

H.R. 175. A bill to prohibit Federal funding for earthquake-related repairs or restoration of Bottle Village in Simi Valley, CA; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H.R. 176. A bill to provide for hearing care services by audiologists to Federal civilian employees; to the Committee on Government Reform and Oversight.

H.R. 177. A bill to direct the Secretary of Health and Human Services to establish a schedule of preventive health care services and to provide for coverage of such services in accordance with such schedule under private health insurance plans and health benefit programs of the Federal Government, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Government Reform and Oversight, Veterans' Affairs, and

National Security, 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. GILMAN (for himself and Mr. MANTON):

H.R. 178. A bill to provide for adherence with the MacBride principles of economic justice by United States persons doing business in Northern Ireland, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, 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. GOODLING:

H.R. 179. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election to Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Commerce, and 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. GOSS:

H.R. 180. A bill imposing certain restrictions and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida, and for other purposes; to the Committee on Resources.

By Mr. GOSS:

H.R. 181. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of elections for members of the House of Representatives, and for other purposes; to the Committee on House Oversight, 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. GUTIERREZ:

H.R. 182. A bill to provide for a livable wage for employees under Federal contracts and subcontracts; to the Committee on Education and the Workforce, 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. HASTINGS of Florida:

H.R. 183. A bill to direct the Secretary of Health and Human Services to prepare and publish annually a consumer guide to prescription drug prices; to the Committee on Commerce.

H.R. 184. A bill to amend title XIX of the Social Security Act to require State Medicaid Programs to provide coverage of screening mammography and screening pap smears; to the Committee on Commerce.

H.R. 185. A bill to establish a commission to study employment and economic insecurity in the workforce in the United States; to the Committee on Education and the Workforce.

H.R. 186. A bill to provide for the mandatory registration of handguns; to the Committee on the Judiciary.

H.R. 187. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Representatives are elected; to the Committee on the Judiciary.

H.R. 188. A bill to establish Federal, State, and local programs for the investigation, reporting, and prevention of bias crimes; to the Committee on the Judiciary.

H.R. 189. A bill to establish a commission to investigate exposure to chemical and biological warfare agents as a result of the Persian Gulf conflict; to the Committee on National Security.

By Mr. HASTINGS of Florida (for himself and Mrs. MEEK of Florida):

H.R. 190. A bill to amend the Act entitled ''An Act to provide for the establishment of the Everglades National Park in the State of Florida and for other purposes,'' approved May 30, 1934, to clarify certain rights of the Miccosukee Tribe of Indians of Florida; to the Committee on Resources.

By Mr. HASTINGS of Florida:

H.R. 191. A bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the U.S. work force and to allow employees to take parental involvement leave to participate in or attend their children's educational and extracurricular activities, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and 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.

By Mr. HEFLEY (for himself, Mr. WATTS of Oklahoma, Mr. NORWOOD, Mr. TAYLOR of Mississippi, Mr. FILNER, Mr. ENSIGN, Mr. BONILLA, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. RAMSTAD, Mr. CONDIT, Mr. GOODLATTE, Mr. LEWIS of Kentucky, Mr. BALLENGER, Mr. BEREUTER, Mr. CUNNINGHAM, Mr. CLEMENT, and Mr. HERGER):

H.R. 192. A bill to establish a demonstration project to evaluate the cost effectiveness of using the Medicare trust funds to reimburse the Department of Defense for certain health care services provided to Medicare-eligible covered military beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, and National Security, 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. 193. A bill to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places and to prohibit the designation of the Mt. Shasta area in the State of California as a historic district, historic sites, or national monument under the National Historic Preservation Act or the Antiquities Act; to the Committee on Resources.

By Mr. HOUGHTON (for himself and Mrs. KENNELLY of Connecticut):

H.R. 194. A bill to enhance the financial security of children by providing for contributions by the Federal Government to child retirement accounts; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. CARDIN):

H.R. 195. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. MATSUI):

H.R. 196. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Ways and Means.

H.R. 197. A bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, Mr. PACKARD, Mr. COX of California, Mr. RIGGS, Mr. BARTLETT of Maryland, Mr. YOUNG of Alaska, Mr. MCCRERY, Mr. ROHRABACHER, Mr. MCKEON, Mr. CALVERT, Mr. LIVINGSTON, Mr. COBLE, and Mr. COMBEST):

H.R. 198. A bill to limit the types of commercial nonpostal services which may be offered by the U.S. Postal Service; to the Committee on Government Reform and Oversight.

By Mr. JONES:

H.R. 199. A bill to provide for greater accountability for Presidential appointees; to the Committee on Government Reform and Oversight.

By Mrs. KELLY:

H.R. 200. A bill to amend the Internal Revenue Code of 1986 to provide that gain on the sale of a principal residence shall be excluded from gross income without regard to the age of the taxpayer or the amount of the gain; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut:

H.R. 201. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the economic recovery of areas affected by the loss of employment in the financial institution and real estate sectors; to the Committee on Ways and Means.

H.R. 202. A bill to clarify the tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Ways and Means.

By Mr. KIM (for himself, Mr. ABERCROMBIE, and Mr. UNDERWOOD):

H.R. 203. A bill to designate the Republic of Korea as a visa waiver pilot program country for 1 year under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KIM (for himself and Mr. BILBRAY):

H.R. 204. A bill to provide financial assistance to Mexican border States for transportation projects that are necessary to accommodate increased traffic resulting from the implementation of the North American Free-Trade Agreement; to the Committee on Transportation and Infrastructure.

By Mr. KIM:

H.R. 205. A bill to provide that receipts and disbursements of the highway trust fund, the airport and airways trust fund, the inland waterways trust fund, and the harbor maintenance trust fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget; to the Committee on the Budget, 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. KING of New York:

H.R. 206. A bill to award a congressional gold medal to the late James Cagney; to the Committee on Banking and Financial Services.

H.R. 207. A bill to authorize the Secretary of Housing and Urban Development to make organizations controlled by individuals who promote prejudice or bias based on race, religion, or ethnicity ineligible for assistance under programs administered by the Secretary, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 208. A bill to amend title 18, United States Code to protect the sanctity of religious communications; to the Committee on the Judiciary.

H.R. 209. A bill to amend the Internal Revenue Code of 1986 to establish and provide a

checkoff for a breast and prostate cancer research fund, and for other purposes; 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. KLECZKA (for himself and Mr. SENSENBRENNER):

H.R. 210. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. STARK, Mr. BARRETT of Wisconsin, Ms. MCKINNEY, Mr. WAXMAN, Mr. HILLIARD, Mr. KILDEE, Mr. SANDERS, Mr. MARTINEZ, Mr. EVANS, Mr. MANTON, Mr. LAFALCE, Mr. PALLONE, Ms. NORTON, Ms. SLAUGHTER, Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. COYNE, Mr. CLAY, Ms. DELAURO, and Mr. RANGEL):

H.R. 211. A bill to amend the Internal Revenue Code of 1986 to assure continued health insurance coverage of retired workers; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and 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 Mr. KLINK (for himself and Mr. DOYLE):

H.R. 212. A bill to amend the Department of Housing and Urban Development Act to provide for the Secretary of Housing and Urban Development to notify and consult with the unit of general local government within which an assisted multifamily housing project is to be located before providing any low-income housing assistance for the project; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, Mr. WATT of North Carolina, Mr. ACKERMAN, Mr. ENGEL, Mr. FROST, and Mr. STUPAK):

H.R. 213. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to an individual training account; to the Committee on Ways and Means.

By Mr. KNOLLENBERG:

H.R. 214. A bill to amend the Social Security Act to reinstate requirements regarding Department of Housing and Urban Development access to certain information of State agencies, and to amend the Internal Revenue Code of 1986 to allow the Secretary of Housing and Urban Development to reveal certain income tax return information to public housing agencies, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, 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. LANTOS (for himself, Mr. CAMPBELL, Ms. ESHOO, and Ms. PELOSI):

H.R. 215. A bill relating to the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, for carrying out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo, CA; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Mr. GREEN, and Mr. LOBIONDO):

H.R. 216. A bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain Medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996; 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. LAZIO of New York:

H.R. 217. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; to the committee on Banking and Financial Services.

By Mr. CUNNINGHAM (for himself, Ms. MOLINARI, Mr. PACKARD, Mr. HUNTER, Mr. BILBRAY, Mrs. MYRICK, Mr. COBLE, Mr. FROST, Mr. COBURN, Mr. BRYANT, Mr. COLLINS, and Mr. HALL of Texas):

H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. LAZIO of New York (for himself, Mr. FAZIO of California, and Mr. MCCOLLUM):

H.R. 219. A bill to establish a Federal program to provide reinsurance for State disaster insurance programs; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM:

H.R. 220. A bill to amend the Federal Deposit Insurance Act to clarify the due process protections applicable to directors and officers of insured depository institutions and other institution-affiliated parties, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 221. A bill to amend the Community Reinvestment Act of 1977 to reduce onerous recordkeeping and reporting requirements for regulated financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 222. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time begins on the first Sunday in March; to the Committee on Commerce.

H.R. 223. A bill to amend the Federal Election Campaign Act of 1971 to establish the Presidential Debate Commission on an ongoing basis and to amend the Internal Revenue Code of 1986 to reduce the amount of funds provided under such act for party nominating conventions for any party whose nominee for President or Vice President does not participate in any debate scheduled by the Commission, and for other purposes; to the Committee on House Oversight.

H.R. 224. A bill to amend the National Voter Registration Act of 1993 to require each individual registering to vote in elections for Federal office to provide the individual's Social Security number and to permit a State to remove a registrant who fails to vote in two consecutive general elections for Federal office from the official list of eligible voters in election for Federal office on the ground that the registrant has changed residence, if the registrant fails to respond to written notices requesting confirmation of the registrant's residence; to the Committee on House Oversight.

H.R. 225. A bill to amend the Immigration and Nationality Act to permit certain aliens who are at least 55 years old of age to obtain a 4-year nonimmigrant visitor's visa; to the Committee on the Judiciary.

H.R. 226. A bill to deem the Florida Panther to be an endangered species under the Endangered Species Act of 1973; to the Committee on Resources.

By Mr. MCCOLLUM (for himself and Mr. MICA):

H.R. 227. A bill to direct the Secretary of the Army to conduct a study of mitigation banks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCCOLLUM:

H.R. 228. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from IRA's for certain purposes, to increase the amount of tax deductible IRA contributions, and for other purposes; to the Committee on Ways and Means.

H.R. 229. A bill to amend the Community Reinvestment Act of 1977, the Equal Credit Opportunity Act, and the Fair Housing Act to improve the administration of such acts, to prohibit redlining in connection with the provision of credit, and for other purposes; to the Committee on Banking and Financial Services, 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. MCCOLLUM (for himself, Mr. SHAW, Mr. LAZIO of New York, Mrs. EMERSON, Mr. BILIRAKIS, Mr. CANADY of Florida, Mr. DIAZ-BALART, Mr. DEUTSCH, Mrs. FOWLER, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. MICA, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, and Mr. STEARNS):

H.R. 230. A bill to ensure that insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, is available and affordable, and to provide for expanded hazard mitigation and relief, and for other purposes; to the Committee on Banking and Financial Services, 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. MCCOLLUM (for himself, Mr. SCHUMER, Mr. STENHOLM, Mr. HORN, Mr. GALLEGLY, Mr. CANADY of Florida, Mr. HUNTER, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. BEREUTER, Mr. BILBRAY, Mr. BRYANT, Mr. CAMPBELL, Mr. CUNNINGHAM, Mr. DEFAZIO, Ms. JACKSON-LEE, Mr. KIM, Mr. LAFALCE, Mr. LATOURETTE, Mr. PACKARD, Mr. ROHRABACHER, Mr. SHAYS, Mr. STARK, Mr. TRAFICANT, and Mr. WAXMAN):

H.R. 231. A bill to improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary, 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. MCDADE:

H.R. 232. A bill to amend title 28, United States Code, to require prosecutors in the Department of Justice to be ethical; to the Committee on the Judiciary.

By Mr. MCINTOSH:

H.R. 233. A bill to amend the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Ms. NORTON, Mrs. LOWEY, Mr. RUSH, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Ms. LOFGREN, Ms. PELOSI, and Mr. ACKERMAN):

H.R. 234. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's educational and extracurricular activities and to clarify that leave may be taken for routine medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and Oversight, and 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.

By Mrs. MALONEY of New York (for herself and Mr. HORN):

H.R. 235. A bill to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain individuals; to the Committee on Government Reform and Oversight, and in addition to the Committees on Intelligence (Permanent Select), 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 Mrs. MALONEY of New York:

H.R. 236. A bill to prohibit Government contractors from being reimbursed by the Federal Government for certain environmental response costs; 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. MEEHAN:

H.R. 237. A bill to amend title II of the Social Security Act to provide that an individual who has been denied benefits by reason of confinement to a public institution by reason of conviction for a sex offense shall continue to be denied benefits, upon completion of such confinement, while continuing to be confined thereafter by court order in a public institution; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 238. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 239. A bill to amend the Internal Revenue Code of 1986 to impose penalties on self-dealing between certain tax-exempt organizations and disqualified persons, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. SOLOMON, Mr. STUMP, and Mr. EVERETT):

H.R. 240. A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, the Judiciary, and 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. NEAL of Massachusetts:

H.R. 241. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for capital gains for middle-income taxpayers; to the Committee on Ways and Means.

H.R. 242. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty under the one-time exclusion of gain on the sale of a principal residence by an individual who has attained age 55; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 243. A bill to amend the Federal Election Campaign Act of 1971 to provide for expenditure limitations and public financing for House of Representatives general elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, 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. PALLONE:

H.R. 224. A bill to terminate ocean dumping at the Mud Dump Site and other sites within the New York Bight Apex off the coast of New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. PAPPAS:

H.R. 245. A bill to amend the Internal Revenue Code of 1986 to phase out the tax of capital gains, to increase the unified credit under the estate and gift taxes, and to increase the maximum benefit under section 2032A to $1 million; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 246. A bill to restore the authority of the Secretary of Agriculture to extend existing and expiring contracts under the Conservation Reserve Program; to the Committee on Agriculture.

H.R. 247. A bill to allow for a 1-year extension on Conservation Reserve Program contracts expiring in 1997; to the Committee on Agriculture.

By Mr. PITTS:

H.R. 248. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting polls by telephone during campaigns for election for Federal office; to the Committee on House Oversight.

H.R. 249. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. RAMSTAD, Mr. DAVIS of Virginia, Mr. DOYLE, Mr. FILNER, Mr. WATTS of Oklahoma, Mr. CONYERS, Mr. DEAL of Georgia, and Mr. KENNEDY of Massachusetts):

H.R. 250. A bill to amend title 38, United States Code, to provide authority for the Secretary of Veterans Affairs to extend priority health care to veterans who served during the Persian Gulf war in Israel or Turkey; to the Committee on Veterans' Affairs.

By Mr. QUINN (for himself, Mr. MCHUGH, Mr. KING of New York, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. FOX of Pennsylvania, and Mr. GOSS):

H.R. 251. A bill to establish an Office of Inspector General for the Medicare and Medicaid Programs; to the Committee on Government Reform and Oversight, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL:

H.R. 252. A bill to amend the Black Lung Benefits Act to provide for more just procedures for certain claims due to pneumoconiosis; to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself and Mr. MILLER of California):

H.R. 253. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. RAHALL:

H.R. 254. A bill to further enhance flood control efforts along the Greenbrier River Basin in the State of West Virginia; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself and Mr. PETRI):

H.R. 255. A bill to amend the Internal Revenue Code of 1986 to provide for the deposit of the general revenue portion of highway motor fuel excise tax revenues into the highway trust fund; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 256. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. RICHARDSON:

H.R. 257. A bill to amend the Housing and Community Development Act of 1974 to allow small communities to use limited space in public facilities acquired, constructed, or rehabilitated using community development block grant funds for local government offices; to the Committee on Banking and Financial Services.

H.R. 258. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State Medicaid plans; to the Committee on Commerce.

H.R. 259. A bill to amend the Public Health Service Act to provide for the prevention of fetal alcohol syndrome, and for other purposes; to the Committee on Commerce.

H.R. 260. A bill to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Resources.

H.R. 261. A bill to amend part E of title IV of the Social Security Act to provide for Federal funding of foster care and adoption assistance programs of Indian tribes; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 262. A bill to amend the act to establish a Redwood National Park in the State of California, to increase efficiency and cost savings in the management of Redwood National Park by authorizing the Secretary of the Interior to enter into agreements with the State of California to acquire from and provide to the State goods and services to be used by the National Park Service and the State of California in the cooperative management of lands in Redwood National Park and lands in Del Norte Coast Redwoods State Park, Jebediah Smith Redwoods State Park, and Prairie Creek Redwoods State Park, and for other purposes; to the Committee on Resources.

By Mrs. ROUKEMA:

H.R. 263. A bill to provide for the disposition of unoccupied and substandard multifamily housing projects owned by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA (for herself and Mr. SCHUMER):

H.R. 264. A bill to amend the Electronic Fund Transfer Act to require notice of certain fees imposed by the operator of an automated teller machine in connection with an electronic fund transfer initiated by a

consumer at the machine, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA:

H.R. 265. A bill to amend the United States Housing Act of 1937 to increase public housing opportunities for intact families; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA:

H.R. 266. A bill to evaluate the effectiveness of certain community efforts in coordination with local police departments in preventing and removing violent crime and drug trafficking from the community, in increasing economic development in the community, and in preventing or ending retaliation by perpetrators of crime against community residents, and for other purposes; to the Committee on the Judiciary.

H.R. 267. A bill to require States to impose criminal penalties on persons who willfully fail to pay child support, as a condition of Federal funding of State child support enforcement programs; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. VENTO):

H.R. 268. A bill to enhance competition in the financial services sector and merge the commercial bank and savings association charters; 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 Mrs. ROUKEMA:

H.R. 269. A bill to provide for a role models academy demonstration program; to the Committee on Education and the Workforce.

H.R. 270. A bill to amend part B of title IV of the Social Security Act to provide for a set-aside of funds for States that have entered certain divorce laws, to amend the Legal Services Corporation Act to prohibit the use of funds made available under the act to provide legal assistance in certain proceedings relating to divorces and legal separations, and for other purposes; to the Committee on Ways and Means, 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. ROYCE:

H.R. 271. A bill to establish a second National Blue Ribbon Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

H.R. 272. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on Rules.

By Mr. SCHUMER:

H.R. 273. A bill to amend the Food Stamp Act of 1977 to require States to use electronic benefit transfer systems, and for other purposes; to the Committee on Agriculture.

H.R. 274. A bill to amend the Truth in Lending Act to require a credit card issuer to disclose, in any preapproved application, solicitation, or offer to open a credit card account under an open end consumer credit plan, each rate of interest that will actually apply to any credit extended under such plan, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 275. A bill to combat domestic terrorism; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 276. A bill to amend the Internal Revenue Code of 1986 to allow a $100,000 lifetime deduction for net capital gain; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. PALLONE, and Mr. MILLER of California):

H.R. 277. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, Agriculture, Transportation and Infrastructure, and Resources, 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. SCHUMER:

H.R. 278. A bill to make changes in Federal juvenile justice proceedings, and to foster youth development and prevent juvenile crime and delinquency; to the Committee on the Judiciary, 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 Mr. SERRANO (for himself, Mr. BONO, Mr. CLAY, Ms. DELAURO, Mr. DELLUMS, Mr. ENSIGN, Mr. FROST, Mr. GREEN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. JACKSON, Mr. LEWIS of California, Mr. MCGOVERN, Mr. MILLER of California, and Mr. PASTOR):

H.R. 279. A bill to award a congressional gold medal to Francis Albert Sinatra; to the Committee on Banking and Financial Services.

By Mr. SERRANO:

H.R. 280. A bill to require the Federal Communications Commission to implement the recommendations of the joint board concerning universal service support for schools and libraries; to the Committee on Commerce.

H.R. 281. A bill to amend the Higher Education Act of 1965 to apply to Hispanic-serving institutions of higher education the same student loan default rate limitations applicable to historically black colleges and universities; to the Committee on Education and the Workforce.

By Mr. SERRANO (for himself and Mr. RANGEL):

H.R. 282. A bill to designate the U.S. Post Office building located at 153 East 110th Street, New York, NY, as the ''Oscar Garcia Rivera Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. SERRANO:

H.R. 283. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Oversight.

H.R. 284. A bill to repeal the Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996; to the Committee on International Relations.

H.R. 285. A bill to reinstate the authorization of cash remittances to family members in Cuba under the Cuban assets control regulations; to the Committee on International Relations.

H.R. 286. A bill to protect the constitutional right to travel to foreign countries; to the Committee on International Relations.

H.R. 287. A bill to allow for news bureau exchanges between the United States and Cuba; to the Committee on International Relations.

H.R. 288. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals; 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..

H.R. 289. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Commerce, 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. 290. A bill to provide demonstration grants to establish clearing houses for the distribution to community-based organizations of information on prevention of youth violence and crime; to the Committee on the Judiciary, 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.

H.R. 291. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the United States Library Trust Fund, and for other purposes; 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 Mr. SHADEGG (for himself, Mrs. CHENOWETH, Mr. WHITE, Mr. NORWOOD, and Mr. GRAHAM):

H.R. 292. A bill to require Congress to specify the source of authority under the U.S. Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 293. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

H.R. 294. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

H.R. 295. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

H.R. 296. A bill to privatize the Federal Power Marketing Administrations, and for other purposes; to the Committee on Resources, 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. SHAYS (for himself, Mr. LIPINSKI, and Mr. GEJDENSON):

H.R. 297. A bill to amend the Public Health Service Act to provide for programs of research on prostate cancer; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. MARTINEZ, and Mr. LIPINSKI):

H.R. 298. A bill to require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish

a President's Advisory Council on Recreational Camps, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself, Mr. DELLUMS, Mr. FARR of California, Mr. HOUGHTON, Mrs. LOWEY, Ms. MCKINNEY, Mrs. MORELLA, Mr. OLVER, and Mr. RANGEL):

H.R. 299. A bill to authorize appropriations for the payment of U.S. arrearages in assessed contributions to the United Nations for prior years and to authorize appropriations for the payment of assessed contributions of the United States for U.N. peacekeeping operations; to the Committee on International Relations.

By Mr. SHAYS:

H.R. 300. A bill to amend title 49, United States Code, to permit a State located within 5 miles of an airport in another State to participate in the process for approval of airport development projects at the airport; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS (for himself and Mr. GEJDENSON):

H.R. 301. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program and to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and 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. SKAGGS (for himself and Ms. DEGETTE):

H.R. 302. A bill entitled ''Rocky Mountain National Park Wilderness Act of 1997''; to the Committee on Resources.

By Mr. BILIRAKIS (for himself and Mr. NORWOOD):

H.R. 303. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 304. A bill to amend the Public Health Service Act with respect to employment opportunities in the Department of Health and Human Services for women who are scientist, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER (for herself, Mr. ACKERMAN, Mr. FAZIO of California, Mr. FROST, Mr. GREEN, Mr. HINCHEY, Mr. HOLDEN, Ms. NORTON, Ms. JACKSON-LEE, Mrs. LOWEY, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MALONEY of Connecticut, Mr. MANTON, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. OWENS, Ms. PELOSI, Mr. PORTER, and Mr. SCHUMER):

H.R. 305. A bill to provide protection from sexual predators; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. CLAYTON, Ms. DANNER, Mr. DEFAZIO, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GREEN, Mr. HILLIARD, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. KENNEDY of Massachusetts, Mr. KILDEE, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MORELLA, Mr. NADLER, Mr. PAYNE, Ms. PELOSI, Ms. RIVERS, Mr. SANDERS, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. STARK, Mrs. THURMAN, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, Ms. DELAURO, Mr. MATSUI, Mr. WATT of North Carolina, and Ms. ROYBAL-ALLARD):

H.R. 306. A bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and 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 Mr. SOLOMON:

H.R. 307. A bill to amend the vaccine injury compensation portion of the Public Health Service Act to permit a petition for compensation to be submitted within 48 months of the first symptoms of injury; to the Committee on Commerce.

H.R. 308. A bill to amend chapter 15 of title 5, United States Code, to eliminate the provision prohibiting certain State and local employees from seeking elective office; to the Committee on Government Reform and Oversight.

H.R. 309. A bill to prohibit federally sponsored research pertaining to the legalization of drugs; to the Committee on Government Reform and Oversight.

H.R. 310. A bill to require random drug testing of Federal legislative branch Members, officers, and employees; to the Committee on House Oversight.

H.R. 311. A bill to amend the Taiwan Relations Act; to the Committee on International Relations.

By Mr. SOLOMON (for himself and Mr. SAM JOHNSON of Texas):

H.R. 312. A bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on U.S. persons or continues to develop or promote proposals for such taxes or fees; to the Committee on International Relations.

H.R. 313. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 314. A bill to amend title 18, United States Code, to modify the death penalty for drug kingpins; to the Committee on the Judiciary.

H.R. 315. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit for lower-income working parents, and for other purposes; to the Committee on Ways and Means.

H.R. 316. A bill to amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous wastes; to the Committee on Ways and Means.

H.R. 317. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal resident by a first-time homebuyer; to the Committee on Ways and Means.

H.R. 318. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

H.R. 319. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

H.R. 320. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor; to the Committee on Ways and Means.

H.R. 321. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible to the extent not in excess of $3,000; to the Committee on Ways and Means.

H.R. 322. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

H.R. 323. A bill to amend the Internal Revenue Code of 1986 to provide that tax-exempt interest shall not be taken into account in determining the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

H.R. 324. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to an exemption equivalent of $1,200,000, and to provide a cost-of-living adjustment for such amount; to the Committee on Ways and Means.

H.R. 325. A bill to amend the Internal Revenue Code of 1986 to provide that the unrelated business income tax shall apply to the gaming activities of Indian tribes; to the Committee on Ways and Means.

H.R. 326. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 327. A bill to prohibit retroactive Federal income tax rate increases; to the Committee on Ways and Means.

H.R. 328. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to prohibit health issuers and group health plans from discriminating against individuals on the basis of genetic information; to the Committee on Commerce, 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.

H.R. 329. A bill to require States that receive funds under the Elementary and Secondary Education Act of 1965 to enact a law that requires the expulsion of students who are convicted of a crime of violence; to the Committee on Education and the Workforce.

H.R. 330. 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. 331. A bill to prohibit foreign assistance to Russia unless certain requirements relating to Russian intelligence activities, relations between Russia and certain countries, Russian arms control policy, and the reform of the Russian economy are met; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. 332. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; 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.

H.R. 333. A bill to amend the Controlled Substances Act to require that courts, upon the criminal conviction under that act, notify the employer of the convicted person; 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. SOLOMON (for himself, Mr. ROEMER, Mr. BARR of Georgia, Mrs. CHENOWETH, Mr. GOODLATTE, and Mr. HERGER):

H.R. 334. A bill to amend the Indian Gaming Regulatory Act to bring more balance into the negotiation of tribal-State compacts, to require an individual participating in class II or class III Indian gaming to be physically present at the authorized gaming activity, and for other purposes; to the Committee on Resources, 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. SOLOMON (for himself and Mr. WATTS of Oklahoma):

H.R. 335. A bill to establish the Commission on the Future for America's Veterans; 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. SOLOMON (for himself, Mr. COBURN, Mr. FORBES, Mr. GOSS, Mr. MCINNIS, Mr. METCALF, Mr. NEY, Mr. NORWOOD, Ms. PRYCE of Ohio, Mr. ROYCE, Mr. SCHIFF, Mr. TAYLOR of North Carolina, Mr. TRAFICANT, and Mr. SMITH of New Jersey):

H.R. 336. A bill to amend titles II and XVIII of the Social Security Act to ensure the integrity of the Social Security trust funds by reconstituting the boards of trustees of such trust funds and the managing trustee of such trust funds to increase their independence, by providing for annual investment plans to guide investment of amounts in such trust funds, and by removing unnecessary restrictions on investment and disinvestment of amounts in such trust funds; 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. STARK (for himself, Mr. LEWIS of Georgia, Mr. GEJDENSON, Mr. SERRANO, Mr. SANDERS, and Mr. FILNER):

H.R. 337. A bill to amend the Internal Revenue Code of 1986 and titles XVIII and XIX of the Social Security Act to ensure access to services and prevent fraud and abuse for enrollees of managed care plans, to amend standards for Medicare supplemental polices, to modify the Medicare select program, and to provide other protections for beneficiaries of health plans generally, and for other purposes; 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. STEARNS (for himself, Mr. TOWNS, Mr. SOLOMON, Mr. MCHALE, Mr. MANTON, Mr. MURTHA, Mr. HOUGHTON, and Mr. BOEHLERT):

H.R. 338. A bill to prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Commerce.

By Mr. STEARNS (for himself, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, and Mr. BARR of Georgia):

H.R. 339. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 340. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income taxes and to require individuals to pay estimated taxes on a monthly basis; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. CALVERT, Mr. FALEOMAVAEGA, Mr. OBERSTAR, Ms. LOFGREN, Mr. MINGE, Mr. WATT of North Carolina, and Mr. OXLEY):

H.R. 341. A bill to establish limitations with respect to the disclosure and use of genetic information, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, and 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 Mr. STEARNS:

H.R. 342. A bill to provide for the comparable treatment of Federal employees and Members of Congress and the President during a period in which there is a Federal Government shutdown; 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.

By Mr. STEARNS (for himself, Mr. ROHRABACHER, Mr. COBURN, Mr. HAMILTON, and Ms. DANNER):

H.R. 343. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the U.S. Government exists; 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.

By Mr. STEARNS (for himself, Mr. MCHUGH, Mr. ROHRABACHER, and Mr. WOLF):

H.R. 344. A bill to establish the bipartisan Commission on the future of Medicare to make findings and issue recommendations on the future of the Medicare program; 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. STUMP (for himself and Mr. GOSS):

H.R. 345. A bill to repeal the National Voter Registration Act of 1993; to the Committee on House Oversight.

By Mr. STUMP:

H.R. 346. A bill to clarify the effect on the citizenship of an individual of the individual's birth in the United States; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. CALLAHAN):

H.R. 347. A bill to effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of U.S. citizens; to the Committee on the Judiciary.

By Mr. STUMP:

H.R. 348. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to an amount equivalent to a $1,000,000 exclusion; to the Committee on Ways and Means.

H.R. 349. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 350. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1986 to encourage States to enact a law enforcement officer's bill of rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK (for himself and Mr. EHLERS):

H.R. 351. A bill to authorize the Secretary of the Interior to make appropriate improvements to a county road located in the Pictured Rocks National Lakeshore, and to prohibit construction of a scenic shoreline drive in that national lakeshore; to the Committee on Resources.

By Mr. STUPAK:

H.R. 352. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; 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. TANNER (for himself and Mr. CLEMENT):

H.R. 353. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 354. 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 in connection with an election for Federal office; to the Committee on House Oversight.

H.R. 355. A bill to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such act during the periods covered by such reports; to the Committee on House Oversight.

By Mr. TOWNS:

H.R. 356. A bill to improve health status in medically disadvantaged communities through comprehensive community-based managed care programs; to the Committee on Commerce.

H.R. 357. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Commerce.

H.R. 358. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Commerce.

H.R. 359. A bill to amend title XIX of the Social Security Act to require State Medicaid programs to provide coverage of screening mammography and screening pap smears; to the Committee on Commerce.

H.R. 360. A bill to amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste; to the Committee on Commerce.

H.R. 361. A bill to require the Consumer product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Commerce.

H.R. 362. A bill to improve Federal enforcement against health care fraud and abuse; to the Committee on Government Reform and Oversight.

H.R. 363. A bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program; to the Committee on Commerce, and in addition to the Committee on Science, 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. 364. A bill to amend title XVIII of the Social Security Act to provide for Medicare contracting reforms, and for other purposes; 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.

H.R. 365. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, 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 Mr. TRAFICANT (for himself, Mr. HASTINGS of Florida, Mr. THOMPSON, Mr. RANGEL, Mr. MENENDEZ, Ms. JACKSON-LEE, Ms. MOLINARI, Mr. HINCHEY, Mr. LIPINSKI, Mr. HYDE, Ms. NORTON, Mr. DELLUMS, and Ms. DELAURO):

H.R. 366. A bill to require the surgical removal of silicone gel and saline filled breast implants, to provide for research on silicone and other chemicals used in the manufacture of breast implants, and for other purposes; to the Committee on Commerce.

By Mr. TRAFICANT (for himself, Mr. NORWOOD, Mr. HEFLEY, Mr. HAYWORTH, and Mr. DUNCAN):

H.R. 367. A bill to amend the Internal Revenue Code of 1986 to place the burden of proof on the Secretary of the Treasury in civil cases and on the taxpayer in administrative proceedings, to require 15 days notice and judicial consent before seizure, to exclude civil damages for unauthorized collection actions from income, and for other purposes; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 368. A bill to amend the Organic Act of Guam to provide the government of Guam with a right-of-first refusal regarding excess Federal real property located in Guam; to the Committee on Resources, 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. VENTO:

H.R. 369. A bill to require the Federal Communications Commission to prescribe rules to protect public safety by preventing broadcasts that create hazards for motorists; to the Committee on Commerce.

H.R. 370. A bill to require that wages paid under a Federal contract are greater than the local poverty line, and for other purposes; to the Committee on Government Reform and Oversight.

H.R. 371. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

H.R. 372. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 373. A bill to amend the Small Business Act to strengthen existing protections for small business participation in Federal contracting opportunities, to provide for assessments of the impacts on small businesses of the steadily increasing use of contract bundling by the procurement activities of the various Federal agencies, 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. YOUNG of Alaska (for himself and Mr. SAXTON):

H.R. 374. A bill to amend the act popularly known as the Sikes Act to enhance fish and wildlife conservation and natural resources management programs; to the Committee on Resources, and in addition to the Committee on National Security, 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.

[Submitted January 9, 1997]

By Mr. ACKERMAN:

H.R. 382. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of postsecondary education expenses; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. BORSKI, Mr. BOUCHER, Mr. CUNNINGHAM, Ms. DELAURO, Mr. FILNER, Mr. FRANKS of New Jersey, Mr. HILLIARD, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KING of New York, Mr. LAFALCE, Mr. MCHALE, Mr. MANTON, Mr. MILLER of California, Mrs. MINK of Hawaii, Ms. MOLINARI, Ms. NORTON, Mr. OBERSTAR, Mr. PASTOR, Mr. PAYNE, Mr. SAXTON, Mr. SCHUMER, Mr. SERRANO, Mr. TRAFICANT, and Mr. WOLF):

H.R. 383. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and 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. ANDREWS:

H.R. 384. A bill to exclude certain veterans' compensation and pension amounts from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Banking and Financial Services.

H.R. 385. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

By Mr. ANDREWS (for himself, Mr. HOLDEN, Mr. TRAFICANT, Mr. MARTINEZ, AND Mr. SERRANO):

H.R. 386. A bill to substitute evaluations of educational quality for cohort default rates in eligibility determinations for proprietary institutions of higher education under the Federal student assistance programs; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. KASICH, Mr. SANDERS, Mr. ROYCE, Mr. CONDIT, Mr. DEFAZIO, Mr. KLUG, Mr. PETERSON of Minnesota, Mr. SHADEGG, Mr. JACKSON, Mr. PASCRELL, and Mr. DICKEY):

H.R. 387. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 388. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law; to the Committee on International Relations.

H.R. 389. A bill concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on International Relations.

H.R. 390. A bill to amend section 207 of title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

H.R. 391. A bill to amend the Internal Revenue Code of 1986 to provide incentives for investments in tax enterprise zone businesses and domestic businesses; to the Committee on Ways and Means.

H.R. 392. A bill to provide for economic growth by reducing income taxes for most Americans, by encouraging the purchase of American-made products, and by extending transportation-related spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Government Reform and Oversight, Banking and Financial Services, and Appropriations, 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. PALLONE (for himself Mr. ANDREWS, Mrs. KENNELLY of Connecticut, Mr. SHAYS, and Mr. MARKEY):

H.R. 393. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. BARCIA of Michigan:

H.R. 394. A bill to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, MI; to the Committee on Agriculture.

By Mr. BARCIA of Michigan (for himself and Mr. CAMP):

H.R. 395. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax arrows; to the Committee on Ways and Means.

By Mr. BARRETT of Nebraska:

H.R. 396. A bill to amend the Internal Revenue Code of 1986 to provide that the alternative minimum tax shall not apply to installment sales of farm property; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 397. A bill to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year; to the Committee on the Budget, 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. BILIRAKIS:

H.R. 398. A bill to amend the Solid Waste Disposal Act to exempt pesticide rinse water degradation systems from subtitle C permit requirements; to the Committee on Commerce.

By Mr. BILIRAKIS (for himself, Mr. CANADY of Florida, Mr. ROHRABACHER, Mr. MCHUGH, Mr. KING of New York, and Mr. GILMOR):

H.R. 399. A bill to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation; to the Committee on Government Reform and Oversight.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. GOODLATE, and Ms. LOFGREN):

H.R. 400. A bill to amend title 35, United States Code, with respect to patents, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. CANADY of Florida, Mr. BONO, and Mr. FRANK of Massachusetts):

H.R. 401. A bill to modify the application of the antitrust laws to encourage the licensing and other use of certain intellectual property; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

H.R. 403. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; to the Committee on Rules, and in addition to the Committee on Appropriations, 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. CALVERT (for himself, Mr. BROWN of California, Mr. LEWIS of California, Mr. HORN, Mr. RIGGS, Mr. FAZIO of California, Ms. RIVERS, and Mr. BOUCHER):

H.R. 404. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes; to the Committee on Government Reform and Oversight.

By Mr. ENGEL:

H.R. 405. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program, to provide for coverage of outpatient prescription drugs under part B of such program, and for other purposes; 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. ENGLISH of Pennsylvania (for himself, Mr. MCHALE, Mr. SAXTON, Mr. CANADY of Florida, Mr. GRAHAM, Mr. EHLERS, and Mr. LOBIONDO):

H.R. 406. A bill to establish the Independent Commission on Medicare to make recommendations on how to best match the structure of the Medicare Program with the funding made available for the program by Congress, to provide for expedited consideration in Congress of the Commission's recommendations, and to establish a default process for meeting congressional spending targets for the Medicare Program if Congress rejects the Commission's recommendations; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Rules, and 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. FAZIO of California (for himself, Mr. HALL of Ohio, Mr. NORWOOD, and Ms. WOOLSEY):

H.R. 407. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, 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. GILCHREST (for himself, Mr. CUNNINGHAM, Mr. CARDIN, Mr. YOUNG of Alaska, Mr. ORTIZ, Mr. BILBRAY, and Mr. KOLBE):

H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. SOLOMON, Mr. MCHALE, Mr. TALENT, and Mr. SAM JOHNSON):

H.R. 409. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

By Mr. GORDON (for himself, Mrs. CLAYTON, Mr. STUMP, Mr. BAESLER, Mr. JONES, Mr. MCINTOSH, Mr. NORWOOD, Mr. TAYLOR of North Carolina, Mr. LEWIS of Kentucky, Mr. DELAY, Mr. BARR of Georgia, Mrs. MYRICK, Mr. BURR of North Carolina, Mr. CHAMBLISS, Mr. SPRATT, Mr. COBLE, Mr. HEFNER, Mr. COLLINS, Mr. CLEMENT, Mr. TANNER, Mr. CALLAHAN, Mr. GRAHAM, Mr. BALLENGER, Mr. CLYBURN, Mr. MICA, Mr. SISISKY, and Mr. HOSTETTLER):

H.R. 410. A bill to prohibit the use of any tobacco or tobacco product as a sponsor of an event of the National Association of Stock Car Automobile Racing, its agents or affiliates, or any other professional motor sports association by the Secretary of Health and Human Services or any other instrumentality of the Federal Government; to the Committee on Commerce.

By Ms. HARMAN (for herself, Mrs. MORELLA, Ms. DELAURO, Mrs. KELLY, Mr. DELLUMS, Mr. BALDACCI, Mrs. CLAYTON, Mr. CONYERS, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. FROST, Ms. RIVERS, Ms. ROYBAL-ALLARD, and Ms. SLAUGHTER):

H.R. 411. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on National Security.

By Mr. HASTINGS of Washington:

H.R. 412. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, to the Committee on Resources.

H.R. 413. A bill to prohibit further extension or establishment of any national monument in Washington State without full public participation and an express Act of Congress, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. WATTS of Oklahoma, Mr. NORWOOD, Mr. TAYLOR of Mississippi, Mr. FILNER, Mr. ENSIGN, Mr. BONILLA, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. RAMSTAD, Mr. CONDIT, Mr. GOODLATTE, Mr. LEWIS of Kentucky, Mr. BALLENGER, Mr. BEREUTER, Mr. CUNNINGHAM, Mr. CLEMENT, Mr. HERGER, Mr. STEARNS, Mr. DAN SCHAEFER of Colorado, and Mr. HOYER):

H.R. 414. A bill to authorize the use of the Medicare trust funds to reimburse the Department of Defense for certain health care services provided to Medicare-eligible covered military beneficiaries; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and National Security, 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. HYDE (for himself, Mr. ARCHER, Mr. THOMAS, Mr. COBLE, Mr. INGLIS of South Carolina, Mr. MCCOLLUM, Mr. GOODLATTE, Mr. CANADY of Florida, Mr. BONO, Mr. CAMPBELL, Mr. SHAW, Mr. MCCRERY, Mr. CRANE, Mr. DEAL of Georgia, and Mr. LINDER):

H.R. 415. A bill to modify the application of the antitrust laws to health care provider networks that provide health care services, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 416. A bill to amend section 207 of title 18, United States Code, to further restrict Federal officers and employees from representing or advising foreign entities after leaving Government service; to the Committee on the Judiciary.

By Mrs. KENNELLY of Connecticut (for herself and Mrs. MORELLA):

H.R. 417. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive deductibles and coinsurance for screening mammography 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 Mrs. MALONEY of New York (for herself and Mr. ENSIGN):

H.R. 418. A bill to amend title XVIII of the Social Security Act to provide for coverage of an annual screening mammography under part B of the Medicare Program for women age 65 or older; 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 Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. MINGE, and Mr. SERRANO):

H.R. 419. 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. MATSUI (for himself, Mr. ENGLISH of Pennsylvania, and Mr. MCCRERY):

H.R. 420. A bill to amend the Internal Revenue Code of 1986 to modify the exclusion of gain on certain small business stock and to allow nonrecognition on gain from the sale of such stock if other small business stock is purchased; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mrs. KENNELLY of Connecticut):

H.R. 421. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Commerce.

By Mrs. MORELLA:

H.R. 422. A bill to require the Commissioner of the Bureau of Labor Statistics to conduct time use surveys of unremunerated work performed in the United States and to calculate the monetary value of such work; to the Committee on Education and the Workforce.

By Mrs. MYRICK (for herself, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. GRAHAM, Mr. POSHARD, and Mr. KLINK):

H.R. 423. A bill to direct the Federal Trade Commission to impose civil monetary penalties against persons disseminating false political advertisements; to the Committee on Commerce.

By Mrs. MYRICK (for herself, Mr. GILMAN, Mr. GRAHAM, Mr. SOLOMON, and Mr. SENSENBRENNER):

H.R. 424. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 425. A bill to amend title 18, United States Code, to punish false statements during debate on the floor of either House of Congress; to the Committee on the Judiciary, 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. NETHERCUTT (for himself, Mr. SMITH of Oregon, Ms. DUNN of Washington, Mr. POMEROY, Mr. MATSUI, Mr. DOOLEY of California, Mr. MCCRERY, Mr. HERGER, Mr. NUSSLE, Mr. STENHOLM, Mr. WELLER, Mr. HASTINGS of Washington, Mr. ENGLISH of Pennsylvania, Mr. COMBEST, Mr. BOEHNER, Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. CRAPO, Mr. LAHOOD, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. POMBO, Mrs. CHENOWETH, Mr. BALDACCI, Mr. MINGE, Mr. CHAMBLISS, Mr. HOLDEN, Mr. MCINTOSH, Mr. WHITFIELD, Mr. WATTS of Oklahoma, Mr. EVANS, Mr. HASTERT, Mr. SOLOMON, Mr. GANSKE, Mr. EWING, Mr. FROST, Mr. BRYANT, Mr. LEACH, Mr. LATHAM, Mr. HALL of Texas, Mr. GUTKNECHT, Mr. BARRETT of Nebraska, Mr. FAZIO of California, Mr. PARKER, Mr. TANNER, Ms. DANNER, Mr. COSTELLO, Mr. TRAFICANT, Mr. NORWOOD, Mr. HOSTETTLER, Mr. COX of California, Mr. MORAN of Kansas, Mr. LUCAS of Oklahoma, Mr. HILL, Mrs. CLAYTON, Mr. COOKSEY, Mr. BEREUTER, Mr. METCALF, Mr. CRAMER, Mr. HOBSON, Mr. MCINTYRE, Mr. THORNBERRY, Mr. DEAL of Georgia, Mr. DICKEY, Mr. POSHARD, Mr. BAKER, Mr. HULSHOF, Mr. BUYER, Mr. BONO, Mr. BERRY, Mr. GOODLATTE, Mr. KOLBE, Mr. OXLEY, Mr. CALLAHAN, Mr. SESSIONS, Mr. THUNE, Mrs. MINK of Hawaii, Mr. STUMP, Mr. ADERHOLT, Mr. GILLMOR, Mr. COOK, and Mr. HUTCHINSON):

H.R. 426. A bill to amend the Internal Revenue Code of 1986 to provide that the alternative minimum tax shall not apply to installment sales of farm property; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 427. A bill to allow for a 1-year extension on Conservation Reserve Program contracts expiring in 1997; to the Committee on Agriculture.

By Mr. PICKETT:

H.R. 428. A bill to provide that the property of innocent owners is not subject to forfeiture under the laws of the United States; to the Committee on the Judiciary.

H.R. 429. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations; to the committee on the Judiciary.

H.R. 430. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 431. A bill to amend the Fair Labor Standards Act of 1938 to allow employees in classified positions in community colleges to serve in certified or other academic capacities; to the Committee on Education and the Workforce.

By Mr. RICHARDSON:

H.R. 432. A bill to amend title 10, United States code, to provide for the issuance of a nuclear radiation medal to persons who while members of the Armed Forces participated in an activity resulting in risk of exposure to nuclear radiation; to the Committee on National Security.

H.R. 433. A bill to enhance the National Park System, and for other purposes; to the Committee on Resources.

H.R. 434. A bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, NM, to the village of El Rito and the town of Jemez Springs, NM; to the Committee on Resources.

By Mr. SANFORD:

H.R. 435. A bill to provide for the establishment of uniform accounting systems, accounting standards, and accounting reporting systems in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight.

H.R. 436. A bill to eliminate certain benefits for Members of Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, Transportation and Infrastructure, and National Security, 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. SAXTON (for himself, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, and Mr. FARR of California):

H.R. 437. A bill to reauthorize the National Sea Grant College Program Act, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER (for himself, Mr. OBEY, Mr. NEUMANN, Mr. PETRI, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. JOHNSON of Wisconsin, Mr. KIND of Wisconsin, Mr. STUPAK, Mr. NADLER, Mr. RAMSTAD, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SABO, Mr. MINGE, Ms. RIVERS, Mr. POMEROY, Mr. GUTKNECHT, Mr. VENTO, and Mr. EVANS):

H.R. 438. A bill to rescind the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 439. A bill to prohibit acquisitions of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; to the Committee on Resources.

H.R. 440. A bill to amend the Internal Revenue Code of 1986 to allow certain corporations and certain trusts to be shareholders of subchapter S corporations; to the Committee on Ways and Means.

H.R. 441. A bill to repeal the Impoundment Control Act of 1974; to the Committee on the Budget, 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. SMITH of Michigan:

H.R. 442. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income up to $500,000 of gain on the sale of a principle residence and up to $500,000 of gain on the sale of farmland; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. MCDERMOTT, and Mr. LEWIS of Georgia):

H.R. 443. A bill to amend part A of title XVIII of the Social Security Act to deny Medicare payment with respect to nonprofit hospitals that transfer assets or control to for-profit entities without approval; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. LEWIS of Georgia, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, Mr. DELLUMS, Mr. GONZALEZ, Mr. GREEN, Mr. MARTINEZ, Mr. OBERSTAR, Ms. RIVERS, and Mr. TOWNS):

H.R. 444. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to assist in assuring health coverage for workers over 55 who leave employment; 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 Mr. STUPAK:

H.R. 445. A bill to provide that the firearms prohibitions applicable by reason of a domestic violence misdemeanor conviction do not apply to government entities; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. NEAL of Massachusetts, Mr. ENSIGN, Mr. BEREUTER, Mr. ENGLISH of Pennsylvania, Mr. GEJDENSON, Mr. MCINTOSH,

Mr. LIVINGSTON, Mr. EHRLICH, Mr. HERGER, Mr. MCGOVERN, Mr. FROST, Mr. COOK, Mrs. EMERSON, Ms. DUNN of Washington, Mr. CRANE, Mr. GRAHAM, Mr. GREEN, Mr. MCCRERY, Mr. SAXTON, Mr. BARRETT of Nebraska, and Mr. BARTLETT of Maryland):

H.R. 446. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. HAYWORTH, Mr. SHAYS, and Mr. POSHARD):

H.R. 447. A bill to amend title 39, United States Code, to require the U.S. Postal Service to accept a change-of-address order from a commercial mail receiving agency and to forward mail to the new address; to the Committee on Government Reform and Oversight.

By Mr. BACHUS:

H.R. 448. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and 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.

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

By Mr. DAN SCHAEFER of Colorado (for himself, Mr. STENHOLM, Mr. SMITH of Oregon, Mr. ROEMER, Mr. CASTLE, Mr. KENNEDY of Massachusetts, Mr. BACHUS, Mr. TANNER, Mr. BAKER, Mr. MINGE, Mr. BALLENGER, Mr. SPRATT, Mr. BARTLETT of Maryland, Mr. POSHARD, Mr. BASS, Mr. VISCLOSKY, Mr. BATEMAN, Mr. HOYER, Mr. ANDREWS, Mr. BAESLER, Mr. BARCIA of Michigan, Mr. BEREUTER, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BOYD, Mr. BROWN of Ohio, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMPBELL, Mr. CANNON, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. COOK, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DEUTSCH, Mr. DICKEY, Mr. DOOLEY of California, Mr. DOYLE, Mr. DUNCAN, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GANSKE, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GRAHAM, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HANSEN, Ms. HARMAN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HEFLEY, Mr. HEFNER, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HINOJOSA, Mr. HORN, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JONES, Mr. KIM, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LARGENT, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHALE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTYRE, Mr. MEEHAN, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. NORWOOD, Mr. ORTIZ, Mr. PACKARD, Mr. PALLONE, Mr. PAPPAS, Mr. PETERSON of Minnesota, Mr. PORTMAN, Mr. QUINN, Mr. RAMSTAD, Mr. RICHARDSON, Mr. RIGGS, Mrs. ROUKEMA, Mr. ROYCE, Mr. SALMON, Mr. SANDLIN, Mr. SANFORD, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SHAW, Mr. SHAYS, Mr. SISISKY, Mr. SKELTON, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. THORNBERRY, Mr. TURNER, Mr. UPTON, Mr. WALSH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WHITE, Mr. WHITFIELD, Mr. WOLF, Mrs. CUBIN, Mr. OXLEY, and Mr. BOSWELL):

H.J. Res. 1. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mrs. FOWLER, Mr. INGLIS of South Carolina, Mr. HILLEARY, Mr. GINGRICH, Mr. ARMEY, Ms. DUNN of Washington, Mr. COX of California, Mr. LINDER, Mr. HANSEN, Mr. GILLMOR, Mr. BACHUS, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BONILLA, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CHAMBLISS, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COOK, Mr. CRANE, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. EHLERS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUTKNECHT, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HOBSON, Mr. HOEKSTRA, Mr. HORN, Mr. HOUGHTON, Mr. HULSHOF, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MEEHAN, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. PACKARD, Mr. PAXON, Mr. PEASE, Mr. PITTS, Mr. POMBO, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RIGGS, Mr. ROHRABACHER, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TAUZIN, Mr. THORNBERRY, Mr. THUNE, Mr. TIAHRT, Mr. UPTON, Mr. WAMP, Mr. WATKINS, Mr. WELLER, Mr. WHITE, Mr. WHITFIELD, and Mr. MINGE):

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. INGLIS of South Carolina (for himself, Mr. SANFORD, Mr. DICKEY, MR. RIGGS, and Mr. CHABOT):

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States limiting the period of time U.S. Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. BARR of Georgia:

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen on account of birth in the United States unless both parents are either U.S. citizens or aliens lawfully admitted for permanent residence at the time of the birth; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. BILBRAY, MR. TALENT, AND MR. GRAHAM):

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of Senators and Representatives; to the Committee on the Judiciary.

By Mr. COBLE:

H.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of offices of Members of Congress and increasing the term of Representatives to 4 years; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. BUNNING of Kentucky, Mr. HASTERT, Mr. COLLINS, Mr. KNOLLENBERG, Mr. CRAPO, Mr. CHRISTENSEN, Mr. BLUNT, Mr. SMITH of New Jersey, Mr. CAMP, and Mr. GRAHAM):

H.J. Res. 7. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. BARTON of Texas):

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to limit expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 10. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

H.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United Stats to permit the Congress to limit contributions and expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

By Mr. GOSS:

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of consecutive terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. MORAN of Virginia, Mr. MINGE, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Washington, Mr. STUPAK, Mr. POSHARD, Mr. MARKEY, and Mr. POMEROY):

H.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect elections for Federal and State office; to the Committee on the Judiciary.

By Mr. ROYCE:

H.J. Res. 18. Joint resolution entitled the ''Citizen's Tax Protection Amendment'', proposing an amendment to the Constitution of the United States to prohibit retroactive taxation; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States regarding school prayer; to the Committee on the Judiciary.

H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States with respect to the proposal and the enactment of laws by popular vote of the people of the United States; to the Committee on the Judiciary.

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. STUMP:

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to provide that no person may serve as a Representative for more than 12 years; to the Committee on the Judiciary.

H.J. Res. 24. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

[Submitted January 9, 1997]

By Mr. LIVINGSTON:

H.J. Res. 25. Joint resolution making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), and for other purposes; considered and agreed to.

By Mr. FOLEY (for himself, Mr. ROHRABACHER, Mr. ROYCE, Mr. DOOLITTLE, Mr. YOUNG of Alaska, Mrs. CHENOWETH, Mr. MCKEON, Mr. CALVERT, Mr. KLUG, Mr. BAKER, and Mr. METCALF):

H.J. Res. 26. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen unless a parent is a U.S. citizen, is lawfully in the United States, or has a lawful immigration status at the time of the birth; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. FOWLER, and Mr. MCCOLLUM):

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives, to provide that Representatives shall be elected in the same year as the President, and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. LAHOOD (for himself and Mr. WISE):

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States regarding the liability of Members of Congress for false statements made in carrying out their official duties; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States to restrict annual deficits by limiting the public debt of the United States and requiring a favorable vote of the people on any law to exceed such limits; to the Committee on the Judiciary.

By Mr. SANFORD:

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time U.S. Senators and Representatives may serve; to the Committee on the Judiciary.

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

By Mr. COBLE:

H. Con. Res. 1. Concurrent resolution expressing the sense of the Congress that retirement benefits for Members of Congress should not be subject to cost-of-living adjustments; 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.

By Ms. JACKSON-LEE (for herself, Mr. WYNN, Mrs. MEEK of Florida, Mr. SCHUMER, Mr. CLAY, Mr. ENGEL, Mr. ACKERMAN, Mr. UNDERWOOD, Mr. CONYERS, Ms. DELAURO, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. OWENS):

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress with respect to the threat to the security of American citizens and the United States Government posed by armed militia and other paramilitary groups and organizations; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Mr. SERRANO:

H. Con. Res. 4. Concurrent resolution entitled ''English Plus Resolution''; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself and Mr. MCHALE):

H. Con. Res. 5. Concurrent resolution for the approval of regulations of the Office of Compliance under the Congressional Accountability Act of 1995 relating to the application of chapter 71 of title 5, United States Code; to the Committee on House Oversight, 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.

[Submitted January 9, 1997]

By Mr. BILIRAKIS (for himself, Mr. PORTER, Mrs. MALONEY of New York, Mr. PAPPAS, Mr. KLINK, Mr. GEKAS, and Mr. ENGEL):

H. Con. Res. 6. Concurrent resolution concerning the protection and continued livelihood of Eastern Orthodox Ecumenical Patriarchate; to the Committee on International Relations.

By Mr. PICKETT:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. ABERCROMBIE):

H. Con. Res. 8. Concurrent resolution expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems; to the Committee on Resources.

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

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 majority membership on certain standing committees of the House; considered and agreed to.

H. Res. 14. Resolution electing Representatives Sanders of Vermont to the Committees on Banking and Financial Services and Government Reform and Oversight; considered and agreed to.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. MASCARA, Mr. CUMMINGS, Mr. MORAN of Virginia, and Mr. MARKEY):

H. Res. 15. Resolution concerning the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, urging continued and increased support for the efforts of the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of gross violations of international law in the former Yugoslavia, and urging support for democratic forces in all of the countries emerging from the former Yugoslavia; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. KING of New York:

H. Res. 16. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. KLINK (for himself, Mr. BILIRAKIS, and Mr. COYNE):

H. Res. 17. Resolution calling upon, and requesting that the President call upon, all Americans to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II, and commending the PanCretan Association of America; to the Committee on International Relations.

By Mr. ROYCE:

H. Res. 18. Resolution amending the Rules of the House of Representatives to require the reduction of section 602(b)(1) suballocations to reflect floor amendments to general appropriation bills, and for other purposes; to the Committee on Rules.

By Mr. SHAYS (for himself and Mr. MCHALE):

H. Res. 19. Resolution for the approval of regulations of the Office of Compliance under the Congressional Accountability Act of 1995 relating to the application of chapter 71 of title 5, United States Code; to the Committee on House Oversight, 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 Mr. SOLOMON:

H. Res. 20. Resolution to authorize and direct the Committee on Appropriations to create a new Subcommittee on Veterans' Affairs; to the Committee on Rules.

By Mr. STEARNS:

H. Res. 21. Resolution expressing the sense of the House of Representatives with respect to withholding U.S. financial support from the United Nations unless that organization adopts certain reforms; to the Committee on International Relations.

By Mr. STEARNS (for himself and Mr. PALLONE):

H. Res. 22. Resolution congratulating the people of India on the occasion of the 50th anniversary of their nation's independence; to the Committee on International Relations.

By Mr. STEARNS (for himself and Mr. SMITH of Michigan):

H. Res. 23. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

By Mr. STUPAK:

H. Res. 24. Resolution amending the Rules of the House of Representatives to reduce the number of programs covered by each regular appropriation bill; to the Committee on Rules.

[Submitted January 9, 1997]

By Mr. ARMEY:

H. Res. 25. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. ANDREWS:

H. Res. 26. Resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the equal rights amendment as a part of the Constitution, when the legislatures of an additional three States ratify the equal rights amendment; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. UNDERWOOD, Mr. FILNER, and Ms. LOFGREN):

H. Res. 27. Resolution amending the Rules of the House of Representatives to allow each Member to designate one bill introduced by such Member to be the subject of a committee vote; to the Committee on Rules.

By Mr. KING of New York:

H. Res. 28. Resolution expressing the sense of the House of Representatives that programs based upon the premise that ''Ebonics'' is a legitimate language should not receive Federal funds; to the Committee on Education and the Workforce.

By Mr. RICHARDSON (for himself and Mr. MILLER of California):

H. Res. 29. Resolution expressing the intentions of the House of Representatives concerning the universal service provisions of the Telecommunications Act of 1996 as they relate to telecommunications services to native Americans, including Alaskan Natives; to the Committee on Commerce.

By Mr. SMITH of Michigan (for himself, Mr. HOEKSTRA, Mr. SHAYS, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. HAYWORTH, Mr. SAXTON, Mr. STEARNS, and Mr. METCALF):

H. Res. 30. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

The following is a complete listing of all bills and resolutions introduced on January 7 and 9, 1997.

By Mr. BILIRAKIS:

H.R. 375. A bill for the relief of Margarito Domantay; to the Committee on the Judiciary.

By Mr. DICKEY:

H.R. 376. A bill to require approval of an application for compensation for the death of Wallace B. Sawyer, Jr.; to the Committee on the Judiciary.

By Mr. ENGEL:

H.R. 377. A bill for the relief of Inna Hecker Grade; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 378. A bill for the relief of Heraclio Tolley; to the Committee on the Judiciary.

By Mr. LINDER:

H.R. 379. A bill for the relief of Larry Errol Pieterse; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 380. A bill for the relief of Robert and Verda Shatusky; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 381. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. YOUNG of Alaska, Mr. RAHALL, Mr. PETRI, Mr. BORSKI, Mr. BOEHLERT, Mr. LIPINSKI, Mr. BATEMAN, Mr. WISE, Mr. COBLE, Mr. TRAFICANT, Mr. DUNCAN, Mr. DEFAZIO, Ms. MOLINARI, Mr. CLEMENT, Mr. EWING, Mr. COSTELLO, Mr. GILCHREST, Mr. POSHARD, Mr. KIM, Mr. CRAMER, Mr. HORN, Ms. NORTON, Mr. FRANKS of New Jersey, Mr. NADLER, Mr. MICA, MS. DANNER, Mr. QUINN, Mr. MENENDEZ, Mrs. FOWLER, Mr. CLYBURN, Mr. EHLERS, Ms. BROWN of Florida, Mr. BACHUS, Mr. BARCIA of Michigan, Mr. LATOURETTE, Mr. FILNER, Mrs. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAHOOD, Mr. MASCARA, Mr. BAKER, Mr. TAYLOR of Mississippi, Mr. RIGGS, Ms. MILLENDER-MCDONALD, Mr. BASS, Mr. CUMMINGS, Mr. NEY, Mr. SANDLIN, Mr. METCALF, Mrs. TAUSCHER, Mrs. EMERSON, Mr. PASCRELL, Mr. PEASE, Mr. JOHNSON of Wisconsin, Mr. BLUNT, Mr. BOSWELL, Mr. PITTS, Mr. MCGOVERN, Mr. HUTCHINSON, Mr. COOKSEY, Mr. THUNE, Mr. PICKERING, Ms. GRANGER, Mr. MCHUGH, Mr. WELLER, Mr. EVANS, Mr. NORWOOD, Mr. GILMAN, Mr. BARTLETT of Maryland, Mr. BONO, Mr. CALVERT, Mr. SCHIFF, Mr. HASTERT, Mr. MCKEON, Mr. KILDEE, Mr. LEWIS of Kentucky, Mr. WATTS of Oklahoma, Mr. BEREUTER, Mr. ENSIGN, Mr. GRAHAM, Mr. DIAZ-BALART, Mr. GEKAS, Mr. CONYERS, Mr. UPTON, Mr. DOYLE, Mr. KLINK, Mr. FROST, Mr. JACKSON, Mr. HOLDEN, Mr. GORDON, Mr. CHAMBLISS, Mr. LOBIONDO, Mr. HEFLEY, Mr. FOX of Pennsylvania, Mr. STUPAK, Mr. GEJDENSON, Ms. WOOLSEY, Mr. TALENT, Mr. WHITFIELD, Mr. LATHAM, Mr. DEAL of Georgia, Ms. DUNN of Washington, Mr. BALLENGER, Mr. ENGLISH of Pennsylvania, Mr. GOODLING, Mr. GREENWOOD, Mr. DAN SCHAEFER of Colorado, Mr. TAUZIN, Mr. DICKEY, Mr. WELDON of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. BUYER, Mr. BRYANT, Mr. COYNE, Mr. PETERSON of Minnesota, Mr. HAMILTON, Mr. HOSTETTLER, Mr. KLECZKA, Mr. GILLMOR, Mr. PAYNE, and Mr. PICKETT.

H.R. 7: Mr. BONO, Mr. SAM JOHNSON, Mr. DAN SCHAEFER of Colorado, and Mr. HASTINGS of Washington.

H.R. 14: Mr. KASICH, Mr. TAUZIN, Mr. CHAMBLISS, Mr. RADANOVICH, Mr. EHLERS, Mr. SALMON, Mr. BILBRAY, Mr. UPTON, Mr. FRANKS of New Jersey, Mr. LOBIONDO, Mr. KOLBE, Mr. KNOLLENBERG, Mr. BONILLA, Mr. CALLAHAN, Mr. FORBES, Mr. GILCHREST, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. HORN, Mr. KIM, and Mr. SOLOMON.

H.R. 41: Mr. DEAL of Georgia, Mr. HAYWORTH, Mr. HILLEARY, Ms. MOLINARI, Mr.

ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. PORTMAN, Mr. PARKER, Mr. NETHERCUTT, Mr. SOLOMON, Mrs. CHENOWETH, Mr. NEY, Mr. SAXTON, Mr. STUMP, Mr. BARTLETT of Maryland, and Mr. BARR of Georgia.

H.R. 54: Mr. GALLEGLY and Mr. BONO.

H.R. 86: Mr. CONDIT, Mr. MINGE, Mr. CANADY of Florida, Mr. EVERETT, Mr. GOODLATTE, Mr. PICKERING, Mr. COOKSEY, Mrs. EMERSON, Mr. JENKINS, Mrs. CHENOWETH, Mr. METCALF, Mr. COBURN, and Mr. BEREUTER.

H.R. 127: Mr. GREENWOOD, Mr. SCHIFF, Mr. GRAHAM, Mr. SAWYER, Mr. FROST, Mr. RAHALL, Mr. BALDACCI, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, Mr. HEFNER, Ms. RIVERS, Mr. VENTO, Mr. MEEHAN, and Ms. HARMAN.

H.R. 135: Mr. BOUCHER, Mr. DELLUMS, Mr. GUTIERREZ, Mr. LEWIS of California, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. MCHUGH, and Mr. SCOTT.

H.R. 198: Mr. BONO and Mr. NETHERCUTT.

H.R. 213: Mr. MARTINEZ and Mr. GRAHAM.

H.R. 248: Mr. GRAHAM and Mr. ENGLISH of Pennsylvania.

H.R. 249: Mr. KNOLLENBERG and Mr. GRAHAM.

H.R. 250: Mr. STEARNS.

H.R. 259: Mr. MILLER of California.

H.R. 305: Ms. LOFGREN, Mr. LUTHER, Mr. SENSENBRENNER, Mr. SAXTON, and Mr. KLUG.

H.R. 306: Mr. FROST, Mrs. MINK of Hawaii, and Mr. FALEOMAVAEGA.

H.R. 337: Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. GONZALEZ, Mr. GREEN, and Mr. RANGEL.

H.R. 366: Ms. ROYBAL-ALLARD.

H.J. Res. 1: Ms. KAPTUR, Mr. GORDON, Mr. SCHIFF, Mr. BRYANT, Mr. FAWELL, Mr. JOHN, Mr. SENSENBRENNER, Mr. LATHAM, and Mr. MCINTOSH.

H. Con. Res. 4: Mr. MCHALE, Mr. GONZALEZ, Mr. UNDERWOOD, Mr. OWENS, Mr. FROST, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, Mr. LAFALCE, Ms. SLAUGHTER, Mr. STARK, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. TORRES, Mrs. MEEK of Florida, Mr. GUTIERREZ, Ms. JACKSON-LEE, Ms. PELOSI, Mr. DELLUMS, Mr. MENENDEZ, Mr. GREEN, Mr. MARTINEZ, Mr. FARR of California, and Mr. ENGEL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3. By the SPEAKER: Petition of the city council of the city of Carson, CA, relative to urging the U.S. Attorney General to immediately conduct a thorough and independent investigation into allegations connecting the Central Intelligence Agency with covert illegal drug sales in the African-American community; to the Committee on the Judiciary.

4. Also, petition of the Derry City Council, Northern Ireland, relative to the deportation of Mr. Matt Morrison from the United States; to the Committee on the Judiciary.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, JANUARY 9, 1997 No. 2

Senate

(Legislative day of Tuesday, January 7, 1997)

The Senate met at 12:31 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Sovereign God, we thank You that we have the privilege of living in this land of freedom where we the people have the power to elect the President and Vice President of our Nation. This afternoon as we go to meet in the Chamber of the House of Representatives to count the electoral college votes, give us a renewed sense of patriotism for our Nation and the Constitution. We ask Your blessing of wisdom and strength on President Clinton and Vice President GORE as they are confirmed in this historic meeting according to the 12th amendment. God, continue to bless America. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. BURNS. Mr. President, until the leader takes the floor of the U.S. Senate, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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

SCHEDULE

Mr. LOTT. Mr. President, for the information of my colleagues, in just a few minutes the Democratic leader and I will be sending to the desk resolutions which make majority and minority party committee seat assignments for the 105th Congress. I want to again thank publicly, for the cooperation that we have received on this matter, both my colleagues within the conference and also Senator DASCHLE and his colleagues. I think it is not the usual situation that we can file these committee assignments this early in the session. I think it is going to help us facilitate our work early.

Following the adoption of these resolutions, the Senate will be proceeding to the House of Representatives in order to attend a joint session of Congress for the counting of the electoral college votes.

Immediately following the conclusion of that joint session, the Senate will adjourn over until Tuesday, January 21. On January 21, the Senate will stand in recess between the hours of 12:30 and 2:15 in order to allow for the weekly party conferences to meet. At 2:15, Tuesday, January 21, Senators may begin to introduce legislation for the 105th Congress. However, no votes are expected to occur during the session of the Senate on Tuesday, January 21, 1997.

Mr. President, did the Democratic leader have a comment he wanted to make at this point on the committee assignments, or should we proceed with the resolutions?

Mr. DASCHLE addressed the Chair.

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

Mr. President, let me also thank all of our colleagues. I want to thank our colleagues for their cooperation and the great participation we have had in getting us to this point as quickly as we have. I thank, as well, the majority leader for his cooperation on the work we have been able to achieve in getting to this point. I think these committees represent a very fair and accurate presentation of ratios as it relates to the membership of the Senate, and I am very pleased with the way our negotiations turned out.

Mr. LOTT. I thank the Senator from South Dakota.

AMENDING PARAGRAPHS 2 AND 3 OF RULE XXV

Mr. LOTT. Mr. President, I send a resolution to the desk relating to changes in certain committee ratios for the 105th Congress, and I ask unanimous consent that the resolution be reported by number, the resolution be adopted, and the motion to reconsider be laid on the table.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 9) amending paragraphs 2 and 3 of Rule XXV.

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

The resolution (S. Res. 9) was agreed to as follows:

S. RES. 9

Resolved, That paragraphs 2 and 3 of Rule XXV of the Standing Rules of the Senate is amended for the 105th Congress as follows:

Strike ''21'' after ''Armed Services'' and insert in lieu thereof ''18''.

Strike ''16'' after ''Banking, Housing and Urban Affairs'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Commerce, Science, and Transportation'' and insert in lieu thereof ''20''.

Strike ''16'' after ''Environment and Public Works'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Finance'' and insert in lieu thereof ''20''.

Strike ''15'' after ''Governmental Affairs'' in insert in lieu thereof ''16''.

Strike ''16'' after ''Labor and Human Resources'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Small Business'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Aging'' and insert in lieu thereof ''18''.

Strike ''17'' after ''Intelligence'' and insert in lieu thereof ''19''.

Strike ''16'' after ''Indian Affairs'' and insert in lieu thereof ''14''.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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SENATE RESOLUTION 10—TO MAKE MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 105TH CONGRESS

Mr. LOTT. Mr. President, I send a resolution to the desk making majority party committee assignments for the 105th Congress and ask that the resolution be reported by number, the resolution be adopted, and 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. 10) making majority party appointments to certain Senate committees for the 105th Congress.

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

The resolution (S. Res. 10) was agreed to, as follows:

S. RES. 10

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 105th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar (Chair), Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Coverdell, Mr. Santorum, Mr. Roberts, Mr. Grassley, Mr. Gramm of Texas, and Mr. Craig.

Committee on Appropriations: Mr. Stevens (Chair), Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Campbell, Mr. Craig, Mr. Faircloth, and Mrs. Hutchison of Texas.

Committee on Armed Services: Mr. Thurmond (Chair), Mr. Warner, Mr. McCain, Mr. Coats, Mr. Smith of New Hampshire, Mr. Kempthorne, Mr. Inhofe, Mr. Santorum, Ms. Snowe, and Mr. Roberts.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato (Chair), Mr. Gramm of Texas, Mr. Shelby, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, Mr. Allard, Mr. Enzi, and Mr. Hagel.

Committee on Commerce, Science, and Transportation: Mr. McCain (Chair), Mr. Stevens, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison of Texas, Ms. Snowe, Mr. Ashcroft, Mr. Frist, Mr. Abraham, and Mr. Brownback.

Committee on Energy and Natural Resources: Mr. Murkowski (Chair), Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Smith of Oregon, Mr. Gorton, and Mr. Burns.

Committee on Environment and Public Works: Mr. Chafee (Chair), Mr. Warner, Mr. Smith of New Hampshire, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. Bond, Mr. Hutchinson of Arkansas, Mr. Allard, and Mr. Sessions.

Committee on Finance: Mr. Roth (Chair), Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. D'Amato, Mr. Murkowski, Mr. Nickles, Mr. Gramm of Texas, Mr. Lott, Mr. Jeffords, and Mr. Mack.

Committee on Foreign Relations: Mr. Helms (Chair), Mr. Lugar, Mr. Coverdell, Mr. Hagel, Mr. Smith of Oregon, Mr. Thomas, Mr. Ashcroft, Mr. Grams, Mr. Frist, and Mr. Brownback.

Committee on Governmental Affairs: Mr. Thompson (Chair), Mr. Roth, Mr. Stevens, Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, and Mr. Specter.

Committee on the Judiciary: Mr. Hatch (Chair), Mr. Thurmond, Mr. Grassley, Mr. Specter, Mr. Thompson, Mr. Kyl, Mr. DeWine, and Mr. Ashcroft.

Committee on Labor and Human Resources: Mr. Jeffords (Chair), Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Enzi, Mr. Hutchinson of Arkansas, Ms. Collins, Mr. Warner, and Mr. McConnell.

UNANIMOUS-CONSENT AGREEMENT

Mr. DASCHLE. Mr. President, I send two resolutions to the desk and ask unanimous consent that they be considered en bloc, agreed to en bloc, the motions to reconsider be laid upon the table, and their adoption appear separately in the RECORD.

SENATE RESOLUTION 11—TO MAKE MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES FOR THE 105TH CONGRESS

The PRESIDENT pro tempore. The clerk will state the first resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) making minority party appointments to Senate committees for the 105th Congress.

The resolution (S. Res. 11) was considered and agreed to as follows:

S. RES. 11

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the minority party's membership on the standing committees for the 105th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mr. Kerrey of Nebraska, Ms. Landrieu, and Mr. Johnson.

Committee on Appropriations: Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Leahy, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid of Nevada, Mr. Kohl, Mrs. Murray, Mr. Dorgan, and Mrs. Boxer.

Committee on Armed Services: Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Byrd, Mr. Robb, Mr. Lieberman, and Mr. Cleland.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes, Mr. Dodd, Mr. Kerry of Massachusetts, Mr. Bryan, Mrs. Boxer, Ms. Moseley-Braun, Mr. Johnson, and Mr. Reed of Rhode Island.

Committee on Commerce, Science, and Transportation: Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Rockefeller, Mr. Kerry of Massachusetts, Mr. Breaux, Mr. Bryan, Mr. Dorgan, and Mr. Wyden.

Committee on Energy and Natural Resources: Mr. Bumpers, Mr. Ford, Bingaman, Mr. Akaka, Mr. Dorgan, Mr. Graham of Florida, Mr. Wyden, Mr. Johnson, and Ms. Landrieu.

Committee on Environment and Public Works: Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid of Nevada, Mr. Graham of Florida, Mr. Lieberman, Mrs. Boxer, and Mr. Wyden.

Committee on Finance: Mr. Moynihan, Mr. Baucus, Mr. Rockefeller, Mr. Breaux, Mr. Conrad, Mr. Graham of Florida, Ms. Moseley-Braun, Mr. Bryan, and Mr. Kerrey of Nebraska.

Committee on Foreign Relations: Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry of Massachusetts, Mr. Robb, Mr. Feingold, Mrs. Feinstein and Mr. Wellstone.

Committee on Governmental Affairs: Mr. Glenn, Mr. Levin, Mr. Lieberman, Mr. Akaka, Mr. Durbin, Mr. Torricelli, and Mr. Cleland.

Committee on the Judiciary: Mr. Leahy, Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Durbin, and Mr. Torricelli.

Committee on Labor and Human Resources: Mr. Kennedy, Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, Mrs. Murray, and Mr. Reed of Rhode Island.

SENATE RESOLUTION 12—TO MAKE MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES FOR THE 105TH CONGRESS

The PRESIDENT pro tempore. The clerk will state the second resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) making minority party appointments to Senate committees in paragraph 3(a), (b), and (c) of rule XXV.

The resolution (S. Res. 12) was considered and agreed to as follows:

S. RES. 12

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of Rule XXV, the following shall constitute the minority party's membership on the committees named in paragraph 3(a), (b), and (c) of Rule XXV for the 105th Congress, or until their successors are appointed:

Committee on the Budget: Mr. Lautenberg, Mr. Hollings, Mr. Conrad, Mr. Sarbanes, Mrs. Boxer, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, and Mr. Durbin.

Committee on Rules and Administration: Mr. Ford, Mr. Byrd, Mr. Inouye, Mr. Moynihan, Mr. Dodd, Mrs. Feinstein, and Mr. Torricelli.

Committee on Small Business: Mr. Kerry of Massachusetts, Mr. Bumpers, Mr. Levin, Mr. Harkin, Mr. Lieberman, Mr. Wellstone, Mr. Cleland, and Ms. Landrieu.

Committee on Veterans' Affairs: Mr. Rockefeller, Mr. Graham of Florida, Mr. Akaka, Mr. Wellstone, and Mrs. Murray.

Select Committee on Indian Affairs: Mr. Inouye, Mr. Conrad, Mr. Reid of Nevada, Mr. Akaka, Mr. Wellstone, and Mr. Dorgan.

Special Committee on Aging: Mr. Breaux, Mr. Glenn, Mr. Reid of Nevada, Mr. Kohl, Mr. Feingold, Ms. Moseley-Braun, Mr. Wyden, and Mr. Reed of Rhode Island.

Committee on Intelligence: Mr. Kerrey of Nebraska, Mr. Glenn, Mr. Bryan, Mr. Graham of Florida, Mr. Kerry of Massachusetts, Mr. Baucus, Mr. Robb, Mr. Lautenberg, and Mr. Levin.

Joint Economic Committee: Mr. Bingaman, Mr. Sarbanes, Mr. Kennedy, and Mr. Robb.

Select Committee on Ethics: Mr. Reid of Nevada, Mrs. Murray, and Mr. Conrad.

SENATE RESOLUTION 13—TO MAKE MAJORITY PARTY APPOINTMENTS TO THE SENATE COMMITTEE ON THE JUDICIARY FOR THE 105TH CONGRESS

Mr. LOTT. Mr. President, I now send a second resolution to the desk that would make additional majority party committee assignments for the 105th Congress, and I ask that the resolution be reported by number, the resolution be adopted, and 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. 13) making majority party appointments to the Senate Committee on the Judiciary for the 105th Congress.

The PRESIDENT PRO TEMPORE. Without objection, it is so ordered.

The resolution (S. Res. 13) was agreed to, as follows:

S. RES. 13

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the Senate Committee on the Judiciary for the 105th Congress, or until their successors are chosen:

Judiciary: Mr. Hatch (Chair), Mr. Thurmond, Mr. Grassley, Mr. Specter, Mr. Thompson, Mr. Kyl, Mr. DeWine, Mr. Ashcroft, Mr. Abraham, and Mr. Sessions.

SENATE RESOLUTION 14—TO MAKE MAJORITY PARTY ASSIGNMENTS TO SENATE COMMITTEES FOR THE 105TH CONGRESS

Mr. LOTT. Mr. President, I send a resolution to the desk making majority party assignments for the 105th Congress. I ask that the resolution be reported by number, the resolution be adopted, and 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. 14) making majority party appointments to Senate committees for the 105th Congress.

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

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of Rule XXV, the following shall constitute the majority party's membership on those Senate committees listed below for the 105th Congress, or until their successors are appointed:

Budget: Mr. Domenici (Chair), Mr. Grassley, Mr. Nickles, Mr. Gramm of Texas, Mr. Bond, Mr. Gorton, Mr. Gregg, Ms. Snowe, Mr. Abraham, Mr. Frist, Mr. Grams, Mr. Smith of Oregon.

Rules and Administration: Mr. Warner (Chair), Mr. Helms, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Nickles, Mr. Lott, and Mrs. Hutchison of Texas.

Small Business: Mr. Bond (Chair), Mr. Burns, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mr. Warner, Mr. Frist, Ms. Snowe, Mr. Faircloth, and Mr. Enzi.

Veterans' Affairs: Mr. Specter (Chair), Mr. Murkowski, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, Mr. Craig, and Mr. Hutchinson of Arkansas.

Select Committee on Ethics: Mr. Smith of New Hampshire (Chair), Mr. Roberts, and Mr. Sessions.

Special Committee on Aging: Mr. Grassley (Chair), Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Mr. Warner, Mr. Hagel, Ms. Collins, and Mr. Enzi.

Select Committee on Indian Affairs: Mr. Campbell (Chair), Mr. Murkowski, Mr. McCain, Mr. Gorton, Mr. Domenici, Mr. Thomas, Mr. Hatch, and Mr. Inhofe.

Intelligence: Mr. Shelby (Chair), Mr. Chafee, Mr. Lugar, Mr. DeWine, Mr. Kyl, Mr. Inhofe, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coats.

Joint Economic: Mr. Mack (Vice Chair), Mr. Roth, Mr. Bennett, Mr. Grams, Mr. Brownback, and Mr. Sessions.

INTELLIGENCE COMMITTEE RATIO CHANGE

Mr. LOTT. Mr. President, I announce to my colleagues that one of the resolutions just adopted relates to necessary committee ratio changes for the 105th Congress. I note this allows for an increase of one seat on the Intelligence Committee from both sides of the aisle. The Democratic leader and I are allowing for this increase in the size of the Intelligence Committee for this Congress only due to the great interest in serving on this important committee from Members on both sides of the aisle and also because of the seriousness of some of the matters they will be considering and wanting to make sure that we are complying with the statute.

One of the things we have been trying to do as we started this year is to take a look at what the rules are and what the statutes require and try to comply with that. The statute is clear about wanting to have at least two from the Armed Services Committee, two from the Judiciary Committee, and two from Foreign Relations. I think it is particularly important that we have Members from the Armed Services Committee on Intelligence because so much of what they do has an Armed Services Committee relationship. In fact, the hearings on the funding for that committee, I believe, always have to report to the Armed Services Committee.

This change in the numbers will be only for this Congress, and then we will work in the next Congress back toward the statutory number of 8–7. We may want to come down maybe two steps, 9–8, but we should try to be in compliance with the statutes on the numbers as well as the committee jurisdiction and representation on that committee.

Again, I state that following this Congress it would be our intention to reduce the size, but we will do that only in working with the Democratic leader. This is the only committee, also, that only has a one-seat difference, and the statute requires that. All the others have two.

I wonder if the Democratic leader would like to comment on that?

Mr. DASCHLE. Mr. President, the majority leader and I have had a number of conversations about this particular issue, and I have discussed the matter in great detail with the ranking member of the Intelligence Committee. He shares the view, given the agenda and given the legal need to ensure the representation as is required by law, that only on a one-time interim basis an additional Armed Services Committee member needs to be placed on the committee.

As the majority leader has indicated, this is one time and one time only. This is an interim assignment. We intend to work with him to bring the committee size down to its legal, permanent size in the ensuing Congresses. So I urge people to recognize the intention here, and that is to accommodate the chair and the ranking member of the Intelligence Committee and to accommodate their agenda.

I am certainly in agreement with this approach and appreciate the opportunity to work through this particular matter as we have.

Mr. LOTT. Mr. President, I want to thank the Democratic leader for the attention he has joined me in giving to the Intelligence Committee. It is a very important committee, and I am not sure we have always given it the consideration that it should have, but we have done it this time. I am very pleased with what the result has been.

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 sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on January 8, 1997, during the recess of the Senate, received a message from the House of Representatives announcing that pursuant to the provisions of Senate Concurrent Resolution 2, 105th Congress, the Speaker reappoints 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.

The message also announced that the House has agreed to the following concurrent resolutions, each without amendment:

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 Senate Concurrent Resolution 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.

The message also announced that the House has agreed to the resolution (H. Res. 2) stating 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 105th Congress.

The message further announced that the House has agreed to the resolution (H. Res. 3) stating 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.

MESSAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 25. Making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), 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. LOTT:

S. Res. 9. A resolution amending paragraph 2 and 3 of Rule XXV; considered and agreed to.

S. Res. 10. A resolution making majority party appointments to certain Senate committees for the 105th Congress; considered and agreed to.

By Mr. DASCHLE:

S. Res. 11. A resolution making minority party appointments to Senate committees for the 105th Congress; considered and agreed to.

S. Res. 12. A resolution making minority party appointments to Senate committees in paragraph 3 (a), (b), and (c) of Rule XXV; considered and agreed to.

By Mr. LOTT:

S. Res. 13. A resolution making majority party appointments to the Senate Committee on the Judiciary for the 105th Congress; considered and agreed to.

S. Res. 14. A resolution making majority party appointments to Senate committees for the 105th Congress; considered and agreed to.

SENATE RESOLUTION 9—AMENDING PARAGRAPHS 2 AND 3 OF RULE XXV

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That paragraphs 2 and 3 of Rule XXV of the Standing Rules of the Senate is amended for the 105th Congress as follows:

Strike ''21'' after ''Armed Services'' and insert in lieu thereof ''18''.

Strike ''16'' after ''Banking, Housing and Urban Affairs'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Commerce, Science, and Transportation'' and insert in lieu thereof ''20''.

Strike ''16'' after ''Environment and Public Works'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Finance'' and insert in lieu thereof ''20''.

Strike ''15'' after ''Governmental Affairs'' and insert in lieu thereof ''16''.

Strike ''16'' after ''Labor and Human Resources'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Small Business'' and insert in lieu thereof ''18''.

Strike ''19'' after ''Aging'' and insert in lieu thereof ''18''.

Strike ''17'' after ''Intelligence'' and insert in lieu thereof ''19''.

Strike ''16'' after ''Indian Affairs'' and insert in lieu thereof ''14''.

SENATE RESOLUTION 10—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 105TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the 105th Congress, or until their successors are chosen:

Committee on Agriculture: Mr. Lugar (Chair), Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Coverdell, Mr. Santorum, Mr. Roberts, Mr. Grassley, Mr. Gramm of Texas, and Mr. Craig.

Appropriations: Mr. Stevens (Chair), Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Campbell, Mr. Craig, Mr. Faircloth, and Mrs. Hutchison of Texas.

Committee on Armed Services: Mr. Thurmond (Chair), Mr. Warner, Mr. McCain, Mr. Coats, Mr. Smith of New Hampshire, Mr. Kempthorne, Mr. Inhofe, Mr. Santorum, Ms. Snowe, and Mr. Roberts.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato (Chair), Mr. Gramm of Texas, Mr. Shelby, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, Mr. Allard, Mr. Enzi, and Mr. Hagel.

Committee on Commerce, Science, and Transportation: Mr. McCain (Chair), Mr. Stevens, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison of Texas, Ms. Snowe, Mr. Ashcroft, Mr. Frist, Mr. Abraham, and Mr. Brownback.

Committee on Energy and Natural Resources: Mr. Murkowski (Chair), Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Smith of Oregon, Mr. Gorton, and Mr. Burns.

Committee on Environment and Public Works: Mr. Chafee (Chair), Mr. Warner, Mr. Smith of New Hampshire, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. Bond, Mr. Hutchinson of Arkansas, Mr. Allard, and Mr. Sessions.

Committee on Finance: Mr. Roth (Chair), Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. D'Amato, Mr. Murkowski, Mr. Nickles, Mr. Gramm of Texas, Mr. Lott, Mr. Jeffords, and Mr. Mack.

Committee on Foreign Relations: Mr. Helms (Chair), Mr. Lugar, Mr. Coverdell, Mr. Hagel, Mr. Smith of Oregon, Mr. Thomas, Mr. Ashcroft, Mr. Grams, Mr. Frist, and Mr. Brownback.

Committee on Governmental Affairs: Mr. Thompson (Chair), Mr. Roth, Mr. Stevens, Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, and Mr. Specter.

Committee on the Judiciary: Mr. Hatch (Chair), Mr. Thurmond, Mr. Grassley, Mr. Specter, Mr. Thompson, Mr. Kyl, Mr. DeWine, and Mr. Ashcroft.

Committee on Labor and Human Resources: Mr. Jeffords (Chair), Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Enzi, Mr. Hutchinson of Arkansas, Ms. Collins, Mr. Warner, and Mr. McConnell.

SENATE RESOLUTION 11—MAKING MINORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 105TH CONGRESS

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the minority party's membership on the standing committees for the 105th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Daschle, Mr. Baucus, Mr. Kerrey of Nebraska, Ms. Landrieu, and Mr. Johnson.

Committee on Appropriations: Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Leahy, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid of Nevada, Mr. Kohl, Mrs. Murray, Mr. Dorgan, and Mrs. Boxer.

Committee on Armed Services: Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Byrd, Mr. Robb, Mr. Lieberman, and Mr. Cleland.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes, Mr. Dodd, Mr. Kerry of Massachusetts, Mr. Bryan, Mrs. Boxer, Ms. Moseley-Braun, Mr. Johnson, and Mr. Reed of Rhode Island.

Committee on Commerce, Science, and Transportation: Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Rockefeller, Mr. Kerry of Massachusetts, Mr. Breaux, Mr. Bryan, Mr. Dorgan, and Mr. Wyden.

Committee on Energy and Natural Resources: Mr. Bumpers, Mr. Ford, Mr. Bingaman, Mr. Akaka, Mr. Dorgan, Mr. Graham of Florida, Mr. Wyden, Mr. Johnson, and Ms. Landrieu.

Committee on Environment and Public Works: Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid of Nevada, Mr. Graham of Florida, Mr. Lieberman, Mrs. Boxer, and Mr. Wyden.

Committee on Finance: Mr. Moynihan, Mr. Baucus, Mr. Rockefeller, Mr. Breaux, Mr. Conrad, Mr. Graham of Florida, Ms. Moseley-Braun, Mr. Bryan, and Mr. Kerrey of Nebraska.

Committee on Foreign Relations: Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry of Massachusetts, Mr. Robb, Mr. Feingold, Mrs. Feinstein, and Mr. Wellstone.

Committee on Governmental Affairs: Mr. Glenn, Mr. Levin, Mr. Lieberman, Mr. Akaka, Mr. Durbin, Mr. Torricelli, and Mr. Cleland.

Committee on the Judiciary: Mr. Leahy, Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Durbin, and Mr. Torricelli.

Committee on Labor and Human Resources: Mr. Kennedy, Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, Mrs. Murray, and Mr. Reed of Rhode Island.

SENATE RESOLUTION 12—MAKING MINORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES IN PARAGRAPH 3(a), (b) AND (c) OF RULE XXV

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of Rule XXV, the following shall constitute the minority party's membership on the committees named in paragraph 3 (a), (b), and (c) of Rule XXV for the 105th Congress, or until their successors are appointed:

Committee on the Budget: Mr. Lautenberg, Mr. Hollings, Mr. Conrad, Mr. Sarbanes, Mrs. Boxer, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, and Mr. Durbin.

Committee on Rules and Administration: Mr. Ford, Mr. Byrd, Mr. Inouye, Mr. Moynihan, Mr. Dodd, Mrs. Feinstein, and Mr. Torricelli.

Committee on Small Business: Mr. Kerry of Massachusetts, Mr. Bumpers, Mr. Levin, Mr. Harkin, Mr. Lieberman, Mr. Wellstone, Mr. Cleland, and Ms. Landrieu.

Committee on Veterans' Affairs: Mr. Rockefeller, Mr. Graham of Florida, Mr. Akaka, Mr. Wellstone, and Mrs. Murray.

Select Committee on Indian Affairs: Mr. Inouye, Mr. Conrad, Mr. Reid of Nevada, Mr. Akaka, Mr. Wellstone, and Mr. Dorgan.

Special Committee on Aging: Mr. Breaux, Mr. Glenn, Mr. Reid of Nevada, Mr. Kohl, Mr. Feingold, Ms. Moseley-Braun, Mr. Wyden, and Mr. Reed of Rhode Island.

Committee on Intelligence: Mr. Kerrey of Nebraska, Mr. Glenn, Mr. Bryan, Mr. Graham of Florida, Mr. Kerry of Massachusetts, Mr. Baucus, Mr. Robb, Mr. Lautenberg, and Mr. Levin.

Joint Economic Committee: Mr. Bingaman, Mr. Sarbanes, Mr. Kennedy, and Mr. Robb.

Select Committee on Ethics: Mr. Reid of Nevada, Mrs. Murray, and Mr. Conrad.

SENATE RESOLUTION 13—MAKING MAJORITY PARTY APPOINTMENTS TO THE SENATE COMMITTEE ON THE JUDICIARY FOR THE 105TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the Senate Committee on the Judiciary for the 105th Congress, or until their successors are chosen:

Judiciary: Mr. Hatch (Chair), Mr. Thurmond, Mr. Grassley, Mr. Specter, Mr. Thompson, Mr. Kyl, Mr. DeWine, Mr. Ashcroft, Mr. Abraham, and Mr. Sessions.

SENATE RESOLUTION 14—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES FOR THE 105TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 14

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of Rule XXV, the following shall constitute the majority party's membership on those Senate committees listed below for the 105th Congress, or until their successors are appointed:

Budget: Mr. Domenici (Chair), Mr. Grassley, Mr. Nickles, Mr. Gramm of Texas, Mr. Bond, Mr. Gorton, Mr. Gregg, Ms. Snowe, Mr. Abraham, Mr. Frist, Mr. Grams, and Mr. Smith of Oregon.

Rules and Administration: Mr. Warner (Chair), Mr. Helms, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Nickles, Mr. Lott, and Mrs. Hutchison of Texas.

Small Business: Mr. Bond (Chair), Mr. Burns, Mr. Coverdell, Mr. Kempthorne, Mr. Bennett, Mr. Warner, Mr. Frist, Ms. Snowe, Mr. Faircloth, and Mr. Enzi.

Veterans' Affairs: Mr. Specter (Chair), Mr. Murkowski, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, Mr. Craig, and Mr. Hutchinson of Arkansas.

Select Committee on Ethics: Mr. Smith of New Hampshire (Chair), Mr. Roberts, and Mr. Sessions.

Special Committee on Aging: Mr. Grassley (Chair), Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Mr. Warner, Mr. Hagel, Ms. Collins, and Mr. Enzi.

Select Committee on Indian Affairs: Mr. Campbell (Chair), Mr. Murkowski, Mr. McCain, Mr. Gorton, Mr. Domenici, Mr. Thomas, Mr. Hatch, and Mr. Inhofe.

Intelligence: Mr. Shelby, (Chair), Mr. Chafee, Mr. Lugar, Mr. DeWine, Mr. Kyl, Mr. Inhofe, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coats.

Joint Economic: Mr. Mack (Vice Chair), Mr. Roth, Mr. Bennett, Mr. Grams, Mr. Brownback, and Mr. Sessions.

PRESENTING THE ELECTORAL VOTE OF THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

The undersigned, John W. Warner and Wendell H. Ford, tellers on the part of the Senate, William M. Thomas and Sam Gejdenson, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the twentieth day of January, nineteen hundred and ninety-seven.

(1)	States	For President		For Vice President	
		Bill Clinton	Bob Dole	Al Gore	Jack Kemp
9	Alabama		9		9
3	Alaska		3		3
8	Arizona	8		8	
6	Arkansas	6		6	
54	California	54		54	
8	Colorado		8		8
8	Connecticut	8		8	
3	Delaware	3		3	
3	District of Columbia	3		3	
25	Florida	25		25	
13	Georgia		13		13
4	Hawaii	4		4	
4	Idaho		4		4
22	Illinois	22		22	
12	Indiana		12		12
7	Iowa	7		7	
6	Kansas		6		6
8	Kentucky	8		8	
9	Louisiana	9		9	
4	Maine	4		4	
10	Maryland	10		10	
12	Massachusetts	12		12	
18	Michigan	18		18	
10	Minnesota	10		10	
7	Mississippi		7		7
11	Missouri	11		11	
3	Montana		3		3
5	Nebraska		5		5
4	Nevada	4		4	
4	New Hampshire	4		4	
15	New Jersey	15		15	
5	New Mexico	5		5	
33	New York	33		33	
14	North Carolina		14		14
3	North Dakota		3		3
21	Ohio	21		21	
8	Oklahoma		8		8
7	Oregon	7		7	
23	Pennsylvania	23		23	
4	Rhode Island	4		4	
8	South Carolina		8		8
3	South Dakota		3		3
11	Tennessee	11		11	
32	Texas		32		32
5	Utah		5		5
3	Vermont	3		3	
13	Virginia		13		13
11	Washington	11		11	
5	West Virginia	5		5	
11	Wisconsin	11		11	
3	Wyoming		3		3
538		379	159	379	159

[1] Electoral Votes of each State.

JOHN W. WARNER,
WENDELL H. FORD,
Tellers on the part of the Senate.
WILLIAM M. THOMAS,
SAM GEJDENSON,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

Bill Clinton, of the State of Arkansas, has received for President of the United States 379 votes;

Bob Dole, of the State of Kansas, has received 159 votes;

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

Al Gore, of the State of Tennessee, has received for Vice President of the United States 379 votes;

Jack Kemp, of the State of Maryland, has received 159 votes;

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the twentieth day of January, nineteen hundred and ninety-seven and shall be entered, together with the list of the votes, on the Journals of the Senate and House of Representatives.

ADDITIONAL STATEMENTS

TRIBUTE TO CHESTER HERWITZ

• Mr. KERRY. Mr. President, I want to call the attention of my colleagues to Chester Herwitz, a resident of Worcester, MA, who on January 11 will be the sole American to receive the Indo-American Society Annual Award. The prominence of the two other recipients—Mother Teresa and Dr. Manmohan Singh, the former Finance Minister of India—attests to the prestige of this award.

Born in Swampscott, MA, Chester moved west within my State, eventually settling in Worcester. I have known Chester Herwitz for almost 30 years. He brings enormous passion, intelligence, energy, and integrity to his chosen field, contemporary Indian art. For more than 20 years, he has lent works from his collection to dozens of museums in England, France, and the United States, including two in Massachusetts, the Worcester Art Museum and the Peabody Essex Museum in Salem.

I also applaud the good works of Chester and his wife Davida. In 1994,

they established the Chester and Davida Herwitz Charitable Trust to support contemporary Indian art. In addition, Chester has served on the board of several charitable and social-service organizations in Massachusetts.

I am particularly proud that a great nation like India will recognize Chester's work. I trust that Chester will continue to enrich the cultures of both India and the United States. ●

AM 1450 WMIQ

● Mr. LEVIN. Mr. President, I rise today to honor AM 1450, Iron Mountain and Kingsford, Michigan's Information Station. On January 25, 1996, the station will celebrate 50 years of continuous broadcasting and community service.

On April 4, 1946, the first organizational meeting of the Iron Mountain Kingsford Broadcasting Co. was held to license a new radio station for the area. William and Frank Russell, along with the Delta Broadcasting Co. and the Lake Superior Broadcasting Co., were the driving force behind this organizing group. The new radio station was to be a news station operated by the Iron Mountain News, the area's daily newspaper.

Construction on the broadcast facility began on November 14, 1946 and on November 21, the new station was officially named WMIQ, with William Goodrich serving as its first general manager. On Saturday, January 25, 1947, WMIQ began broadcasting at 8:00 a.m. Governors Sigler of Michigan and Goodland of Wisconsin both wired the station to offer words of congratulation.

During the past 50 years, programming has included national and local news coverage, the ''Scandinavian Cheer Hour'' broadcast from the Bethel Mission Covenant Church in Swedish, live musical performances, the WMIQ Playhouse and Sunday morning services from First Lutheran Church. WMIQ also has a long history of national and local sports coverage.

WMIQ ownership changed hands in 1968 when Jim Klungness and Charles Henry purchased the radio station. WMIQ currently has sister stations WIMK-FM in Iron Mountain and WUPK-FM in Marquette. WMIQ has been very active in the community over the years by supporting the Caring House for domestic violence victims, the Can-A-Thon food drive, the March of Dimes and Easter Seals.

WMIQ has been an integral part of the Iron Mountain and Kingsford communities for the past fifty years. Its great work keeping the public apprised of current events has earned WMIQ the title of Michigan's ''Information Station.'' I know my Senate colleagues join me in congratulating WMIQ for a half century of service to its broadcasting audience.●

HONORING THE ACHIEVEMENTS OF THE UNIVERSITY OF WISCONSIN–OSHKOSH

● Mr. KOHL. Mr. President, I rise today to pay tribute to the University of Wisconsin-Oshkosh. UW-Oshkosh is celebrating its service to the State of Wisconsin as an institute of higher learning for 125 consecutive years and will be concluding its celebration with a large community event on February 8, 1997.

The University of Wisconsin-Oshkosh has a rich tradition of serving the families of our State through dedication and devotion to the principles of higher education. UW-Oshkosh was founded in 1871 with an entering class of 43 students. During that time the university was mainly a teacher-training institution, producing thousands of teachers who contributed immensely to Wisconsin's leadership in education.

Today, as part of the distinguished University of Wisconsin System, UW-Oshkosh enrolls more than 10,000 students on its campus in Fox River, WI. The university's four colleges and graduate school offer a range of programs in education and human services, letters and science, business administration, and nursing. With a tradition of strong programs in the arts and sciences and in professional career fields, the university has created an environment that promotes excellence and values diversity. In the past several years faculty and students have created a blueprint for the university's future, including a vision statement and 11 goals. Mr. President, the blueprint has been working because for the third consecutive year UW-Oshkosh ranks in the first tier of Midwestern colleges and universities by U.S. News and World Report.

I hope that all of you will join me in congratulating the faculty, students, employees, and graduates of the University of Wisconsin-Oshkosh for all of their accomplishments during their 125 years of existence, and I know you will join me in wishing them well during the next 125 years.●

CALIFORNIA ASSEMBLY SPEAKER CRUZ BUSTAMANTE

● Mrs. BOXER. Mr. President, it is with great pleasure that I rise today to pay tribute to Cruz Bustamante, the newly elected speaker of the California Assembly.

Speaker Bustamante is a native Californian, born in Dinuba and raised in the great Central Valley, where he still lives and represents the 31st District. He graduated from Tranquility High School and attended Fresno City College and California State University at Fresno. He has had a career marked by community service, having worked in various employment and training programs.

He understands his community well, having served on numerous boards and commissions including the Fresno United Way Allocation Committee, Burroughs Elementary School Site Committee, City of Fresno Citizens Advisory Committee and the Roosevelt Plan Implementation Committee.

In addition to his extensive experience in state and local government and organizations, he also has a firm understanding of the workings of Congress and the Federal Government. Early in his career, he served as a summer intern in former Congressman B. F. Sisk's office. He later worked as district representative for former Congressman Richard Lehman.

Cruz Bustamante is California's first Assembly Speaker of Latino heritage. He is a modern day pioneer. California is home to millions of Latinos and others of various ethnic backgrounds. Mr. Bustamante's speakership heralds new horizons for every Californian concerned with the future of our ever changing State.

So today, I ask my colleagues in the United States Senate to join me and Speaker Bustamante's wife Arcelia, their daughters and grandchildren, his colleagues, constituents and numerous other supporters in wishing him every success as he meets this challenge.

Cruz Bustamante has been described by Republicans and Democrats alike as an intelligent and able leader. He has said that his tenure as Speaker will focus on the needs of the people of California. I look forward to working with him on behalf of all Californians, and I look forward to a continuing story of success for California's new Assembly Speaker, Cruz Bustamente.●

ORDERS FOR TUESDAY, JANUARY 21, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment, under the provisions of Senate Concurrent Resolution 3, until the hour of 12 noon on Tuesday, January 21; further, immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time following convening and 12:30 be equally divided between the two leaders or their designees.

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

Mr. LOTT. I ask unanimous consent that the Senate stand in recess on Tuesday, January 21, from the hours of 12:30 to 2:15 p.m. for the weekly party conferences to meet.

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

Mr. LOTT. I further ask that at 2:15 p.m. on Tuesday, January 21, there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. LOTT. As a reminder to all Senators, immediately following the joint session today, the Senate will adjourn over until Tuesday, January 21, under a previous agreement. Senators will be allowed to introduce legislation on the 21st, beginning at 2:15 p.m. Therefore, I expect many Members will be prepared to submit legislation and make statements during the morning business period on that Tuesday.

I wish everyone a restful upcoming week and look forward to the 21st when we will begin the work of the 105th Congress. We will look forward to hearing the President's State of the Union Address and receiving his budget submission, I believe, on February 6. In the meantime, we will be having hearings on nominations and are hopeful we can have a couple of confirmation votes in the first week we are in session beginning the 21st.

I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the Senator from Virginia [Mr. WARNER], and the Senator from Kentucky [Mr. FORD], as tellers on the part of the Senate to count the electoral votes.

JOINT SESSION OF THE TWO HOUSES—COUNTING OF ELECTORAL BALLOTS

Thereupon, at 12:47 p.m., the Senate, preceded by the Secretary of the Senate, Gary L. Sisco, and the Sergeant at Arms, Gregory S. Casey, proceeded to the Hall of the House of Representatives for the purpose of counting electoral ballots.

ADJOURNMENT UNTIL TUESDAY, JANUARY 21, 1997

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 1:24 p.m., the Senate adjourned until Tuesday, January 21, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 9, 1997:

CENTRAL INTELLIGENCE

ANTHONY LAKE, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE JOHN M. DEUTCH, RESIGNED.

DEPARTMENT OF STATE

GENTA HAWKINS HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

ARMA JANE KARAER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

DENNIS K. HAYS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

PETE PETERSON, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. COORDINATOR FOR AISA PACIFIC ECONOMIC COOPERATION (APEC).

RICHARD W. BOGOSIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR RWANDA/BURUNDI.

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

VICTOR MARRERO, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FARM CREDIT ADMINISTRATION

LOWELL LEE JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE EDWARD CHARLES WILLIAMSON.

DEPARTMENT OF DEFENSE

KEITH R. HALL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE JEFFREY K. HARRIS, RESIGNED.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

SUSAN R. BARON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1997 (REAPPOINTMENT)

NATIONAL INSTITUTE OF BUILDING SCIENCES

CHARLES A. GUELI, OF MARYLAND TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1999, VICE WALTER SCOTT BLACKBURN, TERM EXPIRED.

NIRANJAN S. SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1998, VICE JOHN H. MILLER, TERM EXPIRED.

NATIONAL CREDIT UNION ADMINISTRATION

YOLANDA TOWNSEND WHEAT, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING AUGUST 2, 2001, VICE ROBERT H. SWAN, TERM EXPIRED.

FEDERAL TRADE COMMISSION

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1995, VICE JANET DEMPSEY STEIGER, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

TRIRUVARUR R. LAKSHMANAN, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION, FOR THE TERM OF 4 YEARS. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

JERRY M. MELILLO, OF MASSACHUSETTS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ROBERT T. WATSON, RESIGNED.

KERRI-ANN JONES, OF MARYLAND, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ROBERT T. WATSON, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

HEIDI H. SCHULMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002, VICE MARTHA BUCHANAN, RESIGNED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

RONALD KENT BURTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002. (REAPPOINTMENT)

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002. (REAPPOINTMENT)

JUDITH M. ESPINOSA, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 4 YEARS. (NEW POSITION)

TENESSEE VALLEY AUTHORITY

JOHNNY H. HAYES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2005. (REAPPOINTMENT)

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL ROBERT BERNARD FLOWERS, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KEVIN L. THURM, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE WALTER D. BROADNAX, RESIGNED.

GENERAL SERVICES ADMINISTRATION

DAVID J. BARRAM, OF CALIFORNIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE ROGER W. JOHNSON, RESIGNED.

SPECIAL PANEL ON APPEALS

DENIS J. HAUPTLY, OF MINNESOTA, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF 6 YEARS, VICE BARBARA JEAN MAHONE, TERM EXPIRED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

LEO K. GOTO, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION)

DON T. NAKANISHI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION)

PEGGY A. NAGAE, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

DALE MINAMI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

YEIICHI KUWAYAMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

ELSA H. KUDO, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION)

ROBERT F. DRINAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

SUSAN HAYASE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

MICHAEL A. NARANJO, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2002, VICE BEATRICE RIVAS SANCHEZ, TERM EXPIRED.

JEANNE GIVENS, OF IDAHO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2002, VICE PIESTEWA ROBERT HAROLD AMES, TERM EXPIRING.

BARBARA BLUM, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2002. (REAPPOINTMENT)

LETITIA CHAMBERS, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE ROY M. HUHNDORF, RESIGNED.

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE JOHN F. DAFFRON, JR., TERM EXPIRED.

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2002. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

ROSE OCHI, OF CALIFORNIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF 4 YEARS, VICE GRACE FLORES-HUGHES, TERM EXPIRED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

DANIEL GUTTMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001, VICE EDWIN G. FOULKE, JR., TERM EXPIRED.

DEPARTMENT OF EDUCATION

GERALD N. TIROZZI, OF CONNECTICUT, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE THOMAS W. PAYZANT, RESIGNED.

LEGAL SERVICES CORPORATION

HULETT HALL ASKEW, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998. (REAPPOINTMENT)

ERNESTINE P. WATLINGTON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1999. (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 2002. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN LEVENTHAL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE WILLIAM BAILEY, TERM EXPIRED.

UNITED STATES INSTITUTE OF PEACE

JOSEPH LANE KIRKLAND, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001 (REAPPOINTMENT).

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

A.E. DICK HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 6 YEARS, VICE LANCE BANNING.

NATIONAL INSTITUTE FOR LITERACY

JON DEVEAUX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998 (REAPPOINTMENT).

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

ANTHONY R. SARMIENTO, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998, VICE BENITA C. SOMERFIELD, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

SARAH MCCRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 2000, VICE JAMES M. STEPHENS, TERM EXPIRED.

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1999 (REAPPOINTMENT).

EXECUTIVE OFFICE OF THE PRESIDENT

PATRICIA M. MCMAHON, OF NEW HAMPSHIRE, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA.

NATIONAL SCIENCE FOUNDATION

M.R.C. GREENWOOD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE PERRY L. ADKISSON, TERM EXPIRED.

JOHN A. ARMSTRONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE THOMAS B. DAY, TERM EXPIRED.

STANLEY VINCENT JASKOLSKI, OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE JAMES JOHNSON DUDERSTADT, TERM EXPIRED.

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE W. GLENN CAMPBELL, TERM EXPIRED.

RICHARD A. TAPIA, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE PHILLIP A. GRIFFITHS, TERM EXPIRED.

MARY K. GAILLARD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE MARYE A. FOX, TERM EXPIRED.

BOB H. SUZUKI, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE JAIME OAXACA, TERM EXPIRED.

EAMON M. KELLY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE HOWARD E. SIMMONS, TERM EXPIRED.

VERA C. RUBIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002, VICE BERNARD F. BURKE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

JOHN A. ADAMS, 0000
AVERY V. ALLISON, 0000
WILLIAM H. ANDERSEN, 0000
CLINTON T. ANDERSON, 0000
EDWIN W. ANDERSON, 0000
ANDREW A. ANGELACCI, 0000
BERTRAM ARMSTRONG, 0000
JAMES E. ARMSTRONG, 0000
WILLIAM R. AULTMAN, 0000
CHRISTOPHER BAGGOTT, 0000
JOHN E. BAGGOTT, 0000
HAROLD L. BAKKEN, 0000
JOHN M. BEDNAREK, 0000
VANGEORGE BELANGER, 0000
AUSTIN D. BELL, 0000
ROBERT T. BELTON, 0000
DAVID A. BENTLEY, 0000
GARY W. BERRY, 0000
REGINALD R. BERRY, 0000
LOUIS R. BEST, 0000
JEFFREY C. BISCHOFF, 0000
NOLEN V. BIVENS, 0000
WILLIAM BLANKMEYER, 0000
MICHAEL A. BLATTI, 0000
IVAN G. BOLDEN, 0000
VINCENT E. BOLES, 0000
DANIEL P. BOLGER, 0000
JOSEPH A. BOLICK, 0000
STEPHEN J. BOND, 0000
JAMES J. BONDI, 0000
DANIEL J. BOURGOINE, 0000
GEORGE E. BOWERS, 0000
RICHARD B. BOWMAN, 0000
DONALD R. BOYD, 0000
HERCHELL A. BOYD, 0000
ARTHUR BREITHAUPT, 0000
HOWARD B. BROMBERG, 0000
JAMES L. BROOKE, 0000
DAVID P. BROSTROM, 0000
DONALD W. BROWNE, 0000
DAVID J. BUCKLEY, 0000
DANIEL L. BURGHART, 0000
ALFRED E. BURKHARD, 0000
DANIEL J. BURROWS, 0000
RALPH E. BUSH, 0000
MICHAEL P. CALDWELL, 0000
CARL J. CARRANO, 0000
WALTON C. CARROLL, 0000
ROBERT D. CARTER, 0000
CHARLES CARTWRIGHT, 0000
CARL E. CASE, 0000
JOHN S. CHAPPELL, 0000
THOMAS L. CHARLSON, 0000
JONATHAN P. CHASE, 0000
ANDREW T. CHMAR, 0000
BEN F. CLAWSON, 0000
ALLEN E. CLEGHORN, 0000
MICHAEL R. CLEMENTS, 0000
JAMES T. CLIFFORN, 0000
ROBERT A. CLINE,, 0000
DAVID M. COLE, 0000
KENNETH S. COLLIER, 0000
DARIO A. COMPAIN, 0000
BURCE W. CONDREY, 0000
THOMAS P. CONNORS, 0000
MICHAEL L. CONRAD, 0000
VIRGIL W. COOK, 0000
OTIS E. COOKSEY, 0000
WILLIAM F. CRAIN, 0000
ROBERT CREAR, 0000
THOMAS R. CSRNKO, 0000
DAVID C. CUTLER, 0000
PETER G. DAUSEN, 0000
RONALD H. DAVIDSON, 0000
CHARLES E. DAVIS, 0000
EDWIN F. DAVIS, 0000
JOHN DEFREITAS, 0000
JAMES W. DELONY, 0000
RALPH F. DELOSUA, 0000
THOMAS A. DEMPSEY, 0000
DEBRA L. DEVILLE, 0000
CORTEZ K. DIAL, 0000
JACK C. DIBRELL, 0000
MICHELLE L. DICK, 0000
CLIFFORD M. DICKMAN, 0000
JOHN T. DILLARD, 0000
RICHARD B. DRIVER, 0000
WILLIAM L. DRIVER, 0000
MARCUS G. DUDLEY, 0000
PATRICK C. DUNKLE, 0000
BERNARD J. DUNN, 0000
HENRY A. DURAN, 0000
ROBERT E. DURBIN, 0000
JAMES C. DWYER, 0000
JEFFREY R. EARLEY, 0000
DANIEL R. EDGERTON, 0000
BERNARD E. ELLIS, 0000
PETER T. FARRELL, 0000
GINA S. FARRISEE, 0000
WILLIAM R. FAST, 0000
DENNIS O. FAVER, 0000
THOMAS W. FEICK, 0000
WILLIAM G. FILLMAN, 0000
LEONARD M. FINLEY, 0000
RONALD C. FLOM, 0000
RICHARD J. FLOOD, 0000
LEONARDO V. FLOR, 0000
PATRICK J. FLYNN, 0000
WILLIAM M. FORD, 0000
RICHARD P. FORMICA, 0000
RUSSELL S. FORSHAG, 0000
CHARLES J. FOWLER, 0000
DANIEL H. FRENCH, 0000
JAN R. FRYE, 0000
MICHEAL W. FULLER, 0000
MICHAEL J. GAFFNEY, 0000
KATHLEEN M. GAINEY, 0000
RANDY L. GARNER, 0000
W.C. GARRISON, 0000
RALPH D. GHENT, 0000
LARRY L. GHORMLEY, 0000
RICHARD C. GONDER, 0000
MICHAEL J. GOUGH, 0000
GEORGE K. GRAMER, 0000
KENNETH GRAY, 0000
JON D. GREER, 0000
JEFFREY L. GROH, 0000
THOMAS M. GROSS, 0000
STEVEN G. GUTHRIE, 0000
MICHAEL K. HAINLINE, 0000
MICHAEL E. HAITH, 0000
MONIQUE M. HALE, 0000
DEWAYNE P. HALL, 0000
LARRY P. HALL, 0000
CARTER F. HAM, 0000
WILTON L. HAM, JR., 0000
MICHAEL N. HAMPSON, 0000
CRAIG B. HANFORD, 0000
RALPH M. HARRIS, 0000
WILLIAM H. HARRIS, 0000
JERRY D. HATLEY, 0000
MARK W. HAYS, 0000
STEPHEN P. HAYWARD, 0000
GEORGE H. HAZEL, 0000
FRANK G. HELMICK, 0000
RHETT A. HERNANDEZ, 0000
STEPHEN A. HICKS, 0000
MICHAEL A. HIEMSTRA, 0000
JAMES C. HIETT, 0000
JERRY C. HILL, 0000
WALLACE B. HOBSON, 0000
AMBROSE R. HOCK, 0000
LEE J. HOCKMAN, 0000
ROBERT I. HOIDAHL, 0000
THOMAS A. HOLDEN, 0000
JOSEPH HOLLENBECK, 0000
BRUCE A. HOOVER, 0000
DOUGLAS L. HORN, 0000
JOHN M. HOUSE, 0000
SAMUEL J. HUBBARD, 0000
ROBERT HUDDLESTON, 0000
IRA H. HUDSON, 0000
PAUL D. HUGHES, 0000
WILLIAM D. IVEY, 0000
LEONARD A. IZZO, 0000
PAUL S. IZZO, 0000
WILLIAM M. JACOBS, 0000
CHARLES H. JACOBY, 0000
THEODORE J. JANOSKO, 0000
NICHOLAS R. JOHNSEN, 0000
LARRY R. JOHNSTON, 0000
GARY M. JONES, 0000
MICHAEL D. JONES, 0000
FRANK R. JORDAN, 0000
DANIEL R. JUDY, 0000
GEORGE J. KAIGH, 0000
DAVID P. KAPINOS, 0000
KENNETH KASPRISIN, 0000
JOSEPH G. KAUFMANN, 0000
WILLIAM J. KAY, II, 0000
MICHAEL KAZMIERSKI, 0000
KEVIN J. KEADY, 0000
FRANCIS H. KEARNEY, 0000
PURL K. KEEN, 0000
LARRY M. KEETON, 0000
MARK A. KELLY, 0000
CARRIE W. KENDRICK, 0000
JAMES L. KENNON, 0000
MICHAEL R. KERSHNER, 0000
HUGO KEYNER, 0000
GENE E. KING, 0000
ROBERT A. KIRSCH, 0000
ROBERT S. KIRSCH, 0000
JOHN S. KLEGKA, 0000
WILLIAM S. KNOEBEL, 0000
REED C. KOWALCZYK, 0000
CARL J. KREISEL, 0000
DANIEL W. KRUEGER, 0000
BRUCE K. LADEIRA, 0000
WILLIAM M. LANDRUM, 0000
RICHARD LANGHORST, 0000
MICHAEL A. LANSING, 0000
PETR F. LARSON, 0000
ROBERT P. LENNOX, 0000
ROBERT M. LEON, 0000
MILTON K. LEWIS, 0000
THOMAS LITTLEFIELD, 0000
GREGORY J. LYNCH, 0000
TIMOTHY D. LYNCH, 0000
CLARK LYNN III, 0000
RICHARD F. MACHAMER, 0000

CRAIG K. MADDEN, 0000
BRITTAIN P. MALLOW, 0000
JOSEPH P. MANNING, 0000
WILLIAM R. MANSELL, 0000
DELMAR C. MAUDLIN, 0000
RICHARD L. MCCABE, 0000
JACOB M. MCFERREN, 0000
ALEX B. MCKINDRA, 0000
JOHN P. MCMULLEN, 0000
ROBERT J. MCNEIL, 0000
JOHN B. MESSAMORE, 0000
FRANK W. MILLER, 0000
RICHARD W. MILLS, 0000
JAMES R. MORAN, 0000
JOHN W. MORGAN, 0000
WILLIAM M. MORGAN, 0000
DAVID K. MORROW, 0000
GREGG R. MORTENSEN, 0000
ANITA L. MOYER, 0000
LEOCADIO MUNIZ, 0000
DENNIS M. MURPHY, 0000
ROGER F. MURTIE, 0000
GRAVES T. MYERS, 0000
NILGUN O. NESBETT, 0000
JOSEPH G. NESBITT, 0000
CLARENCE C. NEWBY, 0000
THOMAS R. NORREN, 0000
KENNETH OBERMEYER, 0000
HOWARD A. OLSEN, 0000
AUSTIN R. OMILE, 0000
MARK E. ONEILL, 0000
JOHN R. OSWEILER, 0000
CLYDE A. PAGE, 0000
MICHAEL L. PARKER, 0000
WAYLAND E. PARKER, 0000
WILLIAM PARTRIDGE, 0000
DAN B. PATTERSON, 0000
ERVIN PEARSON, 0000
MICHAEL R. PELKEY, 0000
RICHARD R. PEREZ, 0000
MICHAEL T. PERRIN, 0000
KEVIN C. PETERSON, 0000
KENNETH A. PIERSON, 0000
DANIEL W. PIKE, 0000
CARROLL F. POLLETT, 0000
WALTER W. POLLEY, 0000
MITCHEL T. POODRY, 0000
WADE O. POPOVICH, 0000
MICHAEL W. PRATT, 0000
JERRY V. PROCTOR, 0000
WILLIAM R. PUTTMANN, 0000
MICHAEL R. RAMPY, 0000
GUY E. RAYMOND, 0000
MARK J. REDLINGER, 0000
DAVID J. REHBEIN, 0000
JOHN J. REIDT, 0000
KEVIN P. REYNOLDS, 0000
DAVID R. RIDENOUR, 0000
SIDNEY E. RILEY, 0000
TOMAS R. RILEY, 0000
JOSE D. RIOJAS, 0000
RONNIE R. ROBERTS, 0000
THOMAS E. ROBERTS, 0000
MITCHELL S. ROSS, 0000
FLORIAN ROTHBRUST, 0000
L.C. RUSH JR., 0000
CALVIN L. RUSSELL, 0000
JACK W. RUSSELL, 0000
OLIN E. SAUNDERS, 0000
MARK E. SCHEID, 0000
JEFFREY SCHOLESSER, 0000
JOSEPH K. SCHMITT, 0000
PAUL W. SELF, 0000
ROBIN B. SELLERS, 0000
THOMAS M. SHEA, 0000
CLAUDE W. SHIPLEY, 0000
MICHAEL R. SIMONE, 0000
EDWARD J. SINCLAIR, 0000
DAVID L. SLOTWINSKI, 0000
WILLIAM D. STALEY, 0000
ANDREW J. STANLEY, 0000
RANDELL STANSFIELD, 0000
JIMMY D. STEPHENS, 0000
MICHAEL J. STEWART, 0000
CHRISTOPHER STJOHN, 0000
SAMUEL K. STOUFFER, 0000
HENRY W. SUCHTING, 0000
BRUCE A. SYDNOR, 0000
NICHOLAS J. SZASZ, 0000
RANDAL G. TART, 0000
JAMES R. TAYLOR, 0000
MERDITH W. TEMPLE, 0000
JAMES L. TERRY, 0000
HARRY G. THIGPEN, 0000
JAMES H. THOMAS, 0000
LAURENCE E. THOMAS, 0000
LEWIS H. THOMPSON, 0000
ROBERT L. THOMSON, 0000
JAMES R. TIREY, 0000
DAVID E. TITUS, 0000
MARY L. TORGERSEN, 0000
BARRY N. TOTTEN, 0000
LOUIS A. TRAVERZO, 0000
ROBERT W. TROST, 0000
WILLIAM J. TROY, 0000
LARRY L. TURGEON, 0000
FRANK D. TURNER, 0000
THOMAS G. TURNING, 0000
LEE A. VAN ARSDALE, 0000
EDWIN F. VEIGA, 0000
JAMES L. VELKY, 0000
SEAN M. WACHUTKA, 0000
GREGORY D. WALKER, 0000
ROSE A. WALKER, 0000
GERARD M. WALSH, 0000
TIMOTHY G. WANSBURY, 0000
BARRY M. WARD, 0000
JAMES E. WARD, 0000
DAVID W. WASHECHEK, 0000
JOSEPH E. WASIAK, 0000
RICHARD WATERHOUSE, 0000
JAMES S. WELLER, 0000
BILLY E. WELLS, 0000
LARRY R. WEST, 0000
RICHARD D. WEST, 0000
SCOTT G. WEST, 0000
JOHN S. WESTWOOD, 0000
KENNETH C. WHITE, 0000
MOSES J. WHITEHURST, 0000
WANDA E. WILSON, 0000
NAPOLEON WRIGHT, 0000
RANDY C. WRIGHT, 0000
ANDREW E. WYNARSKY, 0000
KENNETH M. YOUNGER, 0000

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GRAHAM. Mr. Speaker, as the 105th Congress addresses the issue of financing campaigns, I believe we must first change the nature of our election cycle and limit the number of terms a Member can serve. The recent elections demonstrate that action on both campaign finance reform and term limits is needed and desired by the American people. Today, I am introducing legislation that combines a solution for achieving term limits and easing campaign finance burdens. This amendment would limit Members of the House to three 4-year terms and limit Senators to two 6-year terms. This is a lifetime ban. It would take effect only on terms of office beginning after the ratification of the amendment. By extending the terms of Representatives from 2 to 4 years, we can better limit the influence of politics and elections in the House and focus on better policies and laws for our country. Additionally, Members of the House would not be burdened by increasingly expensive elections every 2 years because the terms would be increased to 4.

Fundamental institutional change is needed in order to improve the American people's confidence in Congress and to return to the Founding Fathers' ideal of a citizen legislature. We should abide by the will of the people and end career politics as we know it. While term limits will not solve all our country's problems, or the need to overhaul our campaign finance system, it is a large step in the right direction. It continues the process of reform and strengthens the integrity of Congress. Let us succeed where we failed last congress and pass term limits.

IN MEMORY OF HUBERT A. ANDERSON—CIVIL RIGHTS AND WORLD PEACE ADVOCATE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, today I wish to pay tribute to an educator, activist, and my longtime personal friend, Hubert A. Anderson, who passed away recently in Hopkins, MN, at the age of 68.

I was privileged to know Hubert Anderson at a special time in our lives and in our Nation's history. As a grass roots activist, Mr. Anderson took special interest in civil rights issues and the anti-Vietnam war movement. In 1970, a group of 31 Americans, including Hubert Anderson and myself, traveled to Paris with the People's Commission of Inquiry to discuss solutions to the war. Anderson, along with our group, participated in a week of talks in France with North Vietnamese and South Vietnamese delegations and the American ambassador. During our stay he encouraged an open discussion in which he questioned, challenged and explored solutions to this problem of international scope.

Hubert Anderson was born and raised in Dwight, ND. He attended high school in Wahpeton, ND, and in Minneapolis, dropping out during his senior year to join the Navy. He was stationed in Bermuda for part of his tour and was chosen to run the admiral's launch that took President Truman deep sea fishing. An avid sportsman, he played offense and defense and was captain of the Navy football team. He contracted rheumatic fever during his service and suffered from its effects for the rest of his life.

Hubert finished his high school equivalency degree in the military. He went on to the University of Minnesota, the Wahpeton State School of Science, and graduated magna cum laude from Moorhead State University. He later earned a master's degree and completed doctoral work at the University of Minnesota. During his early college career, he played AAA baseball with the Minot, ND, Mallards and pitched against such notables as Satchel Paige and Roger Maris.

As an English, drama and debate teacher at Hopkins High School for 30 years, Hubert Anderson was a mentor to students in and out of the classroom. He led several debate teams to State championships, served on the faculty senate, and supported the American Field Service Program.

Hubert Anderson will be remembered as an avid reader, a lover of language, and a remarkable individual whose ideas reached far and wide. His genuine enthusiasm for American politics prompted people of all ages to become interested in government and civil service. Because I experienced Hubert Anderson's vitality and wisdom firsthand, I've no doubt that this tireless role model made Hopkins, MN, a richer place to live.

As friends and family reflect on his lifetime of achievement and scholarship, it is only fitting that we also pay tribute to this great man and good friend.

THURGOOD MARSHALL COURTHOUSE BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today in strong support of the Thurgood Marshall Courthouse bill.

I do not believe that I am exaggerating when I state that history will regard Justice Marshall as one of the most influential individuals in the fields of constitutional and civil rights law in the 20th century.

Justice Marshall had a long and distinguished career as an assistant and later chief counsel for the NAACP. As the lead attorney in Brown v. Board of Education, Marshall was instrumental in convincing the Supreme Court to overturn the 1898 separate but equal ruling of Plessy v. Ferguson, and begin the process of ending discrimination in public education.

As a justice of the U.S. Court of Appeals in the Second Circuit, Marshall wrote over 150 decisions which included support for immigrant rights, limiting government intrusion in illegal search and seizure, double jeopardy and right to privacy cases. As U.S. Solicitor General, Marshall won 14 of the 19 cases he presented before the Supreme Court.

In 1967, Thurgood Marshall became the first African-American appointed to the U.S. Supreme Court. He served as an Associate Justice on the Court for 24 years, retiring in 1991. He left a strong legacy of commitment to the weak and poor in America's justice system.

Accordingly, I strongly urge my colleagues to join me in supporting this important legislation, which will honor the memory of Justice Marshall and help preserve his legacy, by designating the U.S. courthouse under construction in White Plains, NY, as the Thurgood Marshall U.S. Courthouse.

TODD LANE ELEMENTARY'S GIFT TO THE BEAVER COUNTY TIMES GIVE-A-CHRISTMAS CAMPAIGN

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. KLINK. Mr. Speaker, I rise today in order to recognize the students and faculty of Todd Lane Elementary School in Center Township, Pennsylvania.

For the past quarter century, the Beaver County Times, in conjunction with the Salvation Army holds a donation drive known as the Give-A-Christmas Campaign. Its goal is to provide food and other necessities during the holiday season to those who are less fortunate. This year, like the past 20 years, the students and faculty of Todd Lane Elementary have participated in the Give-A-Christmas campaign. In an unprecedented showing of support Todd Lane was able to raise over $10,650 in less than 1 month.

Through various donations as well as a highly successful candy sale, the students and faculty were able to give their largest donation ever to the Salvation Army. In the words of Principal John Zigerelli, ''This year's record-breaking total collection is a testimony to that accomplishment.'' Furthermore, the effort put forth by Todd Lane shows a true commitment to their community, the 4th Congressional District, and our Nation.

With the help of the students and faculty of Todd Lane Elementary this year's goal of $67,500 was met and exceeded by thousands. Since the advent of the Give-A-Christmas Campaign, more than $1 million has been contributed. Todd Lane Elementary has contributed over $115,000 or 11 percent of that generous amount.

I would like to take this opportunity to applaud the students and faculty of Todd Lane Elementary as well the residents of Center Township who have donated year after year. Without you, Give-a-Christmas would not be possible. Your contributions have not gone unnoticed. Also a special thanks to Todd Lane's program coordinators: Larry Deep, Paul DeFilippi, Peggy Coladonato, Cindy Halsac, Kathy Fouse, and Principal Zigerelli. They should all be commended for their outstanding efforts.

On behalf of the thousands of families who have been fed, clothed and provided with Christmas gifts, I stand before my fellow members of Congress and thank you for a job well done. You have demonstrated the true meaning of the holiday season.

COLLEGE OF SAN MATEO'S 75th ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LANTOS. Mr. Speaker, I would like to bring attention to the outstanding achievements of the College of San Mateo and congratulate the institution on its 75th anniversary. As one of the leading community colleges in California, I have the pleasure of having this college in my district.

Founded in 1922 as the first community college on the Bay Area Peninsula, the College of San Mateo rose to meet the needs of the community. As the cost of universities rose, educators in San Mateo saw the need to provide education for those who could not afford 4 year universities. The College of San Mateo acted as a bridge to the University of California and Stanford when higher education became increasingly more important. Here, students could save money and still receive a high quality education.

The College of San Mateo never stopped serving the community. When World War II struck, the college became the top support center in northern California. As Dean Moris stated:

> If the need was to have remedial courses, then there would be remedial courses. If a trade school was needed, then trade school classes would be provided. If the community requested adult education, then an adult school would be formed.

The college became an invaluable asset to the community and a most valuable tool for the economic future of the region.

Hundreds of thousands of students have been educated by the College of San Mateo since its founding 75 years ago. The college has helped start two other community colleges in the county and has been the only community college in northern California to sustain both a television and radio station.

As the college of San Mateo approaches the 21st century, the outlook of the community is very bright. For those student that are unable to attend 4 year institutions, this college is an equal alternative. I am proud to acknowledge the outstanding job the College of San Mateo has done educating our community for the past 75 years and will continue into the next century.

INTRODUCING THE ATOMIC VETERANS MEDAL ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. RICHARDSON. Mr. Speaker, today I am introducing legislation that will award a medal for the service of America's atomic veterans.

My bill will recognize the sacrifice that these long forgotten veterans gave to their country. These soldiers were placed in harm's way by their country, and in many cases they were unaware of the dangers they faced. Many of these veterans have suffered severe health problems due to the radiation exposure they suffered during their service. Recognizing these veterans with a medal that signifies their extraordinary contribution to our national defense is the right thing for America to do.

I hope that you will join me in working to pass this bill in the 105th Congress and give long overdue recognition to these brave Americans.

TRIBUTE TO JOHN E. KOBARA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of John E. Kobara, the departing associate vice chancellor of university relations at UCLA. For the last 20 years, John has been leading and managing diverse, complex, and innovative organizations with close ties to the higher education community.

John is a graduate of UCLA where he received his BA in political science and sociology before going on to earn an MA in urban studies at Occidental College, and an MBA in marketing and finance at the University of Southern California. As an undergraduate he served on the Undergraduate Student Association, the student body of UCLA, demonstrating an early thirst for involvement in the affairs of the campus and an abiding concern for its welfare. These traits, coupled with his love of UCLA, would become landmarks of his professional career with the university. John is deeply committed to the realm of education and to addressing the issues of diversity and multiculturalism in education and in society at large.

As associate vice chancellor for university relations at UCLA, John has served as the chief external relations officer for the institution, overseeing the public relations, alumni relations, campus-wide marketing, government affairs and special events, and protocol offices. Bringing tremendous vision to this role, he has been instrumental in UCLA's embrace of advanced information technology in its external affairs programs, and in guiding the university onto its present course as a leader on the information superhighway. Prior to serving in this role, John served as executive director of the UCLA Alumni Association. His multifaceted career has also included positions as vice president and general manager of a cable television station, president of a theater, and president of a trade association.

John is a masterful communicator, highly regarded for his ability to further mutually respected relationships between and among communities. Committed to empowering others to recognize and actualize their full potential, John delivers dozens of presentations each year on career change, technology, networking, personal growth and empowerment. A Coro alumnus with an extensive record of community involvement, he serves on boards of the Coro Foundation, the East West Players, the Rose Bowl Operating Co., the Asian Pacific Women's Center, and the Council for Advancement and Support of Education.

Mr. Speaker, I ask that you join me, our colleagues, John's wife, Sarah, and his three children, in recognizing the many important contributions of this remarkable man. For his many year of dedicated service, it is only appropriate that the House recognize John Kobara today.

HEALTH INSURANCE ASSISTANCE FOR THOSE 55 AND OLDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, in the 104th Congress, I introduced legislation to provide assistance in obtaining health insurance to those 55 and older. Today, I rise again to introduce the same legislation to make the COBRA health continuation program available to anyone between age 55 and the time they become eligible for Medicare.

The 1990's have confronted us with many difficult issues, both foreign and domestic. One issue in particular impacts an everincreasing segment of our population. According to statistics from the Department of Labor, in 1988, there were 13.1 million private sector retirees and 4.9 million had health insurance coverage. In 1994, the number of private sector retirees had risen to 17.4 million but the number of individuals covered by health insurance had declined to 4.7 million. In other words, the proportion of private sector retirees covered by health insurance from a former employer dropped from 37 percent in 1988 to 27 percent in 1994.

As the level of employer-provided insurance declines and as hundreds of thousands of older workers face early retirement because of corporate down-fixing, layoffs, and restructuring, the problem of health insurance for those not-yet-eligible for Medicare is becoming more and more serious.

As Corporate America continues to focus on profit levels, often at the expense of providing health insurance benefits to workers, these individuals face an uncertain and frightening future in the health care arena. The steady decline in coverage among active workers translates into lower likelihold of retiree health benefits being available.

The frightening reality of this situation will only get worse. In 1994, almost 24 percent of retirees—4.1 million, were between the ages of 55 and 64. The pressure on retiree health plans will only increase as the number of persons over the age of 55 nearly doubles—from 55 million today to nearly 100 million—by the year 2020.

There exist numerous examples that help demonstrate the significance of the situation to the older workers.

In October 1996, Philips Consumer Electronic Co. gave about 2,000 employees layoff warning notices. Union leaders involved contend that companies make these moves in part to get rid of older workers who cost more in wages and pension and health benefits and replace them with lower-wage, younger workers.

In October 1996, the Massachusetts State Department of Employment and Training confirmed that 36.1 percent of people claiming unemployment checks in August of the same year were 45 or older—usually considered the most productive, reliable group of workers.

In November 1995, Sunbeam Corp. announced that nearly 6,300 employees, half of its total work force would be let go.

At AT&T, 34,000 jobs had to be cut. Workers were to receive a lump-sum payment based on years of service, up to 1 year of paid health benefits and cash to cover tuition costs or to start a new business—but what happens to health coverage after 1 year?

Two giant New York City banks, Chase Manhattan and Chemical recently combined and 12,000 jobs from the combined banks were subsequently cut.

Since 1990, United Technologies has cut 33,000 jobs.

In 1994, Scott Paper cut 11,000 jobs or 35 percent of their work force.

A 1994 Nationwide study of 2,395 employers by A. Foster Higgins & Co., a New York-based benefits consulting firm, showed that among large companies—those with 500 or more employees—46 percent provide some form of coverage for early retirees, while only 39 percent provide insurance for Medicare-eligible retirees. Fewer than one in five large employers are willing to pay the entire cost of health care for their retirees, while 40 percent of the companies that do offer some form of health care coverage require the retiree to pay all of the costs. Those companies that do provide health care coverage for their retirees are increasingly requiring them to pay a share of the cost, especially for dependents.

Group health insurance is, of course, much less expensive than individual policy insurance, and that is why the COBRA benefit is so vital and useful. The difference in cost for obtaining group versus individual health insurance can easily be several thousand dollars.

Receiving help with the cost of this insurance is particularly important for those in their 50's and 60's because most insurance premiums rise sharply with age. For example, in the Los Angeles market, Blue Cross of California offers a basic, barebones in-hospital $2,000 deductible plan. This plan is a PPO which restricts options for hospital usage. For a couple under age 29, the cost is $64 a month. For a couple between age 60 and 64, the cost soars to $229 a month.

In order to ensure that the cost of COBRA continuation is not an excessive burden to business, my bill calls for age-55+enrollees to pay 110 percent of the group rate policy—compared to 102 percent for most current COBRA eligible individuals and 150 percent for disabled COBRA enrollees.

I realize that the cost of paying one's share of a group insurance policy will still be too much of a burden for many Americans. Many of them will be forced into the uncertain mercies of State Medicaid policies. But for many others, this bill will provide an important bridge to age 65 when they will be eligible for Medicare. I wish we could do more, but in the current climate, this bill is our best hope. We cannot allow the everincreasing ranks of early retirees to be without options in addressing necessary health insurance needs.

The following November 3, 1996 Washington Post article provides further data on why we need to pass this bill.

RETIRING? DON'T ASSUME HEALTH BENEFITS ARE FOREVER

(By Albert B. Crenshaw)

For 14 years, James Murdock worked as a brewing supervisor at Pabst Brewing Co., putting in long hours at the big Milwaukee-based beer producer. But two years ago, when his wife developed multiple sclerosis, he decided to take early retirement to be with her.

He checked the company's employee manual, which he said ''guaranteed'' health care coverage until age 65, including early retirees and their dependents.

But after giving Pabst notice and even selling his home, Murdock got a computer printout describing his benefits. ''Near the bottom was a sentence that said in essence that they had the right to modify, rescind, cancel and so on'' his and his wife's health insurance, he recalled last week.

''It was the first I knew about it. By then it was too late'' to halt his retirement. ''My replacement was there and trained,'' he said.

Company officials were reassuring. ''They said they never canceled anybody's benefits before,'' Murdock said.

But this time they did.

Less than two years after his retirement, Murdock is working part-time as a clerk in a hardware store to pay the premiums on a policy for himself. His wife, Carol, is uninsurable and has no coverage. The couple is praying her health holds up until next May, when she becomes eligible for Medicare because of her disability.

''That's going to be our oasis in the desert. I just hope we can get there before there's any major problems,'' he said.

Murdock's is not an isolated case. Rising medical costs and pressure for profits are driving more and more large employers to end or sharply curtail health care coverage for retirees. Others are boosting the share of the costs retirees are expected to pick up.

As recently as 1988, about 37 percent of retirees were covered by health insurance from a former employer; by 1994 that share had dropped to 27 percent. And those who still have coverage are paying more: In the same 1988–94 period, the proportion of retirees with coverage whose entire premium was paid by the companies declined to 42 percent from 50 percent.

In thousands of cases, workers and retirees are being caught by surprise, either because they assumed that the benefits always would be there, or because materials given to them by employers indicated that they would, but didn't really promise.

The courts are full of cases that turn on the question of what was a binding promise and what was not. The Labor Department is involved in lawsuits on behalf of about 87,000 retirees—including 800 from Pabst—whose benefits have been eliminated or reduced.

''Employees very often are premising their entire financial planning for retirement on the basis of the promises that are made to them by their employers,'' Labor Secretary Robert B. Reich said last week.

''Promises are made or assumed to be made and employees rely on them and then suddenly discover that they are not there. Retirees can be left holding the bag, can be in severe difficulty,'' he said.

Retirees aged 65 and older can fall back on the federal Medicare program, but in most cases that covers only the individual. Retirees with younger spouses or children will have to find other coverage for them.

Reich said the problem is growing as the number of retirees rises. He said the department is considering seeking legislation next year, assuming President Clinton is reelected, that would at a minimum require ''clearer disclosure so that workers know exactly what they are being promised.''

At the other end of the option range, Reich said, might be legislation that would ensure that these promises ''are treated like any other contracts. . . . If you have a reliance interest then they are enforceable.''

He said the 1974 Employee Retirement Income Security Act sweeps these issues into the federal courts as pension issues rather than contract disputes that would be handled under state contract law. The federal courts have been ''all over the place'' on the issue, he said, making it very difficult for workers and retirees to determine whether their benefits are guaranteed.

In a number of cases, the company has seemed to guarantee the benefits in one place in their benefit plan documents, but has backed away from it somewhere else. In a case involving former salaried workers at General Motors Corp. whose benefits were cut, a federal appellate court has allowed legal claims to proceed. At Pabst, though, a federal district court ruled against retirees who lost coverage. Both cases are still in litigation.

Reich acknowledged that employers are not required to provide health insurance for workers or retirees, and any regulatory or legislative changes must strike a balance—protecting workers without discouraging companies from offering the benefits in the first place.

The Labor Department's Pension and Welfare Benefits Administration has issued a brief advisory bulletin that outlines steps you can take to assess your situation and to try to protect yourself.

The key step is to review your company's plan documents, which describe the benefits offered, spell out eligibility and give other details.

First, look at your Summary Plan Description. This gives the major features of the plan. It can be changed from year to year or contract to contract, so make sure you get a current one. The one in effect on the date you retire is the controlling document—get a copy and keep it.

There may be other documents as well, such as a collective bargaining agreement or an insurance contract. Look at them as well.

In the documents, look for language that looks like a clear promise to continue benefits or provide them for a certain period. But also look for language reserving the right to change or eliminate them.

This ''reservation clause'' typically will say something like: ''The company reserves the right to modify, revoke, suspend, terminate or change the program, in whole or in part, at any time.''

It's likely to be there. Companies want to avoid open-ended promises to workers and retirees.

When both a promise and a reservation are there, it's not clear what your rights will be. Some courts have refused to enforce what seemed to be a clear promise if there was a reservation clause; others have enforced a promise contained in the summary even though there was a reservation clause elsewhere in the plan documents.

Hang on to any other communications your company or supervisors give you. Courts sometimes take into account informal communications in deciding rights.

If you are taking early retirement, check out the documents concerning its terms. Special promises made in such deals can override other plan documents.

And don't be shy about protecting yourself. If you can negotiate a personal promise of health insurance for yourself and/or dependents in retirement, do it. If your company is anxious to see you go, it may well agree.

Talk to experts as well. If you're in a union, officials there can be helpful. Or you may want to run the material by a labor lawyer. There's a lot of money at stake.

Free copies of the Labor Department bulletin are available from the Pension and Welfare Benefits Administration's publication hotline at 202–219–9247. It's also on the World Wide Web, at http://www.dol.gov/dol/pwba/.

POW/MIA RESTORATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce the POW/MIA Restoration Act. Last year, this body secured a victory for U.S. service personnel, their families, and the families of POW/MIA's by winning the passage of H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

Unable to prevent the passage of H.R. 945, the opponents of the legislation waited until last summer to attach a Senate amendment to the 1997 Defense Authorization Conference Report. That amendment essentially tore the heart out of the Missing Service Personnel Act.

In response, along with other supporters of our Nation's POW/MIA's, I introduced H.R. 4000, which would have restored the provisions which were stripped out by the Senate amendment. Unfortunately, while H.R. 4000 was passed unanimously by the House, it fell victim to the procedural rules of the Senate which were skillfully used by the bill's opponents to ensure that it was not taken up for consideration before Congress adjourned.

The POW/MIA Restoration Act would restore the provisions stricken from the Missing Service Personnel Act by the Senate amendment.

The first provision to be restored requires that military commanders report and initiate a search for any missing service personnel within 48 hours, rather than 10 days as proposed by the Senate amendment. While current regulations require local commanders to report any individual missing for more than 24 hours, such missing often fall through the cracks, especially during military operations.

The second provision covers missing civilian employees of the Defense Department. These civilians are in the field under orders to assist our military, and deserve the same protections afforded our men and women in uniform.

The third provision to be restored states that if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made. There have been too many recent cases where misidentification of remains has caused undue trauma for families.

Finally, H.R. 4000 would restore the provision which would require criminal penalties for any Government official who knowingly and willfully withholds information related to the disappearance, whereabouts, and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of each POW/MIA case. This cannot be achieved if individual bureaucrats deliberately seek to derail the process.

The opponents of the Missing Service Personnel Act have to this day never offered any credible reasons for their opposition to the legislation. Rather than create more redtape I believe these provisions will help streamline the bureaucracy and improve the investigation process.

Moreover the Missing Service Personnel Act has not been public law long enough to be adequately evaluated. To repeal provisions of a law after 5 months does not make sense, especially when that law has not yet had a chance to be tested.

Accordingly, I urge my colleagues today to join me in supporting the POW/MIA Restoration Act.

MILTON BERGERON, A MAN OF HEART AND SOIL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Milton Bergeron, who successfully combined teaching and conservation practices, his two passions, to make an important impact on the conservation efforts in Arenac County.

Milton is retiring from the Arenac Soil Conservation District Board after serving for 13 terms or 39 years. Elected to the Arenac Soil Conservation District Board in 1958, Milton has held the position of chairman, vice chair, secretary, and treasurer. While serving on the board, he taught and shared his knowledge of conservation with farmers, students, and teachers.

Born in Sterling, MI, Milton began his career in Holly, MI. he moved to Clintonville where he taught at School House Lake before becoming the principal of Waterford. He enjoyed teaching and working with young people, but his real love was farming. He bought his first 40 acre parcel and never stopped teaching, by sharing with other farmers conservation practices, he utilized in his own farming operation.

He founded an education program for the Arenac Conservation Board to help young people understand the importance of preserving high quality water and soil. Meeting with several teachers in the area, they started programs such as the annual poster contest now in its 30th year, the annual Arbor Day celebrations and taking fifth graders on an annual tour since the early 1970's.

Milton's dual passion for education and conservation fueled him to work with local teachers and the Department of Agriculture to sponsor a soil judging contest for high school students. Also wanting to recognize the teachers who were promoting conservation efforts in their classrooms, Milton presented a teacher of the year award at the district's annual meeting. Although Milton will continue to farm part time and participate in 4–H, church and community service.

Milton could not have been such an integral part of educating and promoting conservation efforts without the support of his wife, Lela, who he married in 1940 and his son and daughter-in-law, Ron and Mary Bergeron and his daughter and son-in-law, Ronella and Ron Berlinski.

Mr. Speaker, as you can see, Milton is a leader in his field—educating people of all ages on the importance of conservation efforts. His generous contributions over the years should be applauded and I commend Milton Bergeron for his many accomplishments.

THE TWENTY-FIRST CENTURY PATENT SYSTEM IMPROVEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. COBLE. Mr. Speaker, today I am pleased to introduce an updated version of legislation originally drafted in the last Congress by two former members of the Judiciary Committee who have since retired, Carlos Moorhead and Pat Schroeder. Many of us were cosponsors in the 104th Congress, including our distinguished chairman, Mr. HYDE, and ranking member, Mr. CONYERS. Original cosponsors of this bill include Mr. GOODLATTE, a senior member of the Subcommittee on courts and Intellectual Property, Mr. CONYERS, and Ms. LOFGREN, also a member of the subcommittee.

This legislation is necessary to allow American businesses to compete effectively in markets today and into the 21st century. The United States is by far the world's largest producer of intellectual property. This success is of course due to the great creativity of our citizens, but this success is also the direct result of a rational and sound policy of protecting intellectual property—a system that encourages the development of new inventions and processes. However, America does not have a monopoly on creativity. Many other nations have learned from our success—America no longer stands alone in its commitment to a strong system of patent protection for its inventors, small businesses and industries. Consequently, it is more important now than ever that we adopt certain reforms that will ensure that America maintains its position as the world leader in the production of intellectual property.

Under current law, foreign companies enjoy certain benefits in America that American companies do not enjoy in their countries, like the advantages of publication and prior user rights; the changes proposed today are especially useful for small businesses—many of which simply will not survive if foreign competitors continue to operate on a tilted playing field in America.

This legislation will benefit American inventors and innovators and society at large. First, by providing more efficient and effective operation of the Patent and Trademark Office; second, by furthering the constitutional incentive to disseminate information regarding new technologies more rapidly; third, by guaranteeing that patent applicants will not lose patent term due to delays that are not their fault;

fourth, by improving the procedures for reviewing the work product of patent examiners; fifth, by protecting earlier domestic commercial users of patented technologies; and sixth, by deterring invention promoters from defrauding unsuspecting inventors.

As I mentioned, this legislation is the successor to a bill developed by the Judiciary Subcommittee on Courts and Intellectual Property in the last Congress and reported by unanimous vote by the Judiciary Committee late in the second session. The version of the bill that I am introducing today is nearly identical to last year's bill, and includes the contents of a manager's amendment that was developed with the Senate, the administration and the House Government Reform and Oversight Committee and which would have been offered if the bill had been scheduled for a vote in the House. This legislation was the subject of several days of hearings in the last Congress.

I would like to place in the RECORD a letter written by the Secretary of Commerce on September 12, 1996, that expressed the strong support of the Clinton administration for last year's bill, including the proposed manager's amendment.

THE SECRETARY OF COMMERCE,
Washington, DC, September 12, 1996.

Hon. CARLOS J. MOORHEAD,
Chairman, Subcommittee on Courts and Intelligence Property, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding Title I of H.R. 3460. The Department of Commerce is pleased that we have been able to work together in a truly bipartisan effort to ''reinvent'' the Patent and Trademark Office. We appreciate your staff's and Ranking Member Schroeder's staff's work to address the Administration's concerns with Title I. The Administration believes that the changes that we have crafted together in the en banc floor manager's amendment will create an organization consistent with the essential principles of the Vice President's vision for a Performance Based Organization, to further our mutual goal of creating a more efficient and effective patent and trademark office. In light of these changes, the Administration strongly supports House passage of H.R. 3460 with the en banc manager's amendment.

It is our joint vision to have a more business-like patent and trademark organization that can better serve the public and the innovators whose ideas are the engine of growth for our economy. By granting the new organization operational flexibility in exchange for greater accountability for achieving measurable goals, delineated in an annual performance agreement between the Secretary of Commerce and the Commissioner, the bill makes that vision a reality.

It is also our joint view that the Executive Branch must, as you put it, ''be able to establish an integrated policy on commercial and technology issues.'' By making clear that the bill does not alter the Secretary of Commerce's statutory responsibility for directing patent and trademark policy with respect to the duties of the Patent and Trademark Office, we have ensured the continuity of appropriate policy direction and oversight.

We also believe that other changes you have added to address Administration concerns, such as ensuring that there is independent Inspector General oversight and adequate personnel safeguards, will strengthen accountability mechanisms that we all endorse. The Administration is also pleased that the en banc manager's amendment addresses the central Constitutional and policy concerns of the Department of Justice with Title I.

We are committed to continuing to work together this year and in the future to perfect this bipartisan effort to invent anew the Patent and Trademark Office so that it will remain one of the Nation's most important resources for protecting and encouraging the preeminence of American innovation. We believe, for example, that there is still further work that we must do to address our concerns in the area of procurement, where we believe that the exemptions are broader than necessary to provide the flexibilities required.

H.R. 3460 contains five other titles that we believe will substantially improve the level of patent protection provided in the United States. These patent reforms are supported by the Administration and are of great importance to the Nation's economic competitiveness. We hope that they can be enacted in legislation this session.

Title II provides for the publication of patent applications eighteen months after the date on which they are filed or from the date on which the earliest referenced application was filed. This publication will help prevent economic disruption by those who now delay the grant of patents to extend their period of protection unfairly. It will also promote patent law harmonization that in the longer term will make it easier and cheaper for our small businesses and individual inventors to obtain protection abroad, as well as discouraging duplicative research. As a safeguard for those whose applications are published, it establishes a provisional patent right that allows a patent owner to obtain a reasonable royalty if, between the date of publication and the date of grant, another party infringes an invention substantially identically claimed in the published application and the patent. Also, it makes some administrative delays a basis for extension of the patent term, to ensure that diligent applicants are fully protected.

Title III creates a defense to an infringement action for parties that can establish prior use in commerce, including use in the design, testing, or production in the United States of a product or service before the date a patent application was filed in the United States or before the priority filing date. This ensures that inventors, who do not seek patent protection, will not be precluded unfairly from practicing their invention by other inventors who later obtain patent protection for the same invention.

Title IV is aimed at ensuring that inventors are fully informed prior to entering into a contract for invention development services. It also provides a cause of action if the service provider makes fraudulent claims or neglects to disclose material information to the inventor.

Title V amends the patent reexamination procedure to allow greater participation of their parties who request reexamination and expands the grounds for examination. Enhanced reexamination procedures will provide a less expensive and more timely alternative to costly patent litigation.

Lastly, Title VI contains several miscellaneous or ''housekeeping'' amendments, including one to ensure that our law provides priority consistent with our obligations to WTO countries and one to authorize submission of patent applications through electronic media. However, the Department of Justice opposes section 604 and the Administration urges that this provision be deleted. The recovery of attorneys' fees by individuals and small businesses from the Government in cases brought pursuant to 28 U.S.C. §1498(a) is already provided in the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). By contrast to EAJA, section 604 would provide for attorneys' fees even where the position taken by the Government is substantially justified by the law. This provision would, in fact, place the Government in a worse position than a private defendant in a patent infringement suit, against whom attorney fees can be awarded in ''exceptional'' cases. The provisions would discourage appropriate settlements and engender unnecessary litigation, by allowing private litigants to reject reasonable settlement offers safe in the knowledge that the Government will pay their attorneys' fees even if they are awarded damages less than the settlement offer. For these reasons, the Administration will continue to seek deletion of Section 604 before final Congressional action on this legislation.

Once again, we thank you for your commitment to working together in the spirit of bipartisan cooperation to craft legislation that provides for important patent reforms to help to ensure our nation's continued economic growth. The Administration strongly supports House passage of H.R. 3460 with the en banc manager's amendment.

Sincerely,

MICHAEL KANTOR.

My bill is supported by an exceptionally large and diverse coalition of small and large companies, independent inventors and associations representing every type of U.S. industry and inventor that utilizes the patent system. The coalition includes companies that are responsible for large numbers of high wage manufacturing jobs in America, such as Microsoft Corp., Digital Equipment Corp., IBM Corp., Intel Corp., Caterpillar, Inc., Ford Motor Co., General Electric Co., Illinois Tool Works, and Procter & Gamble Co. The Biotechnology Industry Organization with over 560 members, has expressed its full support for this legislation. The White House Conference on Small Business supports this legislation. Independent inventors such as the inventor of the quartz technology used in watches support this legislation. I can proudly say that after many hearings and negotiating sessions, it now has the full and unqualified support of an overwhelming number of American industries that utilize our patent system.

Title I modernizes the U.S. Patent and Trademark Office by establishing it as a wholly owned government corporation—a government agency with operating and financial flexibility that will enable it to improve the services it offers to the public. The Office will remain under the policy direction of the Secretary of Commerce, but will not be subject to micromanagement by Commerce Department bureaucrats.

Because the Patent and Trademark Office is funded completely by user fees, and not by tax dollars, it is one of the few government entities recommended by the National Academy for Public Administration to operate under structure and oversight commanded in the Government Corporation Act, rather than the structure followed by taxpayer-funded agencies. The bill has a variety of provisions in title I that will free the Patent and Trademark Office from the bureaucratic redtape that impedes the Office's efforts to modernize and streamline its operations. For example, the bill provides that the Office shall not be subject to any administratively or statutorily imposed limitation on the number of positions or employees. This will exempt the Office from ceilings on the number of full-time equivalent employees, giving the Office flexibility to hire the

number of employees it needs, based on its income from applications, to process the applications filed by and fully paid for by the users. The bill gives the Office greater flexibility with respect to management of its office space, procurement, and other matters. The users of the Patent and Trademark Office will be represented on a management advisory board that will advise the Director of the Patent and Trademark Office on the efficiency and effectiveness of the Office's operations. Making the Office accountable to its users through consultations with them is a significant step in improving its operations.

Title II improves the procedures for examining patent applications. It provides for the publication of most U.S.-origin applications 18 months after the date of application filing, unless a patent already has been granted by that time. It also requires publication of foreign-origin applications in the English language generally within 6 months after they are filed in the United States—a full 12 months earlier than under current law. Unlike the situation today, the owner of the patent application will have a provisional right to a royalty from other parties who use the invention after publication and before patent grant. Publication of new technologies eliminates duplication of effort and accelerates technology licensing. Early publication is accompanied by a guarantee that U.S. inventors, especially independent inventors and small businesses, can receive an indication of their likelihood of obtaining a patent before their application is published. They will then be able to make an informed decision regarding whether they should withdraw the application before publication. Title II also makes some other improvements including the rules for extending the term of a patent when delays occur that are not the fault of the applicant.

Title III creates a defense against infringement charges for parties who have independently developed and used technology in the United States before a patent application was filed on that technology by another party. This will protect the investments of innovative American manufacturers who have built plants using technology later patented by their foreign competitors.

Title IV protects inventors from the fraudulent practices of invention development firms by requiring disclosure of a firm's track record and allowing the inventor to withdraw from a contract with a developer within a reasonable time.

Title V makes improvements in the procedures for reexamining a patent in the Patent and Trademark Office after it has been granted by the Office. The refined reexamination procedures in the bill will give the public a fairer opportunity than is presently allowed to have the Office consider information missed by the examiner. The revised procedures will better balance the interests of the patentee and the public and offer an effective alternative to expensive litigation in court.

Title VI provides a number of other improvements in our patent laws. It ensures that U.S. law provides priority consistent with our obligations to WTO countries and authorizes submission of patent applications through electronic media.

I look forward to working with all interested parties as we prepare to move this important and necessary patent legislation through this Congress. The reforms contained in this bill are needed to make the patent system best serve the country now and into the next century.

INDIAN REGIME MUST FREE AMERICAN CITIZEN DHILLON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. SOLOMON. Mr. Speaker, I rise today to ask when the Government of India will finally get around to letting American citizen Balbir Singh Dhillon come home to his family. He has been held since May on trumped-up charges.

Mr. Dhillon, a 43-year-old businessman and an American citizen, was arrested in May on charges that he was carrying RDX explosives with the intention of assassinating leaders of the Akali Dal, the Sikh, political party. The Human Rights Wing issued a report which proves these charges false. Yet the Indian regime continues to hold Mr. Dhillon anyway. On September 26, a bipartisan group of 36 Members of Congress also wrote to President Clinton urging his personal intervention to bring Mr. Dhillon back to the United States. The President wrote us back to assure us that Ambassador Frank Wisner has taken up his case with the regime. I am pleased that the administration is working on the case, but so far they have not gotten through to the Indian regime. Mr. Dhillon remains in the clutches of this brutal tyranny. While he is free on bail, he is not free to leave India.

Could the fact that Mr. Dhillon is a Sikh, a Khalistani American, be a factor in this case? The Indian regime has apparently decided to target Sikhs living outside of India or Khalistan. Dr. Gurmit Singh Aulakh, who is the president of the Council of Khalistan, was informed by the FBI that there is an assassination threat against him. His organization is leading the Sikh Nation's peaceful, democratic, nonviolent struggle to free Khalistan, the Sikh homeland. Khalistan declared its independence on October 7, 1987. Dr. Aulakh was also informed in a telephone call from Germany, where he will be visiting soon, that there is an assassination threat against him there also. Dr. Aulakh has been a valuable source of information for many of us in Congress. The civilized world will not accept this kind of outrageous effort to intimidate an articulate spokesman for his people's freedom.

In July, about 20 Indian Government agents severely beat Dr. Jagjit Singh Chohan, the leading Khalistani activist in Britain, when he requested emergency medical treatment for an acute heart condition. Dr. Chohan is a 68-year-old man whose right hand was amputated years ago. Clearly, the beating of Dr. Chohan and the continuing detention of Balbir Singh Dhillon are designed to send a message to any Sikhs who are thinking of getting involved in the struggle for freedom.

It is an outrage that this is allowed to happen to anyone, let alone an American citizen. It is time to take strong measures against the brutal, corrupt regime that is holding Mr. Dhillon. I would like to know why the American taxpayers are paying their hard-earned dollars to support a regime that can treat American citizens this way. What has happened to Mr. Dhillon and his family is a terrible thing. The fact that we are sending money to the regime that is responsible for it just makes it worse.

The time has come to take action. We should stop sending United States aid to India. India is a country which votes against us at the United Nations more often than all but a couple of countries. It was a close ally of the Soviet Union. It is leading the nuclear arms race in South Asia. Khalistan, on the other hand, has promised to sign a 100-year treaty of friendship with the United States. There is an old saying in politics: Join the side you're on. It is time for America to join the side we are on by taking these strong measures to secure freedom, dignity, and prosperity for all the peoples of South Asia.

THE 50TH ANNIVERSARY OF VETERANS OF FOREIGN WARS POST 8805

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. KLINK. Mr. Speaker, I rise today in order to commemorate the 50th anniversary of Veterans of Foreign Wars Post 8805 in Hopewell Township.

Named after Robert W. Young, the first Hopewell resident killed in duty during World War II. Young was killed when his ship, the USS Sims, was sunk by Japanese airplanes in the Battle of the Coral Sea on May 7, 1942.

VFW Post 8805 is currently home to over 600 veteran members and 280 ladies' auxiliary members. Many of these people are charter members of Post 8805. The first members were those returning from Europe and the Pacific and every other theater of World War II. From the beginning, VFW Post 8805 has been made up of citizen heroes, who left their homes and loved ones to undergo incredible hardships and sacrifices in defense of our freedoms. Fortunately, these people returned home to become some of the most outstanding members of the community. Contributing in peace as they had contributed in war.

A special salute to Ernest Parisi and Richard Paxton, two of the founding members of VFW Post 8805. Without their perseverance, the dream of Post 8805 would not have become a reality. They and all the members are a fine representation of the Fourth Congressional District.

Mr. Speaker, let us never forget the honor, courage, and valor displayed by all the memberS of the VFW. They have done a great service to our country. I ask you and all members to join me in a special salute to VFW Post 8805.

A TRIBUTE TO ALBERT TEGLIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LANTOS. Mr. Speaker, today I rise to recognize the outstanding achievements of Albert Teglia, a man who has dedicated his life not only to public office, but to public service. His dedication and devotion to duty has

helped countless numbers of San Francisco Bay area residents with problems ranging from fixing the burdensome Tax Code to fixing a burnt-out street light. For the past 20 years, Al Teglia's humor, compassion, and dedication to duty has been a source of inspiration to all of us who serve the public.

Al Teglia served five terms in the Daly City Council and four terms as mayor. He has served on numerous boards and commissions including the Airport Land Use Committee, California School Board Association, League of California Cities, the Peninsula Joint Powers Board, and many others. He was instrumental in negotiating the BART [Bay Area Rapid Transit] Colma extension and spearheaded the Orthodontia Program for San Mateo County. His outstanding achievements have been recognized by awards from the San Mateo Hispanic Council, the Italian American Federation, San Mateo Easter Seals, and Daly City Jaycee to name just a few.

The son of Genoese immigrants, Al Teglia has lived on the San Mateo Peninsula all his life. He and his wife of 43 years, Verna, share a love and joy for the bay area community. Too often these days people complain about this problem or that situation without ever lifting a finger to try and help solve it. People like Al Teglia remind us that a community is only as strong as the people in it. Al has given back so much to the community which raised him, we should all look to him as an example. People can actually point to Al Teglia and say, ''He helped make my life better.'' This is the penultimate compliment for a public servant.

I hold Al Teglia in the highest regard. There is no task too daunting and no issue too small. With an uncompromising dedication to duty and service, he has touched many lives in the San Francisco Bay area. His presence on the Daly City Council will be sorely missed, but I am pleased he will remain active in the community. His undying devotion and dogmatic determination to serve his community should serve as inspiration to all who aspire to public service.

TRIBUTE TO STAFF SERGEANT LEWIS F.M. SCOTT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. SPENCE. Mr. Speaker, it is a pleasure for me to pay tribute today to a truly exceptional Marine, Staff Sergeant Lewis F.M. Scott, who will soon complete his assignment as the Marine Corps' congressional liaison staff noncommissioned officer. For the past 3½ years, Staff Sergeant Scott has provided a tremendous service to the Members of Congress and to all of our constituents. His dedication and professionalism, coupled with his warm personality, have endeared him to many of us on Capitol Hill, and we will miss him very much.

A native of Felton, DE, Lewis Scott enlisted in the Marine Corps on January 28, 1983, and attended recruit training in Parris Island, SC. After boot camp and specialty training in administration, he was assigned to the Marine Corps Air Ground Combat Center at 29 Palms, CA, as a clerk for the 3d Assault Amphibian Battalion. In April of 1985, he received orders to the 3d Reconnaissance Battalion in Okinawa, Japan where he served with distinction until his transfer to the Logistics Base in Barstow, CA 1 year later. From July 1988 until June 1991, he served with the 12th Marine Corps District Headquarters in San Francisco before being reassigned to Headquarters, Marine Corps here in Washington where he served for 2 years.

On May 30, 1996, Staff Sergeant Scott reported for duty with the Marine Corps' House Liaison Office and immediately assumed responsibilities for coordinating, executing and supervising numerous tasks normally assigned to commissioned officers. He often served as a spokesperson on Marine Corps issues and rapidly established a reputation for exactness, professionalism, and integrity among Members of Congress, congressional staff members, and his peers in the Liaison Office.

During his career on Capitol Hill, Staff Sergeant Scott responded to over 4,000 telephonic inquiries from over 900 Congressional offices throughout the country and ensured that our constituents received timely and complete answers. He was instrumental in planning, coordinating and escorting Members and congressional staff on fact finding trips. In short, Staff Sergeant Scott's performance is consistent with the quality performance we have come to expect from our U.S. Marines.

During Staff Sergeant Scott's 14-year career, he and his family made many sacrifices for this Nation. I would like to thank them all—Lewis, his lovely wife, Angelia, and their three children, Christopher, Lewis, and Shannon for their contributions to the Marine Corps.

Mr. Speaker, Staff Sergeant Scott is a great attribute to the U.S. Marine Corps and to the country he so faithfully serves. As he prepares to depart for new challenges on an unaccompanied tour in Okinawa, Japan, I know that my colleagues on both sides of the aisle will join me in wishing him every success, as well as fair winds and following seas.

AMERICA'S VETERANS HAVE EARNED EMPLOYMENT, TRAINING AND SMALL BUSINESS OPPORTUNITIES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. FILNER. Mr. Speaker, it has been my privilege to serve on the House Committee on Veterans' Affairs since I was first elected to Congress 4 years ago, and I look forward to continuing that service in the 105th Congress. I asked to serve on the Veterans' Affairs Committee because I believe that the men and women who serve in our Nation's Armed Forces are special members of our American family. Because of their service, the rest of us are able to fully enjoy the freedoms on which our country was founded. We have a unique debt to our veterans, and, as a member of the Veteran's Committee, I have worked to ensure that that debt is repaid.

On January 7, 1997, the first day of the 105th Congress, I introduced three bills of particular importance to veterans and members of the Reserves and National Guard. We have a longstanding national commitment to provide special assistance for veterans who want employment and training assistance, and these bills will help us fulfill that commitment.

Last year, a Supreme Court ruling mistakenly eliminated a portion of the job protection we have provided for 50 years for people who serve in the Reserves and National Guard. Because of this ruling, citizen soldiers who are also employees of a State government are at risk of not being restored to their civilian jobs following their military service. H.R. 166, the Veterans' Job Protection Act, would restore reemployment protection for these individuals by making it clear that States must obey the law and reestablish these men and women in their State jobs when they return from their military duties.

The Veterans' Training and Employment Bill of Rights Act of 1997, H.R. 167, would provide that service-disabled veterans and veterans who serve in combat areas would be ''first in line'' for federally funded training-related services and programs. Under current law, veterans are often underserved by national programs such as the Job Training Partnership Act [JTPA]. Veterans' service organizations have told us, for example, that program managers sometimes turn veterans away from JTPA dislocated worker programs because they mistakenly assume that veterans receive the same services from the Department of Veterans Affairs. My bill would reinforce our commitment to provide special training assistance for veterans and make it clear that eligible veterans have earned a place at the front of the line.

Additionally, H.R. 167 would update the Federal Contractor Job Listing Program. Under current law, Federal contractors with contracts of $10,000 or more must make special efforts to employ certain qualified disabled veterans and veterans of the Vietnam era. These contractors are also required to file annual reports with the Department of Labor [DOL] regarding the number of veterans they have hired. H.R. 167 would increase the contract level to $100,000. This level would reduce the number of reports filed and enable DOL to more carefully review and evaluate the contractor information.

This bill would also establish the first effective appeals process for veterans who believe their rights have been violated under certain veterans' employment-related programs. My bill would require the Secretary of Labor to assist veterans who think Federal contractors have not met their obligation to hire veterans. The Secretary would also be required to help veterans who believe they were not given preference for enrollment in Federal training programs. A veteran could also file a complaint directly with a district court. H.R. 167 would provide the ''teeth'' that have been missing from some veterans' training programs and would go a long way toward ensuring that veterans' rights are respected.

Many veterans have told me they would like to own a small business, and our national economy would certainly be strengthened if more veterans were able to establish their own companies. Because of this, I introduced H.R. 168, the Veterans' Entrepreneurship Promotion Act of 1997. This bill is designed to assist the development of small businesses owned by disabled and other eligible veterans. Under this measure, a program would be established to help eligible veteran-owned small businesses compete for Federal Government contracts. Additionally, because adequate capital is absolutely necessary for business start-up and expansion, H.R. 168 would establish a

guaranteed loan program in the Small Business Administration for veteran-owned businesses. Also included in my bill is a provision to establish a program of training, counseling, and management assistance for veterans interested in establishing a small business. Veterans are smart, disciplined, and hard workers—the kind of people we need to strengthen and expand our economy—and those who want to pursue self-employment should be supported and encouraged.

These bills would significantly increase training and employment opportunities for those unique members of our American family—our Nation's veterans. These special men and women have more than earned the assistance that would be provided by these measures.

I want to take this opportunity to thank the representatives of the major veterans' service organizations whose assistance in the development of these bills was invaluable. I also want to say that, as the ranking Democratic member of the Subcommittee on Benefits, I look forward to working closely with the chairman of the subcommittee and the chairman of the full Veterans' Affairs Committee on these and other issues of importance to America's veterans.

UNIVERSAL TELECOMMUNICATIONS SERVICES MUST MEET THE NEEDS OF NATIVE AMERICANS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. RICHARDSON. Mr. Speaker, today, I introduced a House Resolution expressing the sense of the House of Representatives that universal telecommunications service can only be met if the needs of Native Americans are addressed and policies are implemented with the cooperation of tribal governments. It is important that we keep pressure on decision makers within the Federal Communications Commission [FCC] to address the needs of Native Americans.

As the FCC prepares to adopt a policy on universal service, the implementation process of the Telecommunications Act reaches a critical stage. I believe it is important to make it perfectly clear that the intent of Congress can only be fulfilled if the universal service policies or procedures established to implement the Act address the telecommunications needs of low-income Native Americans, including Alaskan Natives.

While I concur with many of the universal service recommendations made by the Joint Federal-State Board, there are many questions left unanswered.

A genuine universal service policy will only take hold if it can be implemented at reasonable costs. These cost-effective solutions are best developed with the cooperation of tribal governments.

When congress enacted the Telecommunications Act in February, great emphasis was placed on ensuring the delivery of telecommunications services, including advanced telecommunications and information services, to all regions of the Nation. This principle of universal service is designed to address the exceptional needs of rural, insular, and high-cost areas and make sure those services are available at reasonable and affordable rates.

This policy was established in the belief that telecommunications services have become essential to, education, public health, and public safety of all people within the United States.

Indian and Alaskan Native people live in some of the most geographically remote areas of the country, with 50 percent of Indian and Alaskan Native people living in Oklahoma, California, South Dakota, Arizona, New Mexico, Alaska, and Washington.

Indian poverty in reservation areas in 3.9 times the national average rate. The average phone penetration rates for rural Native Americans is only 50 percent. The actual penetration rates are often much lower than 50 percent—for example, the Navajo Nation estimates that 65 percent of its citizens do not have telephones. What phone service there is in Indian country is often sub-standard and prohibitively expensive.

there is a continuing need for universal service in Indian country and for tribal governments to be directly involved in providing these services.

Among the recommendations in the 1995 Office of Technology Assessment Report, ''Telecommunications Technology and Native Americans'' is a strengthened Federal/tribal government partnership in the telecommunications field to provide better services to persons in Indian country and to enable tribes to be direct providers of telecommunications services.

Now is the time to recognize the critical role that tribal governments can and must play in the implementation of universal service objectives.

The FCC has 4 months to implement the recommendations made by the Joint Federal-State Board. With the input of tribal leaders, I intend to introduce legislation that will codify the positive recommendations of the Board. This will encourage the FCC to implement a strategy of universal service that truly addresses the needs of tribes.

CAVEAT EMPTOR: LAW AGAINST SALE OF DUPLICATE INSURANCE POLICIES TO SENIORS WEAKENED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, just a word of warning to seniors: The law protecting against the sale of worthless, duplicative insurance policies which do not pay out benefits was weakened last year in the Kassebaum-Kennedy bill.

The following memo from the Institute on Law and Rights of Older Adults makes the deception clear. Congress legislated that 2 + 2 = 3 in saying that policies which ''coordinate'' with Medicare and don't have to pay out benefits are not ''duplicate'' policies.

PROTECTIONS AGAINST SALE OF DUPLICATE POLICIES WEAKENED

The Health Insurance Portability and Accountability Act of 1996 contains a provision that further weakens protections against selling health insurance policies to Medicare beneficiaries which provide benefits that duplicate their existing coverage. The new law changes the disclosure statement given to Medicare beneficiaries which was developed to warn them against purchasing a health insurance policy that duplicates Medicare coverage. The current statement: ''Important Notice to Persons on Medicare—This Insurance Duplicates Some Medicare Benefits,'' has been changed to: ''Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.''

This change, along with federal legislation passed in 1994 which allows insurance companies to offer policies containing benefits which duplicate private health benefits held by a Medicare beneficiary as long as the policy pays without regard to the other health benefits, may result in beneficiaries' being sold policies that duplicate Medicare and their private coverage and thus are of little value. Note that selling a new Medigap policy to someone who already has a Medigap policy is still against the law unless the person plans to drop the previously held Medigap policy. While the practice of insurance companies' selling policies (other than Medigap) to Medicare beneficiaries which pay benefits without regard to their other health coverage is allowed, the policies must include the following, ''This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.''

The new law clarifies that a policy providing long-term care benefits (defined as nursing home and non-institutional coverage, nursing home only or home care only) which coordinates benefits with Medicare or other private health insurance policies (coordinates means that the long-term care policy pays secondary benefits or does not pay benefits for services covered under Medicare or other health insurance coverage) is not considered duplicate coverage. Additionally, long-term care policies must now include the statement, ''Federal law requires us to inform you that in certain situations this insurance may pay for some benefits also covered by Medicare.''

MANDATORY MINIMUM SENTENCES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today in strong support of this legislation which imposes tougher mandatory minimum sentences for those individuals who possess firearms while committing a violent or drug-related crime.

Under current law, an individual who uses or carries a firearm while committing a violent or drug-related crime automatically receives a mandatory 5-year sentence in addition to the sentence for the crime in question. However, a recent Supreme Court decision stated that the criminal must actively employ the weapon in order to trigger the mandatory sentence. This decision has hampered an effective tool for law enforcement.

This legislation will allow Federal prosecutors to apply the mandatory sentence even if the criminal does not fire or brandish the weapon. In addition, the mandatory sentence is now increased from 5 to 10 years. If the gun is fired, the sentence is 20 years, and the death penalty will apply if someone is killed. These mandatory sentences are imposed in addition to any for the actual crime.

Mr. Speaker, I believe this bill will serve to help our law enforcement agencies, and I strongly urge my colleagues to join me in supporting this legislation.

A TRIBUTE TO DEPUTY JAMES W. LEHMAN, JR. AND DEPUTY MICHAEL P. HAUGEN

HON. JERRY LEWIS

OF CALIFORNIA

HON. SONNY BONO

OF CALIFORNIA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LEWIS of California. Mr. Speaker, we would like to bring to your attention the memory of two Riverside County sheriff's deputies who became victims of a senseless and tragic act of violence on January 5, 1997. Early Sunday morning, Deputy James W. Lehmann, Jr. and Deputy Michael P. Haugen, two of our finest law enforcement officials, gave their lives in the line of duty.

The deputies, these husbands, these fathers went out everyday to make a difference and they did—some days in small ways, some days in big ways, and, on this date, at the cost of their lives. One cannot ask more of peace officers. Deputies Lehmann and Haugen deserve our deepest respect and gratitude.

Mr. Speaker, I ask that you and our colleagues join us today in remembering these fine men. Our prayers and most heartfelt sympathy are extended to their families and loved ones. To Deputy Lehmann's wife, Valerie, son, Christopher and daughter, Ashley; and Deputy Haugen's wife, Elizabeth, son, Stephen, and daughter, Catherine—we honor the memory of your loved ones and wish them God's peace.

INTRODUCTION OF THE DEPOSITORY INSTITUTION AFFILIATION AND THRIFT CHARTER CONVERSION ACT (H.R. 268)

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. VENTO. Mr. Speaker, I am pleased to join Chairwoman ROUKEMA in sponsoring the reintroduction of the Depository Institution Affiliation and Thrift Charter Conversion Act. This bill is a marker of our intent to move forward this year in a bipartisan manner on legislation that we are hopeful will translate into meaningful financial services modernization. It is a product of compromise between the most significant groups in the financial services industry who refer to themselves as the ''Alliance''.

Many members of the Banking Committee and other committees in the House have labored the past Congress to advance the cause of modernization. It has been a difficult road and efforts in the last Congress did not resolve the issue.

Our current U.S. financial laws and policy are lagging actual marketplace conditions, a circumstance that has been apparent for at least the past 6 years. The U.S. mixed economy can best be served by a modernized legal framework, serving the dynamic U.S. financial system shaped by the marketplace and facilitated by congressional debate and law, rather than by incremental uncertain regulatory change. We advance this proposed measure as a continuation of, and building upon successful efforts to modernize that began with the passage of interstate banking in 1994.

While each provision of this bill may not be supported by every organization of the Alliance, nor members within the organizations, this comprehensive effort certainly demonstrates that groups can come to the table and work constructively together for modernization. I'm hopeful that we can build upon this strong base a still broader coalition and act to modernize our laws in this complex financial marketplace.

In the last Congress, Chairman ROUKEMA and I worked together on charter conversion as part of the BIF–SAIF bill (H.R. 2363) that finally evolved into the House position last year and became the basis for provisions enacted into law. Importantly, the comprehensive Depository Institution Affiliation and Thrift Charter Conversion Act we now introduce includes thrift charter conversion and the many attendant issues of thrift conversion. This bill is a comprehensive approach that establishes a policy of functional regulation involving all the regulators, Glass Steagall reform, and the affiliations issues. I am confident we will continue to work together to make improvements in the legislation so that it will not only modernize financial systems, but will also protect the safety and soundness of the deposit insurance funds and better serve and preserve our economic role in the world.

Changes have been made to the bill since it was introduced last fall. Several amendments were suggested by the American Council of Life Insurance. Others were incorporated at the suggestion of the thrift industry which continues to prefer an even broader approach to affiliations. As we move forward with the necessary subcommittee hearings and proceed to a markup, we will continue to modify the legislation. Even as we have introduced this legislation this week, I have reservations about several aspects of the bill including the regulatory framework for financial services holding companies. This more SEC-like structure will certainly require further scrutiny as we evaluate its appropriateness and its fit with the structure of insured depository institutions.

As this broad legislation moves forward, I am able to envision a number of improvements as questions are resolved. We will be looking to ensure that any measure we bring to the full House will provide assurance that tough firewalls are intact and that the measure will not expose the taxpayers to new costs from activities with more risk potential. Congress must also ensure that a proper focus is kept clear for service and responsibilities to local communities and consumers. As the U.S. strives to be more competitive internationally, financial institutions must remain active and viable in our localities even as the law provides and prepares U.S. financial institutions for competition in the global marketplace.

This bill's overall approach reflects a compromise between a substantial portion of the players active in providing financial services—key banking, thrift, and securities participants with input from some in the insurance industry. This bill represents positions that they, too, have tried to bring into harmony for the purpose of shaping a policy for the future. It is a sound framework, a base, not necessarily the final product or policy. By placing this bill on the agenda, it is my hope to advance this debate and dynamic to a successful change in policy in the near future which will serve American enterprises and consumers in our mixed economy today and tomorrow.

TRIBUTE TO THE GREENPOINT GAZETTE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, today I rise in tribute to the Greenpoint Gazette, a local newspaper which celebrates its 25th anniversary on Saturday, January 11, 1997. This newspaper has made a major contribution to the Williamsburg-Greenpoint community of Brooklyn, NY, and deserves honor for its many years of dedicated service.

The Greenpoint Gazette started publication in 1971. At that time, local residents had experienced frustration with the existing newspaper for its uneven reporting on local candidates. A few of these residents, Ralph Carrano and Adelle Haines, among them, launched the Greenpoint Gazette. It began out of Adelle Haines' house. Revenue for the paper came from advertisements, paid notices, and the newsstand price of 10 cents a copy.

The Greenpoint Gazette has always been responsive to and involved in the community it serves. Residents of Greenpoint use the paper to celebrate birthdays, births, and anniversaries; to announce weddings, engagements, graduations, job promotions, and deaths; and to voice opinions about issues of the day. Each year, the Gazette sponsors the Miss Polonia event, a beauty contest to select the young woman who will be chosen to represent the community in Manhattan's Pulaski Day Parade. The Gazette regularly publishes press releases submitted by elected officials to keep voters informed of Federal, State, and local issues. Finally, in keeping with its 25-year tradition as the voice of all of Greenpoint, the paper welcomes submissions with opinions that differ from those of the editors.

Mr. Speaker, I am proud to pay tribute to the Greenpoint Gazette, a paper which takes pride in its service to the Williamsburg-Greenpoint community. I ask that my colleagues join with me in honoring the Gazette for 25 years of dedicated and reliable service.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO ABOLISH THE ELECTORAL COLLEGE

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LAHOOD. Mr. Speaker, Today, I am proud to introduce, along with Congressman WISE from West Virginia, a constitutional amendment that seeks to end the arcane and

obsolete institution known as the electoral college.

It is no accident that this bill is being introduced today, the day that the electoral ballots are opened and counted in the presence of the House and Senate. I hope that the timing of this bill's introduction will only underscore the fact that the time has come to put an end to this archaic practice that we must endure every 4 years.

Only the President and the Vice President of the United States are currently elected indirectly by the electoral college—and not by the voting citizens of this country. All other elected officials, from the local officeholder up to U.S. Senator, are elected directly by the people.

Our bill will replace the complicated electoral college system with the simple method of using the popular vote to decide the winner of a Presidential election. By switching to a direct voting system, we can avoid the result of electing a President who failed to win the popular vote. This out come has, in fact, occurred three times in our history and resulted in the elections of John Quincy Adams, 1824, Rutherford B. Hayes, 1876, and Benjamin Harrison, 1888.

In addition to the problem of electing a President who failed to receive the popular vote, the electoral college system also allows for the peculiar possibility of having Congress decide the outcome should a Presidential ticket fail to receive a majority of the electoral college votes. Should this happen, the 12th amendment requires the House of Representatives to elect a President and the Senate to elect a Vice President. Such an occurrence would clearly not be in the best interest of the people, for they would be denied the ability to directly elect those who serve in our highest offices.

This bill will put to rest the electoral college and its potential for creating contrary and singular election results. And, it is introduced not without historical precedent. In 1969, the House of Representatives overwhelmingly passed a bill calling for the abolition of the electoral college and putting a system of direct election in its place. Despite passing the House by a vote of 338 to 70, the bill got bogged down in the Senate where a filibuster blocked its progress.

So, it is in the spirit of this previous action that we introduce legislation to end the electoral college. I am hopeful that our fellow members on both sides of the aisle will stand with us by cosponsoring this important piece of legislation.

THE FREEDOM OF CHOICE FOR WOMEN IN THE UNIFORMED SERVICES ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Ms. HARMAN. Mr. Speaker, among the more extreme laws put in place by the last Congress is the policy banning privately funded abortions performed at overseas military hospitals. This policy means that women serving overseas in our Nation's Armed Forces cannot exercise the same constitutional rights afforded women living in the continental United States. These servicewomen and their dependents could be forced to seek illegal and unsafe procedures or could be forced to delay the procedure until they can return to the United States.

This is an issue of fundamental fairness. Servicewomen and military dependents stationed abroad do not expect special treatment, only the right to receive the same constitutionally protected medical services that women in the United States receive.

That's why today, as the senior Democratic woman on the House National Security Committee, I am introducing the ''Freedom of Choice for Women in the Uniformed Services Act.'' This bill simply repeals the statutory prohibition on abortions in overseas military hospitals and restores the law to what it was during most of the Reagan administration. If enacted, women would be permitted to use their own funds to obtain abortion services. No Federal funds would be used and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle would not be required to do so.

I would like to thank my colleagues CONNIE MORELLA, ROSA DELAURO, SUE KELLY, RON DELLUMS, JOHN BALDACCI, EVA CLAYTON, JOHN CONYERS, SAM FARR, BARNEY FRANK, MARTIN FROST, LYNN RIVERS, LUCILLE ROYBAL-ALLARD, and LOUISE SLAUGHTER for joining me as original cosponsors.

I urge the House to take up and pass this important legislation restoring the right of freedom of choice to women serving overseas in our Nation's Armed Forces.

THE PURSUIT OF PROFIT: NONPROFIT HOSPITALS BECOME THE BIG PUBLIC GIVEAWAY OF THE NINETIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, today along with Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. WAXMAN, Mr. FILNER, Mr. KENNEDY of Rhode Island, and Mr. BROWN of Ohio, I am pleased to introduce the Medicare Non-profit Hospital Protection Act of 1997 in response to the fast-growing number of hospital conversions. Conversion refers to the process by which a nonprofit entity opts to change its nonprofit status and forgo its tax exemption. In a conversion, investor-owned, for-profit companies buy community, nonprofit hospitals in deals that usually are secret, with costs and details not disclosed. Proceeds of the sales are suppose to establish charitable foundations.

HEALTH CARE IS A SERVICE, IT IS NOT A COMMODITY TO BE BOUGHT AND SOLD

Some how we've reached the point where our society thinks of the medical system not in terms of keeping patients well or helping them get better but instead as a fiercely competitive business in which survivors concentrate on making tremendous amounts of money.

The late Cardinal Bernadin, Archbishop of Chicago, had it right in his speech to The Harvard Business School Club of Chicago, He said:

> Health care . . . is special. It is fundamentally different from most other goods because it is essential to human dignity and the character of our communities. It is . . . one of those goods which by their nature are not and cannot be mere commodities. Given this special status, the primary end or essential purpose of medical care delivery should be a cured patient, a comforted patient, and a healthier community, not to earn a profit or a return on capital for shareholders.

The goal isn't health care anymore—the goal has become the care of the stockholder interest.

THE PROBLEM

Historically, the nonprofit hospital has, in general, assured that necessary services are available, that all populations are cared for, and that there is always a place to go for care. The goal of a for-profit hospital is just that—profit. The for-profits allegiance is to their shareholder, not the community—and certainly not the uninsured or poor. The for-profit hospital chains have the minds of piranha fish and the hearts of Doberman pinschers.

Whereas for-profit hospitals are accountable to their shareholders, nonprofit hospitals have another kind of accountability—to patients, to providers of care, to payers and to the communities in which they operate. Instead of producing a return on investments to shareholders, nonprofit hospitals have the inherent motivation and deep obligation to produce a different kind of return—that of quality care to their patients and overall good for the community.

The need to show a profit focuses the for-profit hospital on cost structure rather than on the structure of care. Their decisionmaking cannot help but he skewed toward shareholders rather than patients. Whereas nonprofit hospitals manage care because doing so improves health outcomes, for-profit hospitals manage the cost of care because it is the cheapest, most profitable thing to do. Their primary legal and fiduciary duty—to return a profit to the shareholders—puts patients and public welfare in second place.

In 1993, there were 18 conversions of nonprofit hospitals and health care plans. In 1995, there were 347. In the past 18 months, for example, Columbia HCA, the largest of the for-profit hospital chains, has completed, has pending, or is in the process of negotiating more that 100 acquisitions or joint ventures with nonprofit hospitals.

I have many concerns about the sale of nonprofit hospitals to for-profit corporations: too often the terms of the sale are secret; there are often conflicts of interest among the parties; the mission of the nonprofit foundation that results from the conversion may not be consistent with the original mission of the hospital—the funds in the resulting foundation are sometimes used for things like sports training facilities, flying lessons, or foreign language programs in schools; and the valuation price is often much less than it should be. Perhaps most important, quality and access to health care in the community is often significantly diminished.

COLUMBIA HCA—THE PAC-MAN OF THE INDUSTRY

Columbia HCA, the largest of the for-profit hospital chains, is characterized as the PAC-MAN of the industry—gobbling up nonprofit hospitals as it expands its market share in communities across the United States. Nationwide, Columbia HCA is riding high from dozens of acquisitions of hospitals that have made it not only the biggest—with 355 hospitals—but also one of the wealthiest for-profit chains with $18 billion in annual revenue.

The political muscle of Columbia is legendary. When it enters a community in pursuit of an acquisition, Columbia lines up blue-chip legal talent, identifies allies among local civic, political, and medical leaders, and spreads around lots of money. In 1995, for example, Columbia had 33 lobbyists in Tallahassee, FL. It also leads the list of corporate campaign contributors in Florida.

The questionable practices of Columbia HCA are numerous, but one issue is particularly important. In Florida, health care officials cited the possibility that Columbia hospitals engage in cream-skimming. They allege that doctors, who own stakes in Columbia facilities, send the most profitable patients there—and steer less-profitable patients to the public and charity hospitals. The practice of physician self-referral in many instances is illegal, and I have asked the Health Care Financing Administration to investigate Columbia's investment structure and referral patterns.

Columbia HCA and its doctor affiliates are in the business of building medical trusts and destroying public and nonprofit hospitals who take the tougher, less profitable cases. Columbia and similar for-profit entities are not in the business of health care. They're in the business of mergers and acquisitions. It wouldn't matter if their product was can openers or chairs. They run the business like a Walmart is run—I firmly believe that hospitals shouldn't be run that way.

LEGISLATION

For the past three Congresses, I have worked on legislation to ensure that the advantages of tax exempt status ultimately benefit the community and not private individuals. My bills have imposed excise taxes—based on the foundation rules—as intermediate sanctions on 501(c)(3) and 501(c)(4) organizations engaging in transactions with insiders resulting in private inurement. Bills have also made private inurement a statutory prohibition for 501(c)(4) organizations, the social welfare organizations which include many health nonprofits.

The bill I am introducing today protects the public interest in conversions and is modeled after Nebraska and California laws. It makes sure that conversions are carried out in the sunshine of public information and debate and that the conversion price is fair, without sweetheart deals or private party gain. The legislation would deny Medicare payment to any hospital that did not demonstrate the fairness of the conversion process to the Secretary of Health and Human Services.

LORING JOB CORPS CENTER OPENS ITS DOORS

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. BALDACCI. Mr. Speaker, on January 2, State of Maine Governor Angus King proclaimed the week of January 5, 1997, as ''Job Corps Week'' in recognition of the outstanding education and training opportunities provided by the Penobscot Job Corps Center in Bangor, ME, and in anticipation of the opening of the Loring Job Corps Center of Innovation in Limestone, ME. The State of Maine has had a very positive experience with the Job Corps Program, and I am very proud of the fine work this program does with at-risk students from my State and throughout New England.

I am pleased to announce that the first group of students to utilize the new Loring Job Corps Center will be arriving this week. Some of these students have been waiting since July to begin their work at this new facility, which has been designated by the Department of Labor as a ''center of innovation.'' This is significant, in that it will offer students from disadvantaged backgrounds advanced programs that have not been available through the traditional Job Corps Program.

The Loring Center will provide vocational training a grade above that which is normally provided. It will also have the benefit of being able to work in conjunction with its sister facility, the Penobscot Job Corps Center. Both the Penobscot and Loring Job Corps Centers, designated as alternative schools, are part of the State of Maine's School to Work transition plan.

As a tool for economic development, the Loring Center will provide a highly skilled workforce for Maine and New England. It will also play a crucial role in the area's educational and economic development strategies in conjunction with the University of Maine at Presque Isle, the Northern Maine Development Corporation, the Northern Maine Technical College, the Maine School for Science and Mathematics, the Aroostook County Action Program and the Caribou Adult Education Program. Working together, these entities will position the region as a center for educational innovation and excellence.

I'm pleased that students will now have the opportunity to get the technologically relevant skills they will need to move forward in today's job market. I am also proud to have the Loring Center as a pilot for new educational concepts and technologies that may later be used in Job Corps facilities throughout the country. Congratulations to Don Ettinger, the Loring Center's director, his staff, and TDC for their fine work with the students.

TRIBUTE TO THE SUFFOLK ALLIANCE OF SPORTSMEN INC. AND ITS FOUNDER, WILLIAM W. SHABER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Suffolk Alliance of Sportsmen, Inc. [SASI] and its founder William W. Shaber. Thanks, in large part, to Mr. Shaber's leadership, SASI has emerged as the leading voice among sportsmen in Suffolk County. Mr. Shaber's vision of achieving a balance between game life and sportsmen has made him a pioneer in his field.

SASI was founded in 1978 on 7 basic principles: (1) to preserve and improve the rights of hunters, sport-shooters, salt and fresh water fishermen, and trappers; (2) to promote and encourage laws for the protection of fish, game life and forests in the State of New York; (3) to encourage and promote the propagation of fish and game in Suffolk County and elsewhere; (4) to encourage the passing of legislation to protect sportsmen and game life; (5) to promote and encourage better understanding among the members and general public as to the proper use of hunting and fishing equipment and the proper use of boats and other related equipment as well as proper use of our natural resources and good conservation practices; (6) to promote, encourage and educate its members and the general public in the principles of safety in the use of arms, and; (7) to promote, encourage and provide social and friendly intercourse among its members.

From 1978 to 1993, Mr. Shaber served as President of SASI for all but 2 years. In addition to serving as president, Mr. Shaber was a prominent writer of sportsmen interests. He was a correspondent for the New York Sportsman magazine, a long-time member of the Rod and Gun Editors Association of Metropolitan New York, and a past president of the Outdoor Writers Association. I commend SASI and Mr. Shaber on taking the lead in promoting sportsmen interests while also preserving fragile wildlife.

LEGISLATION AMENDING POSTAL SERVICE POLICY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to introduce legislation that will ameliorate problems stemming from the U.S. Postal Service policy that prohibits the users of commercial mail receiving agents [CMRA's] from submitting a standard change of address form to expedite routine mail delivery service.

In nearly all cases when an individual changes residency, the U.S. Postal Service facilitates prompt and accurate mail delivery by encouraging the postal customer to file a mail forwarding change of address form. Atypically, when a CMRA customer relocates, that individual is responsible for informing all potential mailers of any change of address. This policy creates delays and may exacerbate mail fraud as testimony has shown that the first line of defense against fraud is accurate information regarding postal addresses.

Current policy is contradictory to the Postal Service's charge to ensure prompt, accurate mail delivery service. This important legislation will benefit all parties in this particular mail delivery chain: the U.S. Postal Service, the CMRA's, and most important, the postal customer.

THE NEED FOR FDA MODERNIZATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. BARTON of Texas. Mr. Speaker, in this last election cycle, many of us campaigned on the need for the Federal Government to use a common sense approach in dealing with private industry. The regulatory yoke placed upon the medical device industry in the United States by the Food and Drug Administration is a prime example of how a bureaucratic agency can destroy small business, as well as the entrepreneurial spirit.

My goal, which I believe is shared with many of my colleagues on both sides of the aisle, is to modernize the Food and Drug Administration. This is to be distinguished from terminating or eliminating the FDA, which I have also been accused of, and I want to make it clear that I believe there is a legitimate need for the FDA. However, it is imperative that this Congress lead the charge to bring the FDA into the 21st century. The current FDA approval process is slow and unpredictable, while at the same time costing the United States jobs, technology, and most importantly—lives.

We held numerous hearings in the 104th Congress in my subcommittee and others detailing the need to change the manner in which our domestic device industry is regulated. In the 104th Congress I introduced H.R. 3201 to reform the medical device industry. With the help of many of my Democrat colleagues, especially BILL RICHARDSON and ANNA ESHOO, we were able to get 162 cosponsors on H.R. 3201, both Republican and Democrat. This strongly indicates that there is support for FDA reform. I intend to continue refining H.R. 3201 in hopes of obtaining more support. Under the leadership of JIM GREENWOOD, and with the great deal of help from RICHARD BURR and SCOTT KLUG, our FDA reform team was able to make amazing strides and I fully intend to maintain this momentum.

I will be introducing the Medical Device Modernization Act of 1997 shortly, which will insure the safety and effectiveness of medical devices, assure a predictable approval process for our companies and insure that U.S. patients are receiving the best available medical technology in the world. I will be asking for your cosponsorship and support of this bill.

Again it is imperative that we pass reform for the medical device industry. Small business is the nerve center of this county's current economic growth. Sixty-five percent of the companies in the medical device industry have less than 20 employees and 98 percent of medical device firms have less than 500 employees. These are the companies involved in high technology which is fueling economic expansion, these are the companies hiring your constituents, these are the companies doing the research and development that can lead to saving your constituent's lives. These small companies have been more vocal on FDA modernization in the last 2 years and I applaud them in their efforts.

We spent a great deal of time laying the groundwork for reform in the 104th Congress for FDA reform by educating Members, conducting oversight hearings, and working with various segments of the industry. It is now time for the 105th Congress to implement the solution. I look forward to working with House Commerce Committee Chairman BLILEY, subcommittee Chairman BILIRAKIS, Congressman DINGELL, and Senate Majority Leader LOTT in arriving at an acceptable solution to all.

THE ENTERPRISE CAPITAL FORMATION ACT OF 1997

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. MATSUI. Mr. Speaker, I am pleased to join my House colleagues and fellow members of the Ways and Means Committee, Congressman PHIL ENGLISH, and Congressman JIM MCCRERY in a bipartisan effort to promote economic growth and job creation through targeted capital gains incentives. This legislation is designed to be complimentary to a broad-based capital gains proposal similar to that passed by the House in the 104th Congress.

I have worked for many years to enact legislation which provides critical incentives for high-risk, high-growth firms. In 1993, I was able to work with Senator BUMPERS to enact the Enterprise Capital Formation Act of 1993. This new, bipartisan proposal is built upon that 1993 legislation and will greatly improve its effectiveness by:

Shortening the holding period for qualified stock from 5 years to 3 years.

Increasing the size of companies whose stock is eligible for the exclusion from $50 million to $100 million.

Revising certain limitations to make the provision more attractive to investors.

Biotech and high-technology companies are particularly dependent upon direct equity investments to fund research and to grow. A targeted capital gains incentive is crucial for encouraging investors, including venture capital investors, to purchase the stock of these companies, thus putting their capital at risk with a long-term speculative investment. These small venture-backed companies provide high-skilled jobs, grow very quickly to create more jobs and are aggressive exporters. Venture capital-backed firms have a much higher rate of growth than Fortune 500 firms. From 1990 to 1994, venture firms grew at an annual rate of 20 percent while Fortune 500 firms are powerful engines for job creation. In their first year, these firms typically have 18 employees, by their sixth year they have over 200. Finally, these firms perform 2 times the amount of research and development compared to nonventure-backed firms.

Now more than ever, small companies need better access to investment capital in order to grow into productive enterprises. The risks associated with small firms has often been too great for venture capitalist. By giving a capital gains cut for investment in small, startup firms, the higher risks are offset by additional financial benefit to the investor.

A POINT OF LIGHT FOR ALL AMERICANS: THE BROOKLYN CHINESE-AMERICAN ASSOCIATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. OWENS. Mr. Speaker, I rise to honor the Brooklyn Chinese-American Association [BCA] during their Ninth Anniversary Celebration. The members of this organization have tirelessly dedicated themselves to addressing the growing needs of the Asian immigrant population in Brooklyn and to providing residents of this community accessible bilingual and multicultural services. BCA is a great Point-of-Light whose contributions to the community must not go unappreciated or unnoticed.

On January 19, 1988, BCA was formally established in response to the expanding Asian-American community in the Sunset Park, Borough Park, Bay Ridge, Bensonhurst, and Sheepshead Bay neighborhoods in Brooklyn. At its inception, the association received no funding and nearly single-handedly, Mr. Paul P. Mak, the president and CEO of BCA, worked on a voluntary basis to initiate and provide a bilingual social service program for the Asian immigrant community.

With 9 years of hard work, intense exploration and struggle, BCA has grown from a one-person service project to the borough's most comprehensive bilingual, multi-human service and community development organization. Currently, BCA delivers services at various centers in Brooklyn such as the Main Community Services Center; Senior, Youth and Cultural Center; Employment Training Center; Day Care Center; Avenue U District Community and Senior Center; and at numerous school sites. In the past few years, because of the lack of Government funding and personnel, BCA has undergone several crises and struggles to keep the organization afloat. It is the dedication, enthusiasm and painstaking efforts of BCA's staff, its board members and the community that have sustained BCA and enabled it to develop rapidly.

Today, BCA serves over 500 clients a day. BCA's many human services and programs include social services; senior services; day care and youth services; adult education programs; adult and senior employment programs; services for the mentally retarded and developmentally disabled [MR/DD]; and community economic development programs.

The past year has marked another turning point in BCA's expansion. BCA's work force has remained the same but the association has expanded, reaching a much wider community than ever before. In May 1996, BCA opened a new District Community and Senior Center delivering bilingual multi-human services to the increasing Asian immigrant population in the Sheepshead Bay neighborhood, an area that is becoming the second largest Asian community of Brooklyn. BCA has also been actively involved in registering voters and in educating the community on voting policies and procedures.

1996 is also the year in which BCA initiated the Community Revitalization Project that serves as a master development scheme for the community. This summer, 10 traffic lights were installed as a result of BCA's constant lobbying efforts. In addition, BCA is working with the New York City Police Department to prepare and distribute educational materials on crime prevention, the CAT Auto Program and business residential security surveys. These are major steps toward making a better and much safer community in which to live.

One of BCA's accomplishments this year is the educational Neighborhood Clean-Up Project. More than 150 youth participated in cleaning up the 8th Avenue neighborhood and providing informative materials to community residents and merchants. Recently, BCA also assisted in upgrading a garment factory in the neighborhood and has long supported promoting the economic progress and stability of the garment industry in Brooklyn. Moreover, a Tree Planting project was implemented to further beautify Brooklyn. Two hundred trees are scheduled to be planted along 8th Avenue in the spring of 1997. In a further attempt to improve the living environment, a Graffiti Removal Campaign will also be initiated in the

spring 1997 with the community Boy Scouts. Two town hall meetings were sponsored in November, one at Sunset Park, Borough Park, and the Bay Ridge Chinatown area and the other at the Sheepshead Bay and Bensonhurst neighborhood, to provide an opportunity for the communities to voice their concerns.

In recognition of its many contributions to the Brooklyn community, the Brooklyn Chinese-American Association received the 1996 Welcome Back to Brooklyn Award for Outstanding Civic Leadership and Economic Development in Brooklyn. This honor was presented to both BCA and the 1996 Nobel Prize winning scientist. In the past, this age old annual award has always been presented to distinguished individuals and celebrities; however this is the first time in history that an Asian organization received the prestigious honor. Furthermore, the Brooklyn Historical Society also honored BCA this year with the Brooklyn History Maker Award.

As we approach the 21st century, this Nation is becoming more ethnically and racially diverse. Any endeavor that maximizes the participation of immigrants into society is worthy of commendation. The Brooklyn Chinese-American Association's efforts to address the needs of the Asian population of Brooklyn deem it a great Point-of-Light not only for the people of Brooklyn, NY, but for all of America.

TRIBUTE TO THE CORAL GABLES SENIOR HIGH SCHOOL RUEDA KIDS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to express my congratulations to the Coral Gables Senior High School Rueda Kids for their fantastic dancing abilities and their desire to keep our Hispanic heritage alive through their performances in Cuban salsa music—Rueda Casino. Their exceptional talent and dedication to this art has brought much happiness to all those who have been privileged enough to witness their dances.

The Gables Rueda Kids started only last year as an informal group and has since then received two awards from the U.S. Postal Service and won first prize and a special award at the Dade County Youth Fair in March. Among the group's future plan is to compete in a State competition to be held next spring and the member's participation in the Calle Ocho festival held yearly in Miami honoring their Cuban heritage.

The dancers are 13 students, 10 of whom were born in Cuba, 2 of Cuban parents and 1 that is originally from Honduras. Michael Alonso, Kathleen Andino, Yurlaimes Caballero, Anyer Cruz, Niviys Diaz, David Espinosa, Yulaidy Lopez, Eddy Gamayo, Evelyn Gonzalez, David Hernandez, Jesus Moreno, Carlos Osle and Alicia Reyes-Quesada, who is also their teacher, compose the group. All 13 demonstrate their love for salsa music through their dances and prove that America's teenagers are aware of their cultural background and display it with pride.

I commend them not only on their desire to keep their Hispanic heritage alive, but also in their spirit and commitment to share it with everyone else.

KIDS, POVERTY, AND THE NEED FOR HEALTH INSURANCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, this Congress must stop the rise in poverty among the Nation's children and—a related issue—stop the rise in the number of children who are uninsured.

Two reports in December point to the magnitude of the problem—and to some of the solutions.

On December 11, the Center on Budget and Policy Priorities reported that nearly 2.7 million low-income children were eligible for Medicaid, but went without health insurance for all of 1994. In addition, 2.1 million children who qualified for Medicaid, but were not enrolled, had some form of private insurance at some point in the year, but either were uninsured for part of the year or had inadequate private coverage that could have been supplemented by Medicaid.

Mr. Speaker, surely this Congress can find ways to make the Medicaid program more usable and more automatic for the families of needy children. If Medicaid eligible children could be brought into the program, the rolls of the Nation's 10 million uninsured children could be easily and quickly reduced by 27 percent.

In a second report, Columbia University's National Center for Children in Poverty found that nearly half—45 percent—of young children—those under 6—were in poverty or near poverty. Poverty among children = bad health and a lifetime of social and personal problems. As the report said: ''Young children in poverty are more likely to: be born at a low birthweight; be hospitalized during childhood; die in infancy or early childhood; receive lower quality medical care;'' along with numerous other problems. The list of problems facing our Nation's children of poverty could be addressed in some part if their parents had decent health insurance and could at least ensure that their children were not disadvantaged for life by an unhealthy start.

We need health insurance for kids, so that their parents can ensure a better life for them—and for our Nation's future citizens.

TRUTH IN BUDGETING ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILMAN. Mr. Speaker, I rise in strong support of the Truth in Budgeting Act and commend its sponsor, the gentleman from Pennsylvania [Mr. SHUSTER] for bringing this important measure to the floor.

This legislation transfers the Highway, Aviation, Inland Waterways and Harbor Maintenance Trust Funds off budget and provides that trust fund balances will not be used in calculations by the Congressional Budget Office regarding the Federal budget.

This bill guarantees that transportation taxes such as the taxes that our constituents pay when they fill up their gas tank or when they buy an airline ticket are used for their stated purpose, to improve and reinforce our country's transportation infrastructure.

Currently cash balances in the transportation trust fund total $30 billion. It is wrong that this funding is being used to mask portions of our Nation's budget deficit as opposed to upgrading our country's transportation infrastructure. This bill is a positive step forward ensuring that our highways and airports get the help they need and according to the Congressional Budget Office is an action that is budget neutral.

Accordingly, Mr. Speaker, I urge our colleagues to support this worthy legislation.

THE MEDICARE MAMMOGRAPHY ENHANCEMENT ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, the facts on breast cancer are well known: 44,000 women die from the disease every year in this Nation. The tragedy of this loss is escalated by the fact that some and perhaps even many of these deaths are preventable.

In short, mammography can and does save lives. As any doctor will tell you, the earlier you find breast cancer, the less likely it is to be fatal. A mammogram can find 85 to 90 percent of breast cancer tumors in women as much as 2 years before they can be detected by self-examination. Routine screening for breast cancer is therefore vitally important, especially for older women. Both the American Cancer Society and the National Cancer Institute recommend annual mammograms for women over 50 years of age.

Unfortunately, Medicare only covers mammograms every other year. Furthermore, the 20 percent copayment for the service and the annual Medicare deductible deter many women from getting the screening. The Medicare Mammography Enhancement Act would eliminate these barriers to women receiving life-saving mammograms. The legislation would require Medicare to cover annual mammograms and would waive the 20-percent copayment and any deductible costs for the screening.

Mr. Speaker, a few years ago many of us in Congress fought to make sure Medicare included coverage for at least biannual mammograms. We argued that it made good sense for Medicare to cover a test that could save so many lives at such little expense. The same can be said of this legislation. I urge all of my colleagues to support this effort to save lives.

INTRODUCING A CONCURRENT RESOLUTION ON THE SIGNIFICANCE OF CORAL REEF ECOSYSTEMS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. SAXTON. Mr. Speaker, I—along with my colleague from Hawaii, Mr. ABERCROMBIE—am pleased to introduce a concurrent resolution declaring the significance of maintaining the health and stability of coral reef ecosystems.

Coral reefs have been called the tropical rainforests of the oceans, and rightfully so—they are among the world's most biologically diverse and productive marine habitats. They are also vitally important to coastal economies, providing as the basis for subsistence and commercial fishing as well as coastal and marine tourism. Finally, reefs serve as natural protection to the coastlines of several U.S. States and territories, such as Florida, Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa.

For these reasons, and in honor of the fact that 1997 has been declared the ''International year of the Reef,'' I urge swift and favorable consideration of this resolution.

LEGISLATION TO REQUIRE CONSIDERATION OF A BALANCED BUDGET

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. BENTSEN. Mr. Speaker, the first priority of the 105th Congress is to finish the job of restoring fiscal responsibility and balancing the Federal budget.

We must balance the budget fairly and responsibly by the year 2002, protecting vital investments such as Medicare, Medicaid, education, and environmental protection.

Balancing the budget by the year 2002 is not enough. We must enact into law an enforcement mechanism that requires the President and the Congress to work toward a balanced budget every year, while providing necessary fiscal flexibility in times of emergency such as military conflict and recession.

To achieve these goals, today I am reintroducing legislation that I filed in the last Congress to require the President to submit and the Congress to vote on a balanced budget every year.

I believe my proposal is a better enforcement mechanism than an amendment to the Constitution requiring a balanced budget because it provides both for fiscal responsibility and necessary flexibility in times of emergencies; it involves the American people by fully disclosing the options for and consequences of balancing the budget; and it does not entangle the judicial branch in our Nation's fiscal policies, with the potential for endless litigation.

My bill takes a commonsense approach that does not tamper with the Constitution. It requires the President to submit a balanced budget each year, beginning in fiscal year 1999. However, if in any fiscal year the President determines that a balanced budget is not in the Nation's best interests, he is allowed to submit two budgets, one balanced and one with a deficit, with written justification for his determination. The bill also requires the Congress to vote on a balanced budget each year, with the same flexibility given to the President to protect the Nation's security and fiscal health.

Most importantly, my bill would bring the American people into the debate on balancing the budget. A balanced budget amendment would tell us only to balance the budget—and includes huge loopholes to avoid it—it does not tell us what an actual balanced budget would look like. My bill would present to the American people the actual numbers—what programs would be cut, by how much, and what it would mean for our families, our businesses, and our Nation. We cannot succeed in balancing the budget without such full disclosure and thorough, honest debate.

In summary, my bill simply states that the President should submit a balanced budget, the American people should review it, and the Congress should debate and vote on it—not just talk about it. I urge my colleagues to join me in cosponsoring this legislation.

A TRIBUTE TO DR. GEORGE D. HARRIS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. COYNE. Mr. Speaker, I rise today with sadness to note the death of one of my constituents, Dr. George D. Harris. Dr. Harris died recently at the age of 51. His early death is a great loss for our community.

Dr. Harris, a resident of the Point Breeze neighborhood in Pittsburgh, was the kind of individual upon whom every community depends. He spend his entire professional career helping at-risk young people meet the challenges encountered in adolescence and young adulthood. He believed passionately in the importance of getting a good education, and he dedicated his life to inculcating his faith in education in the young people of Pittsburgh and Allegheny County.

At the time of his death, Dr. Harris was the manager of the Bethesda Center, where he worked to promote independence, family stability, and child welfare through motivation and education. Prior to that, he was executive director of Pittsburgh New Futures, where he worked to reduce dropout rates and teen pregnancy rates, and where he worked to help young people find jobs. From 1969 until 1988, when he left to join Pittsburgh New Futures, he developed and oversaw a program at Duquesne University that successfully reduced the dropout rate for Duquesne's African-American students. He was also a cofounder of Bell-Harr Associates, an educational consulting firm. He earned his doctorate in education from the University of Pittsburgh.

Individuals like George Harris—people who make helping others their life's work—are all too rare. Dr. Harris' personal warmth, energy, and enthusiasm—as well as his effectiveness—made him rarer still. Countless people understood and appreciated his special gifts, and that knowledge makes his loss all the more deeply felt.

Dr. Harris is survived by his wife, Judith Harris, his son, Ebon Lee, and his sister, Sheila Ways. I want to express my condolences to them on their unexpected loss.

IRS BURDEN OF PROOF BILL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. TRAFICANT. Mr. Speaker, yesterday I introduced legislation to change the burden of proof in a civil tax case. This bill is similar to legislation I have introduced in past Congresses to right a serious injustice against taxpayers: In civil tax court, taxpayers are considered guilty until proven innocent. That's un-American and flat out wrong.

Last year, Congress finally passed, and President Clinton signed into law, the Taxpayer Bill of Rights II. That was an important step toward protecting American taxpayers against Internal Revenue Service abuses. However, it didn't go far enough. Far too many Americans still fear the IRS—and with good reason.

The IRS is the only agency of the Federal Government that affects every American. We all hear complaints from constituents about overregulation by OSHA, the EPA, or the Department of Justice. These regulations affect only small businessmen or manufacturers or farmers. However, the IRS hits each and everyone of us. Anyone who's received a notice in the mail from the IRS knows how it can cause the blood pressure to rise.

Americans should not fear their Government. Sadly, too many Americans don't trust the IRS. This has clouded their view of the entire Government. Congress could go a long way toward reinstating the American people's faith in the Federal Government by reigning in powers of the IRS. Mending this broken relationship should be Congress' No. 1 priority. Shifting the burden of proof will do that.

My bill specifies that in the administrative process leading up to a court case, the burden of proof is on the taxpayer, but once the case goes to tax court, the burden of proof is squarely on the IRS.

During the administrative process or any audit, the burden of proof should be on the IRS. The taxpayer should provide all pertinent data to support their claims and deductions including receipts, W–2 forms, and letters. Should the taxpayer and the IRS not come to an agreement, the process moves to the tax court. There the burden of proof should be on the IRS. A taxpayer should be innocent until proven guilty in tax court, not the other way around.

Mr. Speaker, my bill has three more sections to protect Americans from IRS abuses. First, a section requiring judicial consent and a 15-day notice before the IRS can seize property. It also includes a provision to call for an independent report detailing ways to offset potential revenue losses from a shift of the burden of proof. Finally, damages awarded by a judge for an unauthorized collection by the IRS are excluded from gross income.

Mr. Speaker, an accused mass murderer has more rights than a taxpayer fingered by

the IRS. Jeffrey Dahmer and the ''Son of Sam'' were considered innocent until they were proven guilty. Regular taxpaying Americans, however, are not afforded this protection.

Mr. Speaker, during the last Congress, I highlighted the need for this legislation on the House floor by reading letters and cases I have received from people around the country. You may remember the case of David and Millie Evans from Longmont, CO. The IRS refused to accept their canceled check as evidence of payment even though the check bore the IRS stamp of endorsement. Or how about Alex Council, who took his own life so his wife could collect his life insurance to pay off their IRS bill? Months later, a judge found him innocent of any wrongdoing. I have heard hundreds of stories of IRS abuses like these on radio and television talk shows. Thousands of Americans have written to me personally with their horror stories.

Opponents argue that my bill will weaken IRS's ability to prosecute legitimate tax cheats. This bill will not affect IRS's ability to enforce tax law, it only forces them to prove allegations of fraud. My bill will ensure that IRS agents act in accordance with the Standards of Conduct required of all Department of Treasury employees. Most importantly, it will force the IRS to act in accordance with the Constitution of the United States of America where all citizens are considered innocent until proven guilty.

Mr. Speaker, I am hopeful that this is the year that Congress passes this bill. It is an important piece of legislation.

HONORING ROSANNE FISHER ON THE OCCASION OF HER RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. Williams County Commissioner Rosanne H. Fisher is retiring after years of service to the people of Ohio.

I have had the privilege of representing Williams County in the U.S. House of Representatives through much of the time Rosanne has served as commissioner. It has been a privilege working with her to help Northwest Ohio. I can tell you Rosanne has been a strong advocate and outstanding friend of our area. Rosanne's aggressive leadership was crucial in securing funding for the Hillside Assisted Living Complex, establishment of Solid Waste District and Recycling, implementation of 911 system, remodeling the senior center and the establishment of a records center.

She is member of the Ohio County Commissioner Association Board of Trustees, State OCCA Legislative Board, and the State of Ohio Board of Adult Detention. A graduate of Libby High School and the University of Toledo, Rosanne was first elected Commissioner in 1989. Throughout her distinguished tenure with the County Commissioners, Rosanne has demonstrated her deep faith in, and dedication to, upholding the principles of American democracy.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of effort given by Commissioner Rosanne Fisher. While Rosanne may be leaving her official capacity in Williams County, I know she will continue to be actively involved in those causes dear to her.

I ask my colleagues to join me in paying special tribute to Rosanne H. Fisher's record of personal accomplishments and wishing her and her family all the best in the years ahead.

THE UNREMUNERATED WORK ACT OF 1997 INTRODUCED

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mrs. MORELLA. Mr. Speaker, today, I am introducing the Unremunerated Work Act, which would direct the Commissioner of the Bureau of Labor Statistics to conduct time-use surveys to measure the unwaged work women and men do inside and outside of the home. Household, agricultural, volunteer, and child care duties are considered unremunerated work, the value of which would be included in the gross national product [GNP] under this act.

Unpaid work in the home is the full-time, lifelong occupation for many Americans, mostly women. For both men and women who work for pay in the marketplace, household work absorbs many hours per week. Yet, little is known about the value of household work.

The only national survey that measures the value of household work for the adult population was conducted in the 1970's by the University of Michigan. Government statistics have overlooked the amount of time spent on housework, child care, agricultural work, food production, volunteer work, and unpaid work in family businesses. This visible work is often a full-time job for many men and women, and is also done by men and women who hold paid jobs in the marketplace.

Women continue to enter the work force in record numbers. They also continue to serve in many unpaid roles, from hours caring for their children, running their households, and volunteering their time to charitable organizations. None of this ''unpaid'' work is counted when Government gathers statistics on the productivity of Americans. The collection of data about unpaid work would more accurately reflect the total work that Americans contribute to society, and would give greater value to the roles played by both women and men as volunteers, household engineers, and caregivers.

INTRODUCTION OF THE DEPOSITORY INSTITUTIONS AND THRIFT CHARTER CONVERSION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mrs. ROUKEMA. Mr. Speaker, I am reintroducing The Depository Institution Affiliation and Thrift Charter Conversion Act, legislation that represents a significant step toward crafting meaningful financial reform legislation that will take us into the 21st Century and put us on sound footing to compete in the global marketplace.

As I have said in the past, it is the responsibility of Congress after due diligence to make the important policy decisions giving statutory authority for the structure of financial institutions. It is not in the best interest of the system to continue to let the financial regulators make these decisions in a piecemeal, and arbitrary fashion. For Congress to not act would be a serious abdication of our responsibility.

In anticipation of resuming my role as Chairwoman of the Financial Institutions and Consumer Credit Subcommittee, financial modernization will be on the top of my agenda. With that in mind, I am planning early and comprehensive hearings to commence as soon as the committee completes its organization process.

For those of us that serve on the Banking Committee, we are painfully aware of how controversial the issues surrounding the financial services industry can be. To say the least, various sectors of the financial services industry have had different and often conflicting views on how best to go about modernization. The legislation we are reintroducing today represents the work of a coalition of 10 industry organizations representing a broad cross-section of the financial services industry. Participants in the Alliance group include: American Bankers Association; ABA Securities Association; American Financial Services Association; America's Community Bankers; Consumers Banker Association; Financial Services Council; Investment Company Institute; Securities Industry Association; and The Bankers Roundtable.

I am pleased to see the American Council of Life Insurance [ACLI] has also begun participating in these discussion. In fact, several of the new provisions included in this package were at the ACLI's suggestion.

This legislation represents a concrete effort to break the current logjam that has blocked financial services reform legislation in the past. The bill incorporated many significant compromises between those competing interests. For this reason, I believe it represents an important starting point for us to begin the debate on financial modernization.

This legislation is a comprehensive approach that addresses affiliation issues, Glass-Steagall reform, functional regulation, insurance issues and thrift charter conversion by melding together key elements of the major reform bills introduced previously in Congress.

While this latest ''Alliance'' bill is the product of a great deal of good faith negotiation and compromise by the major trade groups, it is nonetheless a work in progress that will require more discussion and development. While each member of the Alliance for Financial Modernization has participated in redrafting the legislation I am introducing today, they do not necessarily endorse all the provisions in the current product. In addition, there are several key elements missing from this bill.

For example, a clear definition of what is meant by the terms ''banking'', ''securities'', and ''insurance'' as well as a fair means to resolve any disputes that may arise between regulators over the proper characterization of

novel or hybrid products is an area of great sensitivity for all financial service providers—and one that still lacks a consensus among the industries. For this reason, this bill does not include such a provision.

In addition, America's Community Bankers would like to see a much broader approach, and have urged that permissible holding company affiliations be expended from financial activities to all businesses. This would extend the unitary thrift holding company authority to all holding companies—a view that is supported by the securities and insurance companies and other diversified financial companies as well. However, this bill does not address the so-called ''chartering up'' approach which would allow thrifts and commercial banks to engage in insurance and real estate activities. Currently, commercial banks are now prohibited in most cases from fully engaging in these activities; and thrift institutions, under this Alliance proposal, would be forced to divest of these activities and to nates the thrift charter and requires thrifts to convert to banks.

I, too, have serious reservations regarding many of the provisions included in this bill. The least of which is the holding company regulation structure and the regulatory oversight authority.

Last year's Alliance bill included a new regulation and oversight of holding companies based on similar requirements to the structure currently applied to Unitary Holding Companies. With the introduction of this legislation today, I have, at the Alliance's request, included a different regulatory structure which mirrors the current Securities industry risk assessment model.

Let me be clear that I have reservations about both the previous model in last year's Alliance bill and the one included in the bill I am introducing today. A fundamental question of financial reform is to determine the most appropriate means of regulating the system to preserve the safety and soundness of the financial services industry and the taxpayers dollars. As I begin hearings on this bill, this will be a major focus. While I agree that the current holding company structure needs reform, I am not convinced that the model included in this bill is the most appropriate and efficient means.

The key elements of the bill include:

Financial Services Holding Company [FSHC]: creation of a new, optional structure allowing financial companies to affiliate with banks similar to the D'Amato-Baker approach. A company could choose to own a bank through a new ''financial services holding company'' that would not be subjected to the Bank Holding Company Act, but subject to a new regulatory structure.

Permissible Affiliations: FSHCs could own or affiliate with companies engaged in a much broader range of activities than is permitted for bank holding companies under current law. The bill would not, however, eliminate all current restrictions on affiliations between banks and commercial firms. A financial services holding company would have to maintain at least 75 percent of its business in financial activities or financial services institutions, which would include such institutions as banks, insurance companies, securities broker dealers, and wholesale financial institution.

FSHCs are restricted from entering the insurance agency business through a new affiliate unless it bought an insurance agency that had been in business for at least 2 years.

This bill includes lists of activities that are deemed to be ''financial'' and entities that are deemed to be ''financial services institutions.'' A new National Financial Services Committee, chaired by the Treasury Department and including the bank regulators, the SEC, and a representative state insurance commissioner would be created.

Holding Company Oversight: The regulation and oversight of the new Financial Services Holding Companies would be based on the holding company risk assessment model that currently is applied to the Securities Industry. This represents a change from the original Alliance bill that I introduced last year. As we consider provisions that address the regulation of various institutions, I will be taking special care to assure that all institutions are regulated in such a way as to preserve the safety and soundness and the integrity of the insurance funds.

Securities Activities: Provisions for certain securities activities such as asset-backed securities and municipal revenue bonds could be offered in a new, separate securities affiliate. These provisions are similar to provisions included in the Leach bill and agreed to by the Commerce Committee.

Elimination of the Thrift Charter: With the new financial services holding company structure in place, the thrift charter would be eliminated; thrifts would generally be converted to banks, with grandfathering-transition provisions; and unitary thrift holding companies would be required to convert to either bank holding companies or financial services holding companies, also with grandfather-transaction provisions. The statutory language for the charter conversion is similar to the language included in the last version of my Thrift Charter Conversion bill, H.R. 2363.

I want to again reiterate that I do have serious concerns with several of the provisions included in this bill. However, I believe this draft proposal is an important document because it includes many compromises between the various financial services industry. Clearly, there are issues associated with this legislation that are yet to be discussed. However, with the introduction of this legislation we are advancing the debate on financial services modernization, and setting the stage for action in the 105th Congress that will take this industry into the 21st Century and beyond.

There is no doubt that Congress has always had at its disposal the tools to modernize our Depression-era banking codes. What it has lacked is the will. The pressures of competing interests have made this task all but impossible and resulted in gridlock. This bill is a significant first step toward breaking that logjam. It includes major areas of compromise between the various competing industries. Again, I am planning for early and comprehensive hearings in my subcommittee on the issues of financial modernization.

Again, let me stress that I will proceed with great care. My primary goal will be to preserve the safety and soundness of our financial system while protecting the American taxpayer and the business and consumers that rely on their services.

SUMMARY SECTION BY SECTION

The Draft bill is an effort to break the current logjam that is blocking financial services reform legislation. It is a comprehensive approach that addresses affiliation issues, Glass-Steagall reform, functional regulation, insurance issues, and thrift charter conversion. It does this by melding together key elements of the major reform bills that were considered by the last Congress. The purposes of this approach are to (1) build on the constructive efforts of Chairmen D'Amato and Leach and Representatives McCollum, Baker, and Roukema, among others, during the past two years; (2) provide a comprehensive framework for addressing the major concerns of the broadest possible range of industry participants; and (3) address legitimate concerns of the regulators that were reflected in both legislative and regulatory proposals that emerged during the last several years.

1. FINANCIAL SERVICES HOLDING COMPANIES

Using modified language from the D'Amato-Baker bills, the draft bill creates a new and entirely optional structure for financial companies to affiliate with banks. A company could choose to own a bank through a new ''financial services holding company'' that would not be subject to the Bank Holding Company Act. Instead, the financial services holding company would be subject to a new regulatory structure established by a newly-created section of financial services law called the ''Financial Services Holding Company Act.'' Any company that owns a bank but chooses not to form a financial services holding company would remain subject to the Bank Holding Company Act to the same extent and in the same manner as it is under existing law. However, an affiliate of a bank that is not part of a financial services holding company generally could not engage in securities activities to a greater extent than has been permitted under existing law.

Permissible Affiliations.—A financial services holding company could own or affiliate with companies engaged in a much broader range of activities than is permitted for bank holding companies under current law (with contrary state law preempted). The bill would not, however, eliminate all current restrictions on affiliations between banks and commercial firms. A financial services holding company would have to maintain at least 75 percent of its business in financial activities or financial services institutions, which would include such institutions as banks, insurance companies, securities broker dealers, and wholesale financial institutions. In addition, a bank holding company that became a financial services holding company could not enter the insurance agency business through a new affiliate unless it bought an insurance agency that had been in business for at least two years. Finally, foreign banks could also choose to become financial services holding companies.

The bill includes lists of activities that are deemed to be ''financial'' and entities that are deemed to be ''financial services institutions.'' A new National Financial Services Committee, which would be chaired by the Treasury Department and include the bank regulators, the SEC, and a representative state insurance commissioner, would (1) determine whether additional activities should be deemed to be ''financial'' or additional types of companies should be deemed to be ''financial services institutions''; and (2) issue regulations describing the methods for calculating compliance with the 75 percent test. Other than these limited circumstances, a financial services holding company would not be subject to the cumbersome application and prior approval process that currently applies to bank holding companies.

Holding Company Oversight.—Because it would own a bank, a financial services holding company would be subject to certain supervisory requirements, but only to the extent necessary to protect the safety and

soundness of the bank. These supervisory requirements are virtually identical to those that currently apply to companies that own regulated securities broker dealers, and companies that own regulated futures commission merchants—the so-called ''holding company risk assessment provisions.'' In the past six years, Congress has twice embraced this model for gathering information on potential risk to regulated entities by affiliated companies, once in the Market Reform Act of 1990 (securities firms), and once in the Futures Trading Practices Act of 1992 (futures traders). While the National Financial Services Committee would establish uniform standards for these requirements as they apply to depository institutions, the appropriate Federal banking agency that regulate the lead depository institution of the financial services holding company would implement and enforce them.

Apart from these general requirements, financial services holding companies would not be subject to the bank-like regulation that currently applies to the capital and activities of bank holding companies. However, as in the D'Amato-Baker bills, financial services holding companies would be subject to the following additional safety and soundness requirements:

Affiliate transaction restrictions, including but not limited to the requirements of Sections 23A and 23B of the Federal Reserve Act.

Prohibition on credit extensions to nonfinancial affiliates.

Change in Control Act restrictions.

Insider lending restrictions.

A ''well-capitalized'' requirement for subsidiary banks.

Civil money penalties, cease-and-desist authority, and similar banking law enforcement provisions applicable to violation of the new statute.

New criminal law penalty provisions for knowing violations of the new statute.

Divesture requirement applicable to banks within any financial services holding company that fails to satisfy certain safety and soundness standards.

Cross-Marketing Provisions.—As with the D'Amato-Baker bills, the bill would preempt cross-marketing restrictions imposed on financial services holding companies by state law or any other federal law.

Securities Activities.—The draft bill includes principal elements of the last-introduced version of the Leach bill in the previous Congress, H.R. 2520, as it related to Glass-Steagall issues. These include statutory firewall, ''push-out,'' and ''functional regulation'' provisions, with some modifications. These new restrictions would apply only to financial services holding companies; they would not apply to the securities or investment company activities of banks that remained part of bank holding companies.

Wholesale Financial Institutions.—Financial services holding companies (but not bank holding companies) could also form uninsured bank subsidiaries called wholesale financial institutions or ''WFIs.'' Such WFIs could be either state or nationally chartered, and there would be no restrictions on the ability of a WFI to affiliate with an insured bank. A WFI would not be subject to the statutory securities firewalls applicable to insured banks and their securities affiliates, but the WFI could not be used to evade such statutory firewalls.

2. ELIMINATION OF THRIFT CHARTER

With the new financial services holding company structure in place, the thrift charter would be eliminated; thrifts would generally be required to convert to banks, with grandfathering/transition provisions; and unitary thrift holding companies would be required to convert to either bank holding companies or financial services holding companies, also with grandfathering/transition provisions. The statutory language for the charter conversion is similar to the language included in the last version of the Roukema bill, which is the one that was used in the House's offer in the Budget Reconciliation conference in late 1995.

3. NATIONAL MARKET FUNDED LENDING INSTITUTIONS

Unlike the D'Amato-Baker bills, the draft bill generally precludes a commercial firm from owning an insured depository institution. However, the bill recognizes the important role that nonfinancial companies play in other aspects of the financial services industry by allowing such companies to own ''national market funded lending institutions.'' This new kind of OCC-regulated institution would have national bank lending powers, but would have no access to the federal safety net: it could not take deposits or receive federal deposit insurance, and it would have no bank-like access to the payments system or the Federal Reserve's discount window. In addition, the institution could not use the term ''bank'' in its name. By owning a national market funded lending institution, a nonfinancial company could provide all types of credit throughout the country using uniform lending rates and terms.

SPECIAL TRIBUTE TO U.S. SENATOR ROBERT C. BYRD OF WEST VIRGINIA ON A HALF-CENTURY OF SERVICE TO THE NATION AND TO HIS STATE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. RAHALL. Mr. Speaker, 50 years ago yesterday, January 8, 1997, the senior Senator from West Virginia, ROBERT C. BYRD, began his service in the U.S. House of Representatives where he served for 11 years, moving to the Senate in 1958 where he has served for the past 39 years.

As we all know, Senator BYRD celebrated having cast his 14,000th vote in the U.S. Senate last year, at which time he had a 98.7 percent voting average.

Senator ROBERT C. BYRD is the nationally recognized historian in residence in the Senate—the uncontested expert on the Senate as an institution, and the leading, nationally recognized expert on parliamentary procedures.

West Virginia's citizens recognize Senator BYRD and applaud his achievements as a researcher, lecturer, writer, and parliamentary magician. That is all well and good, they say. It makes them very proud.

But what makes Senator BYRD's people in West Virginia most proud is that he is also one of them—that he is someone they can go to, take their troubles, trials and tribulations to, and know that he will hear them and he will intervene on their behalf at every opportunity to make things better. West Virginians know that Senator BYRD's every waking moment of service in the U.S. Senate is in their service—their best interests, their well being—and they know this without one single iota of doubt.

Residents of West Virginia can name with pride the many accomplishments of Senator BYRD—those noted above first of all. But, in addition, West Virginians can tell you that during his Senate tenure he has served as secretary of the Senate Democratic Conference, Senate majority whip, Senate majority leader, Senate minority leader, and President pro tempore.

Further, Senator BYRD has served his State and his country throughout an integral part of the high drama and history of the second half of the 20th century—including the cold war, Vietnam, Watergate, Iran-Contra, the collapse of the Soviet Union, and the gulf war. He has served under nine Presidents, one of whom was assassinated, the other forced to resign the highest office in the land.

Senator BYRD is widely recognized for having achieved many milestones during his career, among them being only one of three U.S. Senators in history to have been elected to seven 6-year terms; being the first sitting Member of either House of Congress to begin and complete the study of law and obtain a law degree while serving in the Congress; being the first person in the history of West Virginia ever to serve in both chambers of his State Legislature and both Houses of the U.S. Congress; obtaining the greatest number, the greatest percentage, and the greatest margin of votes cast in statewide, contested elections in his State; being the first U.S. Senator in West Virginia to win a Senate seat without opposition in a general election; and having served longer in the U.S. Senate than anyone else in West Virginia history.

Mr. Speaker, these are remarkable achievements for one man, and we honor Senator BYRD for them.

His greatest feat, in my estimation, is that he has brought dignity and civility to the U.S. Senate every day of his life, throughout his tenure there.

Senator ROBERT C. BYRD is a gentle but firm leader, who has the ability to share, in his writing and vocally, his deep and abiding reverence for the Senate as an institution. He constantly lectures, through his weekly history lessons, on the importance of knowing and observing, and above all else, respecting, the traditions of the Senate, its rules of engagement and the parliamentary procedures that govern it as an institution.

And so it is with great personal honor that I rise on the occasion of his 50th anniversary year of U.S. Senate service, to pay tribute to the well cherished and beloved senior Senator from West Virginia ROBERT C. BYRD, and to wish God's blessings upon himself personally, and upon the important work he will do in the coming years on behalf of his institution, his countrymen nationwide, and his especial work on behalf of his fellow West Virginians.

SUPPORT FOR H.M.O. PATIENT REFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, on Tuesday, January 7, I introduced legislation to provide a comprehensive set of consumer protections for people in managed care plans.

One of my proposals is that Medicare and Medicaid should not start monthly payments—which can amount to somewhere between

$300 and $700 a month—for a new HMO enrollee until that HMO actually meets with the enrollee, shows them how to use the system, and establishes a basic health profile on the individual. Today, an HMO can receive thousands of dollars in payments before it ever sees a patient or tries to maintain their health.

How can an HMO truly be a health maintenance organization, if it doesn't know what the health of the person is, whether the person is overweight, smokes, needs innoculations, has high blood pressure or diabetes, et cetera, et cetera?

Last August, the Public Policy Institute, part of the Division of Legislation and Public Policy of the American Association of Retired Persons, issued an excellent paper entitled, "Managed Care and Medicare." The paper—which does not necessarily represent formal policies of the association—recommended:

Health plans should be required to conduct a comprehensive health assessment of new patients upon enrollment, followed by specific provisions for improved access to primary and specialty care on a routine basis.

This is precisely the idea in my legislation, and I hope other senior and patient advocacy groups will consider this proposal and how it would help eliminate many of the abuses in the current enrollment of Medicare and Medicaid beneficiaries.

TRANSPORTATION COMMITTEE PROCEDURES FOR ISTEA REAUTHORIZATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. PETRI. Mr. Speaker, on behalf of NICK RAHALL, the ranking democratic member of the Subcommittee on Surface Transportation, BUD SHUSTER, the chairman of the Transportation and Infrastructure Committee, and JAMES OBERSTAR, the committee's ranking democratic member, I would like to outline the subcommittee's procedure for identifying items of concern to members as it takes up the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. This legislation authorizes over $150 billion for our nation's highway, transit, motor carrier, safety, and research programs for 6 years and is due to expire on September 30, 1997.

The importance of the surface transportation system cannot be overstated. There is ample evidence documenting the link between careful infrastructure investment and increases in this nation's productivity and economic prosperity. For instance, between 1980 and 1989, highway capital investments contributed almost 8 percent of annual productivity growth. A recent study demonstrated that the costs of highway investments are recouped through production cost savings to the economy after only 4 years. Another study concluded that transit saves at least $15 billion per year in congestion costs.

Despite the critical importance of our transportation systems to our Nation's economic health, investment has fallen short of what is needed. The Department of Transportation estimates that simply maintaining the current conditions on our highway, bridge, and transit systems will require investment of $57 billion per year from Federal, State, and local governments, an increase of 41 percent over current levels. To improve conditions to optimal levels would require doubling our current investment to $80 billion per year. Meeting these needs will require a variety of strategies, including better use of existing systems, application of advanced technology, innovative financing, and public-private partnerships. It is our goal to develop a bill that will meet these needs and maintain this world class system.

Reauthorization is the top priority of the Subcommittee on Surface Transportation. In the second session of the 104th Congress, the subcommittee held a series of 12 ISTEA oversight hearings and received testimony from 174 witnesses. The hearings gave many interested Members, the administration and affected groups the opportunity to testify and present their views. There was strong interest in these hearings and they covered the programs which need to be reauthorized in this coming bill. We would be happy to make copies of these hearing transcripts available to any interested Members.

We anticipate that the bipartisan legislation we develop this year will be based largely on the information obtained at last year's extensive programmatic hearings. As we begin this process, we would like to offer Members the opportunity to inform the subcommittee about any policy initiatives or issues that Members want the subcommittee to consider including or addressing in the reauthorization of ISTEA. Members having such specific policy requests should inform the subcommittee in writing no later than February 25, 1997.

Many Members have already contacted the subcommittee to inquire about, or to request, specific funding for critical transportation needs in their districts. With the convening of the new Congress, we anticipate that these requests will continue. Therefore, if you are intending to request funding for these projects, we will require that the request include the information set forth below. Although the subcommittee has not yet decided how such requests will be handled, the information provided will allow the subcommittee to thoroughly evaluate each request as we determine the appropriate action to take in this regard. Any requests should be submitted no later than February 25, 1997. Such submissions should be in writing and must include responses to each of the 14 evaluation criteria listed at the end of this statement.

We will also be holding a series of subcommittee hearings in late February and early March at which time Members and local officials will have an opportunity to testify on behalf of those requests. While these hearings are intended to give Members an opportunity to present information about specific project needs, it is not necessary for Members to testify.

We look forward to working with all Members of the House as we prepare this important legislation which will set the course for our Nation's surface transportation programs.

TRANSPORTATION PROJECT EVALUATION CRITERIA, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON SURFACE TRANSPORTATION

1. Name and Congressional District of the primary Member of Congress sponsoring the project, as well as any other Members supporting the project (each project must have a single primary sponsoring Member).

2. Identify the State or other qualified recipient responsible for carrying out the project.

3. Is the project eligible for the use of Federal-aid funds (if a road or bridge project, please note whether it is on the National Highway System)?

4. Describe the design, scope and objectives of the project and whether it is part of a larger system of projects. In doing so, identify the specific segment for which project funding is being sought including terminus points.

5. What is the total project cost and proposed source of funds (please identify the federal, state or local shares and the extent, if any, of private sector financing or the use of innovative financing) and of this amount, how much is being requested for the specific project segment described in item #4?

6. Of the amount requested, how much is expected to be obligated over each of the next 5 years?

7. What is the proposed schedule and status of work on the project?

8. Is the project included in the metropolitan and/or State transportation improvement plan(s), or the State long-range plan, and if so, is it scheduled for funding?

9. Is the project considered by State an/or regional transportation officials as critical to their needs? Please provide a letter of support from these officials, and if you cannot, explain why not.

10. Does the project have national or regional significance?

11. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

12. Describe the economic, energy efficiency, environmental, congestion mitigation and safety benefits associated with completion of the project.

13. Has the project received funding through the State's federal aid highway apportionment, or in the case of a transit project, through Federal Transit Administration funding? If not, why not?

14. Is the authorization requested for the project an increase to an amount previously authorized or appropriated for it in federal statute (if so, please identify the statute, the amount provided, and the amount obligated to date), or would this be the first authorization for the project in federal statute? If the authorization requested is for a transit project, has it previously received appropriations and/or received a Letter of Intent or has FTA entered into a Full Funding Grant Agreement for the project?

INTRODUCTION OF THE INTELLECTUAL PROPERTY ANTITRUST PROTECTION ACT OF 1997

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. HYDE. Mr. Speaker, today I am introducing the Intellectual Property Antitrust Protection Act of 1997. I am pleased to be joined by my colleagues on the Judiciary Committee, Mr. SENSENBRENNER, Mr. GEKAS, Mr. SMITH, Mr. GALLEGLY, Mr. CANADY, Mr. BONO, and Mr. FRANK who are original cosponsors of this legislation.

Because of increasing competition and a burgeoning trade deficit, our policies and laws must enhance the position of American businesses in the global marketplace. This concern should be a top priority for this Congress.

A logical place to start is to change rules that discourage the use and dissemination of existing technology and prevent the pursuit of promising avenues of research and development. Some of these rules arise from judicial decisions that erroneously create a tension between the antitrust laws and the intellectual property laws.

Our bill would eliminate a court-created presumption that market power is always present in a technical antitrust sense when a product protected by an intellectual property right is sold, licensed, or otherwise transferred. The market power presumption is wrong because it is based on false assumptions. Because there are often substitutes for products covered by intellectual property rights or there is no demand for the protected product, an intellectual property right does not automatically confer the power to determine the overall market price of a product or the power to exclude competitors from the marketplace.

On May 14, 1996, the Judiciary Committee held a thorough hearing on H.R. 2674, an identical bill that was introduced in the last Congress. At the hearing, the bill received support from the Intellectual Property Owners, the American Bar Association, and the Licensing Executives' Society. The administration agreed that the bill reflected the proper antitrust policy, but hesitated to endorse a legislative remedy.

Despite the administration's reluctance to endorse the bill fully in last year's hearing, the recent antitrust guidelines on the licensing of intellectual property—issued jointly by the antitrust enforcement agencies, the Department of Justice and the Federal Trade commission—acknowledge that the court-created presumption is wrong. The guidelines state that the enforcement agencies ''will not presume that a patent, copyright, or trade secret necessarily confers market power upon its owner. Although the intellectual property right confers the power to exclude with respect to the specific product, process, or work in question, there will often be sufficient actual or potential close substitutes for such product, process, or work to prevent the exercise of market power.'' Antitrust guidelines for the Licensing of Intellectual Property, April 6, 1995, p. 4 (emphasis in original).

For too long, Mr. Speaker, court decisions have applied the erroneous presumption of market power thereby creating an unintended conflict between the antitrust laws and the intellectual property laws. Economists and legal scholars have criticized these decisions, and more importantly, these decisions have discouraged innovation to the detriment of the American economy.

The basic problem stems from a lower Federal court decision that construed patents and copyrights as automatically giving the intellectual property owner market power. *Digidyne Corp.* v. *Data General Corp.,* 734 F.2d 1336, 1341–42 (9th Cir. 1984), *cert. denied,* 473 U.S. 908 (1984). The sheer size of the Ninth Circuit and its location make this holding a serious problem, even though some other courts have not applied the presumption. *Abbott Laboratories* v. *Brennan,* 952 F.2d 1346, 1354–55 (Fed. Cir. 1991), *cert. denied,* 505 U.S. 1205 (1992); *A.I. Root Co.* v. *Computer/Dynamics, Inc.,* 806 F.2d 673, 676 (6th Cir. 1986). The Ninth Circuit covers nine States and two territories, and it has a population of more than 45 million people. In addition, it contains a significant portion of the computer industry, including Silicon Valley in California and Microsoft in Washington.

So, in this very important area, the law says one thing in the Ninth Circuit, a different thing in other circuits, and in still other circuits, the courts have not spoken. See Antitrust Guidelines for the Licensing of Intellectual Property, p. 4 n. 10. This lack of clarity causes uncertainty about the law which, in turn, stifles innovation and discourages the dissemination of technology.

For example, under Supreme Court precedent, tying is subject to per se treatment under the antitrust laws only if the defendant has market power in the tying product. However, the presumption automatically confers market power on any patented or copyrighted product. Thus, when a patented or copyrighted product is sold with any other product, it is automatically reviewed under a harsh per se standard even though the patented or copyrighted product may not have any market power. As a result, innovative computer manufacturers may be unwilling to sell copyrighted software with unprotected hardware—a package that many consumers desire—because of the fear that this bundling will be judged as a per se violation of the prohibition against tying. The disagreement among the courts only heightens the problem for corporate counsel advising their clients as to how to proceed. Moreover, it encourages forum shopping as competitors seek a court that will apply the presumption. Clearly, intellectual property owners need a uniform national rule enacted by Congress.

Very similar legislation passed the Senate during past Congresses with broad, bipartisan support. S. 438 passed the Senate once as separate legislation and twice as an amendment to House-passed legislation during the 100th Congress. S. 270, a similar bill, passed the Senate again during the 101st Congress.

During the debate over that legislation, opponents of this procompetitive measure made various erroneous claims about this legislation—let me dispel these false notions at the outset. First, this bill does not create an antitrust exemption. To the contrary, it eliminates an antitrust plaintiff's ability to rely on a demonstrably false presumption without providing proof of market power. Second, this bill does not in any way affect the remedies, including treble damages, that are available to an antitrust plaintiff when it does prove its case. Third, this bill does not change the law that tying arrangements are deemed to be per se illegal when the defendant has market power in the tying product. Rather, it simply requires the plaintiff to prove that the claimed market power does, in fact, exist before subjecting the defendant to the per se standard. Fourth, this bill does not legalize any conduct that is currently illegal.

Instead, this bill ensures that intellectual property owners are treated the same as all other companies under the antitrust laws, including those relating to tying violations. The bill does not give them any special treatment, but restores to them the same treatment that all others receive.

In short, the time has come to reverse the misdirected judicial presumption. We must remove the threat of unwarranted liability from those who seek to market new technologies more efficiently. The intellectual property and antitrust laws should be structured so as to be complementary, not conflicting. This legislation will encourage the creation, development, and commercial application of new products and processes. It can mean technological advances which create new industries, increase productivity, and improve America's ability to compete in foreign markets.

I urge my colleagues in the House to join us in cosponsoring this important legislation. If you would like to join as a cosponsor, please call Joseph Gibson of the Judiciary Committee staff at extension 5–3951.

INTRODUCTION OF THE MARINE RESOURCES REVITALIZATION ACT OF 1997

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. SAXTON. Mr. Speaker, today I am pleased to introduce the Marine Resources Revitalization Act of 1997, a bill to reauthorize the National Sea Grant College Program.

By way of background, the National Sea Grant College Program was established by Congress in 1966 in an effort to improve our Nation's marine resource conservation efforts, to better manage those resources, and to enhance their proper utilization. Housed within the National Oceanic and Atmospheric Administration, Sea Grant is modeled after the highly successful Land Grant College Program created in 1862.

Over the past 30 years, Sea Grant has dramatically defined our capabilities to make decisions about marine, coastal, and Great Lakes resources—vast, publicly owned resources which are of vital economic, social, and cultural importance to our rapidly growing coastal populations. In doing so, Sea Grant promotes high quality, peer-reviewed scientific research. Furthermore, Sea Grant distributes scientific results regionally and locally through educational and advisory programs at over 300 universities and affiliated institutions nationwide. Twenty-nine of these are specifically designated as Sea Grant colleges or institutional programs, and they serve to coordinate Sea Grant activities on a State-by-State basis.

The Marine Resources Revitalization Act of 1997 authorizes funding for Sea Grant through fiscal year 2000; simplifies the definition of issues under Sea Grant's authority; clarifies the responsibilities of State and national programs; consolidates and clarifies the requirements for the designation of Sea Grant colleges and regional consortia; repeals the postdoctoral fellowship and international programs, both of which have never been funded; and makes several minor clerical or conforming amendments.

I would like to acknowledge three of my distinguished colleagues—DON YOUNG of Alaska, NEIL ABERCROMBIE of Hawaii, and SAM FARR of California—for their leadership in this reauthorization effort. We firmly believe that this legislation represents a realistic approach to reauthorizing the Sea Grant Program—the bill is inherently noncontroversial and has been fully endorsed by the administration. By enacting this legislation, we send a clear message supporting the protection and wise use of our marine and coastal resources.

INTRODUCTION OF INDIVIDUAL RETIREMENT ACCOUNT (IRA) LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, today Mr. Thomas and I are introducing the Super IRA bill. This bill is comprehensive individual retirement account [IRA] legislation. The main purpose of this legislation is to make it easier for individuals to save for retirement.

Saving for retirement is an issue which we must address. The Super IRA legislation will help with retirement and we can do this in a bipartisan manner. The phase ''economic security'' has become part of our vocabulary. During this session of Congress, we should do as much as possible to make individuals more secure in their retirement.

Statistics about retirement and our savings are not promising. Chairman Alan Greenspan of the Federal Reserve once stated that our low national savings rate is our No. 1 economic problem. Our national savings rate is only 1 percent of GDP.

We are beginning to face what has been commonly referred to as the ''graying of America.'' Within 30 years 1 out of every 5 Americans will be over 65. In 15 years, the baby boomers will begin turning 65. The baby boomers generation consists of 76 million people and this will result in Social Security beneficiaries doubling by the year 2040. Less than half of American workers are covered by private sector pensions.

The Super IRA legislation provides incentives for individuals to save for their own retirement. This legislation makes it easier for individuals to become personally responsible for their retirement. It will make all Americans eligible for fully deductible IRA's by the year 2001. Current law only allows those taxpayers who are not covered by any other pension arrangement and whose income does not exceed $40,000 to be eligible for a fully deductible IRA.

The 10-percent penalty on early withdrawals would be waived if the funds are used to buy a first home, to pay educational expenses, or to cover any expense during periods of unemployment. These are necessary legitimate purposes. Otherwise these savings should just be used for retirement.

The legislation creates a new type of IRA called the IRA plus Account. Contributions would not be tax deductible, but earnings can be withdrawn tax-free if the account is open for at least 5 years and the IRA holder is at least age 59½. These accounts provide another savings vehicle for individuals.

Super IRA legislation is not a panacea for the social insecurity that we will inevitably face, but is a reasonable, concrete solution to make retirement savings easier. I urge you to become a cosponsor of this legislation. I look forward to working on the passage of the Super IRA legislation during this session of Congress.

INTRODUCTION OF INDIVIDUAL RETIREMENT ACCOUNT [IRA] LEGISLATION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. THOMAS. Mr. Speaker, today I am introducing the 105th Congress version of the Super IRA legislation we expect to restore real savings incentives to the Internal Revenue Code. This year's bill, the Savings and Investment Incentive Act of 1997, represents the best selection of options for restoring and improving the Individual Retirement Accounts that have been so popular with taxpayers. All taxpayers will ultimately be able to choose between having an Individual Retirement Account that allows them to deduct contributions for their retirement savings and an IRA Plus account allowing them to earn tax-free income.

An outline of the bill follows. In addition, I want to note that Senate Finance Chairman ROTH and Senator BREAUX, with whom I have worked closely in developing the bill, will be introducing the Savings and Investment Incentive Act later this month. All of us agree that taxpayers need and deserve the savings incentives this bill provides.

It is obvious that the American taxpayer needs and wants the savings incentives this bill will provide. Studies indicate that today's ''baby boomer'' workers are only saving 36 percent of the funds they will need to maintain their standards of living after retirement. In fact, people aged 60 to 64, those closest to retirement, only have about $1,700 in financial assets in the form of savings, checking, and similar kinds of accounts. We need to give taxpayers control of their funds so they can better prepare for the future.

The Super IRA bill makes critical changes in the law so taxpayers will have plenty of options to choose from in saving for their future. The income caps that prevent many people from making deductible contributions to IRA's are eliminated over a 5-year period. A new kind of account called an IRA Plus account would be offered so taxpayers could earn tax-free income. The bill makes all IRA's easier for taxpayers to use because it eliminates the need to coordinate contributions with other kinds of retirement arrangements. This bill gives taxpayers the liquidity they want. Funds could be withdrawn from either type of IRA to fund family needs such as education, the purchase of a first home, or family support during periods of long-term unemployment.

IRA's enjoy a good deal of popularity among taxpayers. A number of surveys show just how popular they are. One poll found 74 percent of the respondents would increase their savings if they had tax incentives to do so, precisely what the Super IRA bill provides. Another survey conducted in 1995 found that 77 percent of those contacted supported letting everyone have deductible IRA's while 69 percent like the idea of penalty-free withdrawals for purchasing a first home, to provide education, or meet family needs during extended unemployment.

IRA's are a savings incentive that everyone can support. Republicans and Democrats can support this bill and I hope my House colleagues will join me in seeking to have the Savings and Investment Incentive Act enacted this year.

SUPER INDIVIDUAL RETIREMENT ACCOUNT LEGISLATION

DESCRIPTION OF PROVISIONS

Makes tax deductible IRAs available to all Americans

Under the legislation, all Americans would be eligible for fully deductible IRAs by the year 2001. Current law only allows those taxpayers who are not covered by any other pension arrangement and whose income does not exceed $40,000 ($25,000 for singles) to be eligible for a fully deductible IRA. These income limits would be gradually eliminated over a four year period beginning 1997.

The $2,000 contribution limit would be indexed for inflation in $500 increments.

Homemakers and other workers without employer pensions would be permitted to make up to a $2,000 tax deductible IRA contribution regardless of whether their spouses have an employer pension. This provision builds on the homemaker IRA provisions in the ''Small Business Job Protection Act of 1996'' signed into law in 1996.

New kind of IRA—''IRA Plus Account''

Taxpayers will be offered a new IRA choice called the ''IRA Plus Account.'' Under the IRA Plus Account, contributions would not be tax deductible. However, earnings on IRA Plus Account assets can be withdrawn tax-free if the account is open for at least 5 years and the IRA holder is at least age 59½. A 10% penalty would apply to early withdrawals unless they meet one of three special purpose distributions described below.

Taxpayers can contribute up to $2,000 to either a tax deductible IRA or a non-tax deductible IRA Plus Account. They can also allocate any portion of the $2,000 limit between these two IRA accounts, (e.g., $1,000 to a tax deductible IRA and $1,000 to the IRA Plus Account).

Penalty-free IRA withdrawals for special purposes

The 10% penalty on early withdrawals would be waived if the funds are used to buy a first home, to pay educational expenses or to cover any expense during periods of unemployment (after collecting unemployment compensation for at least 12 weeks). Participants in 401(k) plans and 403(b) annuities could also receive penalty-free withdrawals for these purposes under the legislation. Taxpayers will still be liable for the income tax due on the withdrawal, but no penalty tax would apply. Note: penalty-free withdrawals from IRAs for medical expenses were provided under the ''Health Insurance Portability and Accountability Act of 1996'' signed into law in 1996.

Conversion of IRAs into IRA Plus Accounts

Taxpayers will be allowed to ''convert'' their old IRA savings into IRA Plus Accounts without incurring an early withdrawal penalty or an excess distribution penalty. However, individuals must pay income tax on previously deducted contributions and corresponding earnings. If the conversion is made before January 1, 1999, the taxpayer can spread the tax payments over a four-year period.

Other features of the Thomas/Neal legislation

IRA and 401(k) contributions would not have to be coordinated.

IRA funds could be invested in certain coins and bullion.

TRIBUTE TO JOHN DUFFEY, AN AMERICAN MUSICAL PIONEER

HON. DAVID R. OBEY
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. OBEY. Mr. Speaker, it is a tradition of the House to take note of milestones and passages in our Nation. Mid-last year the world of music lost Bill Monroe, who was widely regarded as the founder of bluegrass. I take this occasion to call attention to the fact that sadly on December 10 we lost another giant in that musical tradition with the passing of John Duffey.

He was a remarkable singer of bluegrass, possessed of a powerful vocal instrument, one that could soar to impossibly high notes or become the soul of harmony and touch the heart. He was a good performer with mandolin and guitar, and he was the prince of wit and laughter.

He was a founding member of two bands that influenced string band musicians and singers across the Nation and around the world—the Country Gentlemen and the Seldom Scene. For more than 20 years, John Duffey and the Seldom Scene could be heard Thursday nights at the Birchmere in Alexandria. I had the pleasure of hearing them perform there often. When my constituents would come to town and asked me if there was something different they could see, I would always tell them if they wanted to see the people's music at its finest they should head down to the Birchmere and see John Duffey and his friends perform.

John Duffey did not like being boss and he liked being bossed even less, so these bands were composed of partners. A John Duffey comment about band structure can be applied to other aspects of life. He said, ''Democracy doesn't work all that well, but it keeps a group happy longer than any other way of doing business.'' He knew that from spending almost 40 years in just two bands.

A flamboyant performer famed for spoofs of whatever needed spoofing and a general irreverence on stage, John was modest, genial, and almost shy off stage.

Like all great artists, John Duffey was aware of the beauty around him. He grew up in a family with a father who was a professional singer, performing at one point for the Metropolitan Opera. John seems to have never rejected any music that was in tune, and he had a good ear.

He heard and was attracted to the music of Appalachian migrants to the Washington area from the upland South. Music is judged as often for its social connection as its sound, and this music had no status. But Duffey was not concerned about such things and he gave this music a new milieu. Here was a tall man with a crew cut and rapier wit performing brilliant bluegrass and able to put any heckler in North America in his seat.

Duffey loved the Appalachian sound, but he was not from the area and did not care to pretend that he was. So he helped enlarge the reach of the music. He chose songs from modern and ancient sources; he worked on vocal harmonies new to the genre. Thousands of younger players were impressed.

In an interview on Washington's great WAMU radio station, host Jerry Gray recently asked Duffey how he wished to be remembered. The answer was Duffeyesque: ''Well, I hope no one will think I was a klutz.''

When the passage of time allows a broader perspective, I believe John Duffey will be considered one of the most important creators of this music. Through his wit, laughter, extraordinary musical gifts and passionate performance, he said, ''this is a great American working class music.''

I extend condolences to his family, his fellow members of the Seldom Scene, and the thousands who will miss him as I will.

Mr. Speaker, I am inserting in the RECORD at this point four articles. The first, the obituary for John Duffey, written by Bart Barnes, which appeared in the Washington Post. Second, the accompanying newspaper article, written by Richard Harrington, which appeared in the Post that same day. Third, an article written for Bluegrass Unlimited by Dick Spottswood. And fourth, a tribute to John Duffey written by Dudley Connell for Sing Out! magazine. Mr. Connell is lead singer in The Seldom Scene, which was cofounded by Mr. Duffey.

[From the Washington Post, Dec. 11, 1996]

MUSICIAN JOHN DUFFEY DIES; LED THE GROUP SELDOM SCENE

(By Bart Barnes)

John Duffey, 62, a singer and mandolin player who founded and led the Seldom Scene bluegrass group for 25 years, died Nov. 10 at Arlington Hospital after a heart attack.

Mr. Duffey, who was known to music lovers for a high, lonesome and lusty tenor voice that was once described as ''one in a million,'' had been a fixture in Washington's musical community since the 1950s. The Seldom Scene was probably the premier bluegrass band in the Washington area, according to Pete Kuykendall, the publisher of Bluegrass Unlimited magazine and a former bandmate of Mr. Duffey's.

For 22 years, the Seldom Scene has played regularly at the Birchmere in Alexandria. The group also has toured oveseas, played in most of the 50 states and produced dozens of recordings, tapes and compact discs.

The group's most recent album is ''Dream Scene,'' released this fall. The Seldom Scene played with other bluegrass bands on the Grammy Award-winning ''Bluegrass: The World's Greatest Show.'' Over the last quarter-century, the group has played for the likes of President Jimmy Carter and Vice President Gore, as well as for members of Congress.

The group was formed in 1971 by Mr. Duffey and four others: Tom Gray, who worked for National Geographic; Ben Eldridge, a mathematician and computer expert; Mike Auldridge, a graphic artist with the Washington Star; and John Starling, a physician and ear, nose and throat specialist.

The five men initially intended to sing and play together only occasionally, hence the name, Seldom Scene. ''They started as a fun thing, like a Thursday night poker game or a bowling night,'' Kuykendall said.

But the group soon progressed from occasional basement gettogethers to regular Thursday night appearances at the Red Fox Inn in Bethesda, where they played to standing-room-only crowds, and, from there, to the Birchmere, where they became a weekly fixture.

The Seldom Scene's 15th-anniversary concert was held at the Kennedy Center, and it included a presidential citation from Ronald Reagan, whose press secretary, James Brady, was a regular at the Birchmere. It featured guest appearances by the likes of Linda Ronstadt and Emmylou Harris.

Mr. Duffey, a resident of Arlington, was born in Washington and graduated from Bethesda-Chevy Chase High School. His father had been a singer with the Metropolitan Opera, and the son inherited an exceptional singing voice with a range said to be three of four octaves.

As a high school student, the young Mr. Duffey developed a love for the bluegrass music he heard on the radio. His father taught him the voice and breathing techniques of a classical opera singer, despite what was said to have been the elder Duffey's lack of enthusiasm for ''hillbilly music.''

As a young man, Mr. Duffey worked at a variety of jobs, including that of printer and repairer of stringed instruments. But his avocation was music, and it soon became his vocation as well.

In 1957, with Bill Emerson and Charlie Waller, Mr. Duffey founded the Country Gentlemen, a bluegrass and folk music group that for about 10 years rode the wave of folk music enthusiasm that surged through the 1960s. The group disbanded in the late 1960s, and Mr. Duffey went to work as an instrument repairman at a music store in the Cherrydale section of Arlington, which was how he was making a living when the Seldom Scene was formed.

''When we started the Seldom Scene, we all had jobs and we didn't care if anybody liked what we did or not,'' Auldridge told The Washington Post's Richard Harrington last year. ''We just said, 'We're going to do some bluegrass because we love it, and some James Taylor or Grateful Dead, and if people buy it, great. If they don't, what do we care?' ''

Mr. Duffey was a large and imposing man with a precise and soulfully expressive voice, and his singing was invariably moving. But he also had an engaging, irrepressible and sometimes off-the-wall style of stage chatter and a superb sense of timing that could break up an audience with a one-liner.

''What people love about him is that you know he's one of these guys stuck in the '50s, but he's so happy with himself, so confident, and he's also nuts,'' Aulridge said in 1989.

In the quarter-century since its formation, the Seldom Scene built its reputation on flawless harmony, instrumental virtuosity and a repertoire that included traditional bluegrass and modern popular music, rock tunes, swing and country, gospel and jazz.

Over the years, there would be changes in the group's composition, but until last year, the instrumental core remained the same: Mr. Duffey on mandolin, Eldridge on banjo and Auldridge on dobro. But Auldridge left the group in December, leaving only two original members.

In September, Mr. Duffey was inducted along with the original Country Gentlemen into the International Bluegrass Music Association's Hall of Fame.

Survivors include his wife, Nancy L. Duffey of Arlington.

[From the Washington Post, Dec. 11, 1996]

JOHN DUFFEY: A MANDOLIN FOR ALL SEASONS

(By Richard Harrington)

The National Observer once dubbed John Duffey ''the father of modern bluegrass,'' a paternity that suited the muscled, buzz-cut mandolinist and high tenor who was cofounder of both the Country Gentlemen in 1957 and the Seldom Scene in 1972. Those two seminal acts not only helped popularize bluegrass worldwide but made Washington the bluegrass capital of the nation in the '60s and '70s.

Already reeling from the recent death of bluegrass patriarch Bill Monroe, the music and its fans may be excused for feeling orphaned right now. Duffey who died yesterday at the age of 62 after suffering a heart attack

at his home in Arlington, was, like Monroe, a towering figure, physically and historically.

Duffey was also one of the most riveting and riotous personas in bluegrass, as famous for his (generally politically incorrect) jokes and onstage shenanigans as for ripping off fiery mandolin solos and then flinging his instrument behind his back when he was done—because, well, he was done.

''John was one of the half-dozen most important players ever in this industry,'' fellow musician Dudley Connell said yesterday. ''He helped redefine how people looked at bluegrass, made it acceptable to the urban masses by his choice of material and style of performance.''

Connell, founder of the critically acclaimed Johnson Mountain Boys, joined the Seldom Scene just a year ago when several of that band's longtime members left to devote themselves to a band called Chesapeake. That changeover represented a third act for John Duffey, the Washington-born son of an opera singer whose forceful and unusually expressive voice was once described—quite accurately— as ''the loudest tenor in bluegrass.''

''John Duffey had such a presence onstage you just had to watch him,'' noted bluegrass and country music radio personality Katie Daley. ''It wasn't just that high tenor, either. He had such flair that he made the music a joy to watch . . . at a time when so many bluegrass groups would just stand straight-faced at the mike.''

In terms of stubbornness and steel will, Duffey was not unlike Bill Monroe, but where Monroe was a tireless proselytizer for bluegrass, Duffey chose a different course that left him far less famous.

''He was proud but didn't want to pay any of the prices—interviews, travel, rehearsing, recording,'' says Gary Oelze, owner of the Birchmere, the Virginia club put on the world entertainment map by virtue of the Seldom Scene's 20-year residency there on Thursday nights.

''He hated to rehearse, and would only pull out his mandolin when it was time to play,'' Oelze recalled yesterday, ''And he hated the studio, where his theory was, 'If I can't do it right in one take, then I can't do it right at all.' He's like Monroe in that both were set in their own ways. John was a big dominating character and cantankerous old fart. It's hard to imagine the big guy gone.''

John Starling, a Virginia surgeon who was for many years the Seldom Scene's lead singer, concedes that Duffey was ''sometimes difficult to deal with from a professional standpoint, but he was also true to himself and he never changed. John was one of a kind.''

Starling first encountered Duffey while in medical school at the University of Virginia in the mid-'60s; at the time, Duffey was with the Country Gentlemen and Starling would venture to Georgetown to catch them at the Shamrock on M Street. ''I never dreamed one day I'd play in the same band,'' Starling says, adding that ''everything I know about the music business—especially to stay as far away from it as possible—I learned from John.

''Left to our own devices, the Seldom Scene would have cleared a room in 10 minutes without John,'' Starling says with a chuckle. ''He was the entertainer, the rest of us were players and singers. He did it all.''

Duffey's career began with a care wreck in 1957 that injured a mandolin player, Buzz Busby, who fronted a bluegrass group. Busby's banjo player, Bill Emerson, quickly sought substitutes so the band could fulfill a major club date.

Emerson found a young guitar player named Charlie Waller and a young mandolin player named John Duffey. And so on July 4 1957, what would soon be the Country Gentlemen played their first date, at the Admiral Grill in Bailey's Crossroads. They liked their sound, and decided to strike out on their own. It was Duffey who came up with the name, noting that a lot of bluegrass bands at the time were calling themselves the so-and-so Mountain Boys. ''We're not mountain boys,'' he said. ''We're gentlemen.''

And scholars. At least Duffey was, spending hours at the Library of Congress's vast Archive of Folk Song, looking for unmined musical treasures. Duffey was a product of the first American folk revival, which had introduced urbanites to rural culture. And he in turn passed it on. ''John was one of those people who brought rural music to the city,'' says Joe Wilson, head of the National Council for the Traditional Arts. ''He was concerned with authenticity even though he didn't share the [rural] background.''

What came to be known as the ''classic'' Country Gentlemen lineup was settled in 1959 with the addition of guitarist-singer Eddie Adcock. Duffey (high tenor), Waller (low tenor) and Adcock (baritone) created one of the finest vocal trios in bluegrass history. The band's repertoire deftly melded bluegrass, fold and country tunes in a way that was both tradition-oriented and forward-looking. And they began adapting popular songs in the bluegrass style.

Duffey ''gave bluegrass accessibility to lawyers and accountants and people who worked on Capitol Hill,'' says Wilson. ''He was an interpreter in the finest sense of the word, bringing grass-roots culture to an elite.''

Along with Flatt and Scruggs—a duo introduced to mass television audiences by the ''Beverly Hillbillies'' theme song—the Country Gentlemen probably made more bluegrass converts in the '60s than Bill Monroe himself. They were criticized in traditional bluegrass circles for being too ''progressive''—for playing what was dismissively dubbed ''newgrass.'' But on the emerging bluegrass festival circuit and in venues as un-Shamrock-like as Carnegie Hall, their approach made them the music's most successful ambassadors.

By 1969, however, John Duffey was frustrated with traveling, terrified of flying, and generally down on the music business. He retired to an instrument-building and repair business in Arlington. In weekly gatherings at Bethesda's tiny Red Fox Inn, he played with other gifted musicians who didn't want to give up their day jobs. These sessions blossomed, in 1972, into a band with a modest name: the Seldom Scene.

The Country Gentlemen survived Duffey's departure, enduring 40 years around Waller, its lone survivor. Perhaps the Seldom Scene will go on, too. But John Duffey was so much the focus, the showman, the entertainer—that huge man with his fingers flying over his tiny mandolin—that it's hard to imagine the band, or bluegrass, without him.

[From Bluegrass Unlimited, Dec. 10, 1996]

JOHN H. DUFFEY

March 4, 1934—December 10, 1996

John Humbird Duffey died today. He was 62.

I had to write that down and stare at it for a few seconds to clear my mind and force myself to acknowledge that unthinkable and, for now, unacceptable fact of life. His death came from a massive heart attack at 10:20 a.m. at Arlington Hospital, after being taken in early this morning following some breathing problems. Though he had a history of minor heart problems, his health had otherwise been good—good enough for a successful Seldom Scene performance in the New York City area this past weekend.

Those are the simple, immediate facts, the ones we enumerate when grief makes it difficult to think beyond them. John was a commanding presence in the Washington, D.C. area, where he was born, raised and hardly ever left. His sheer size and bulk would have made him stand out in any crowd. On stage, when he went to work on that comparatively tiny mandolin, it never looked like a fair match, especially since John always made music look so deceptively easy.

John also played resonator guitar on a number of early Starday singles, including his notable ''Traveling Dobro Blues.'' He was good at it too, but one can manage just so much, and John abandoned the instrument early. Not so his finger-style guitar, which has replaced or supplemented the mandolin in John's arrangements many times over the years.

John Duffey's voice was his other superb instrument. His father had been a professional singer, serving for a time in the Metropolitan Opera chorus. John learned a few vocal secrets from him, especially the arts of breathing and singing from the diaphragm. They served John well. His vocal agility, remarkable range, distinctive vocal harmonies, and lovely intonation remained with him right up to the end, and his voice was as instantly recognizable as any on the planet.

Many will remember John's incredible gift for comedy, which grew out of the bad boy persona he cultivated on stage. He was a child of the suburbs and his wit was hip and urbane rather than country. John's irreverence never served to diminish his music, but he could and did ad-lib as skillfully as a professional comic. It was an attitude which had been foreign to bluegrass. Before the Country Gentlemen appeared in 1957, hillbilly comedy had been the provenance of bass-players who specialized in rube routines, blackened teeth, and ill-fitting costumes. Their comedy at its best was crude and wonderful but it was no match for John Duffey, whose unrepentantly loud, tasteless clothes and flat-top haircut made him look like a comic relic in the '90s, much as Cousin Mort, Chick Stripling and Kentucky Slim appeared to be rural leftovers in the '50s.

The Country Gentlemen formed as a result of a 1957 auto accident involving the band of another bluegrass veteran, singer/mandolinist Buzz Busby. Buzz's band had contracted a July 4th engagement; to fill it, banjo player Bill Emerson engaged Charlie Waller, John Duffey and a temporary bass player. The result pleased everyone so much that they gave themselves a new name and kept right on working, even after Bill bequeathed the banjo chair to Pete Kuykendall, who subsequently turned it over to Eddie Adcock in 1959. Pete and John became fast friends, and Pete continued to work behind the scenes for the Gentlemen, composing new songs for them, introducing them to old ones, and producing their records for several years. Bass player Tom Gray joined the group later creating the Classic Country Gentlemen.

This unique combination of skills transformed the band virtually overnight. Charlie Waller had always been at home with mainstream country music as well as bluegrass. John and Bill Emerson's knowledge extended to country, pop, jazz, blues and classical music. The Country Gentlemen's first Starday release in 1958 clearly showed the way: ''It's The Blues,'' neither blues nor bluegrass, was an experimental song which would have then seemed challenging even to Nashville professionals. Its reverse. ''Backwoods Blues,'' was a jazzy reprise of the 1920s pop standard ''Bye Bye Blues'' (which wasn't blues either).

Marshall McLuhan once defined art as ''anything you can get away with,'' which

precisely matched John Duffey's attitude towards bluegrass. John's respect for the classic Monroe model was exceeded by no one's but the Monroe musical constraints which defined classic bluegrass were only one option for him. The Country Gentlemen's eclectic LP collections proceeded to span the gap from ancient hymns and tragic songs to Ian and Sylvia, Tom Rush, Lefty Frizzel, and Bob Dylan pieces, woven into a broad and usually scamless fabric by a versatile and inspired group of musicians.

It turned out to be a perfect formula for those times. Mike Seeger pitched the Gents to Moe Asch, whose Folkways label published four LPs by them. Those recordings quickly wound up in the hands of urban folk music buffs, becoming bluegrass primers for many in northern cities and on college campuses. This new audience in turn was receptive to John's adventurous music, and it helped pave the way for the Gentlemen's growing international following in the 1960s.

As their career heated up, John grew tired of the necessary travel and retired from music in 1969. But the hiatus proved brief; in 1971 he joined Tom Gray, Mike Auldridge, and Ben Eldridge to form the Seldom Scene, whose name indicated that it was a group whose ambitions were limited. But lightning struck again. With John Starling, a singer whose abilities matched John's, the group quickly achieved the status and respect previously accorded the Country Gentlemen.

By then, the Duffey approach had been labeled ''progressive bluegrass,'' a label which encouraged others to follow John's example and even exceed it, with pop tunes and rock arrangements which often became tangential to the classic models. John's selections and arrangements sought to take alien material and bring it towards bluegrass rather than force bluegrass to conform to other popular musics. It was the right approach; the ''newgrass'' bands have come and gone while the Seldom Scene has prospered and endured.

John Duffey wasn't a sentimental person, and he'd probably be embarrassed by an outpouring of emotion. But it's hard to envision bluegrass without him, hard for those of us of his generation and beyond not to remember many evenings at the Crossroads, the Shamrock, the Cellar Door, the Red Fox and the Birchmere, local joints which may not have been up to the standard of the downtown cocktail lounges, but where John, the Gents and the Scene enjoyed extended engagements over the past 40 years. That's not to say that John wasn't influential beyond his home environs. He traveled when he had to, to many parts of the globe, sharing the stage with everyone from Linda Ronstadt to Bill Monroe—who uncharacteristically, rarely failed to crack a smile in John's presence. John Duffey offstage was a modest and unassuming person, who nevertheless was a loyal friend to many, professionals and fans alike. Even those of us who weren't close to him can attest to the way his art touched our lives and made them better. His death will be hard for the many music professionals whom he inspired, informed and befriended. There hasn't been much that's taken place in bluegrass since the 1950s that he hasn't influenced one way or another.

Survivors include John's wife Nancy who, among other things, has been a loyal, appreciative spouse, a daughter, Ginger Allred and three stepchildren: Donald Mitchell, Richard Mitchell and Darci Holt.

Goodbye, John, and thank you from the bottom of our hearts. Like the ads say, your gifts will keep on giving.

[From Sing Out!]

The following tribute to John Duffey written by Dudley Connell for Sing Out! magazine. Mr. Connell is lead singer in the Seldom Scene, co-founded by Mr. Duffey.

When John Duffey died on December 10, 1996, he left an imposing and very important forty year musical legacy.

John was a big guy with commanding stage presence. With his 1950s style flattop hair cut, multicolored body builder paints and unmatching bowling shirt, he left an indelible impression. When he arrived at the stage with his trademark mandolin and home made cup holder, complete with a special clip ready to attach to an unattended microphone stand, you knew John was ready to go to work.

His huge hands flew expertly across the neck of his tiny mandolin at a speed that seemed impossible. He made it look so easy. John would occasionally invite other players in the audience to sit and play his mandolin. They invariably found its high and tight action intimidating. Akira Otsuka, a long time Washington area player and John Duffey disciple, once looked at me after attempting a break on John's mandolin and asked, ''How does he play this thing?''

John's most remarkable instrument, however, was his powerhouse tenor voice. There has never been any voice in bluegrass more unmistakable or capable of such range as that of John Duffey's. It seemed to ignore human bounds. His voice could range from the soft and delicate, ''Walk Through This World With Me'', to the aggressive and powerful, ''Little Georgia Rose''. Even at age 62, his voice was both challenging and inspiring to accompany.

John Duffey was as well known for his entertaining stage swagger as for his incomparable musical abilities. He was like a loose cannon on stage. Unlike many performers who have been entertaining for a long period of time, John did not work from scripted stage patter. Anything and anybody was fair game. There were many times John would hook onto a unsuspecting heckler in the audience and send the rest of the band members scurrying for cover. But with that unpredictable tension came a certain excitement and unpredictability that was fuel for the fire of all Seldom Scene stage shows.

In his forty years in the bluegrass music, John was unique and fortunate to have been the catalyst in forming two landmark bands. The first came by accident, literally.

On July 4th, 1957, Buzz Busby, a legendary Washington area mandolin player and tenor singer, was contracted to play a gig at a local night spot. When he was involved in an automobile accident and was unable to make the show, the group's banjo player, Bill Emerson, started making phone calls and arranged for Charlie Waller and John to fill in. The resulting sound was pleasing to everyone that they decided to give themselves a new name and continue playing together.

Never one to follow trends, John felt that a band from Washington DC should choose a name that reflected its own heritage and not use a ''So and So and the Mountain Boys'' or some other name that suggested they were from somewhere they were not. The name John chose was The Country Gentlemen, then a very urbane name for a bluegrass band. His former colleague in that group, Charlie Waller, continues to tour and perform with that band.

Due to the interest of Bill Emerson and John, tunes that were country, pop, blues, jazz, and classical became fair game for the Country Gentlemen who became noted for pushing the envelope of the existing bluegrass repertoire. John said, ''There were enough versions of 'Blue Ridge Cabin Home' and 'Cabin in Caroline' to go around.'' He was looking for something different. Hence the Country Gentlemen's song bag included John's jazzy mandolin interpretation of ''Sunrise'', Bob Dylan's ''Its All Over Now Baby Blue'', and a mandolin version of the theme from the movie ''Exodus''.

John also recognized the importance of the Folk Revival in the early 1960s and spent a considerable amount of time at the Library of Congress, researching material and achieving considerable success in composed melodies for old poems he found during his research. Songs entering the Country Gentlemen's repertoire in this manner include the classic, ''Bringing Mary Home'' and ''A Letter to Tom''. In addition to collecting and arranging old songs and poems, John composed and dedicated to his wife Nancy, ''The Traveler'', and the haunting ''Victim to the Tomb'', along with many others.

But by the late 1960s John had tired of all the traveling necessary to sustain a bluegrass band. ''I just got tired of saving up to go on tour,'' he said. In 1969 Duffey left the Country Gentlemen with no intentions of performing again. During the 1969 to 1971, John operated a musical instrument repair shop.

But in 1971 John again found himself involved with music business, and again, by accident. He was joined in a informal group by former Country Gentlemen bassist Tom Gray, and by Ben Eldridge, Mike Aldridge and John Starling. This band would go on to be known as the Seldom Scene.

As the name implies, this group of musicians did not form with the intention of touring and playing music for a living. All the members had day jobs and simply wanted an outlet for their music. John said it was, ''Sort of a boy's night out, like a weekly card game.'' The group started out in a member's basement, playing for fun, and then moved to the small Red Fox Inn outside Washington, DC. The group would later move across the Potomac River to a weekly Thursday night time slot at the Birchmere, in Northern Virginia.

Not being driven by the financial contraints to adhere to any of the rules normally associated with a professional touring group, the Seldom Scene did the music they wanted to do the way they wanted to do it. John's feeling was that ''If people enjoy what we do, fine. If they don't, that's okay, too.'' With this freewheeling attitude, the group continued to stretch their musical reach by recording tunes from the Eric Clapton catalog, ''Lay Down Sally'' and ''After Midnight'', to long improvisational numbers with extended jams like ''Rider''.

This continuing tendancy to incorporate influences from outside of the traditional sources made it easier for the urban audiences around Washington to identify with bluegrass. It also expanded the group's popularity to far beyond the doors of the local DC club scene. And the experimentation continued. In the weeks before his death, the current band was in rehearsals for their next recording project and were working on an arrangement to the Muddy Waters classic, ''Rollin' and Tumblin''. John Duffey and the Seldom Scene continued to be active up to the end, playing in Englewood, New Jersey, just days before John's death.

John Duffey's influence on generations of musicians cannot be overstated. Noted music historian, Dick Spottswood, said, ''There hasn't been much that's taken place in bluegrass since the 1950s that he hasn't influenced one way or another.''

John Duffey is survivied by his wife Nancy and daughter, Ginger Allred. He also has three stepchildren; Donald Mitchell, Richard Mitchell, and Darci Holt.

Daily Digest

HIGHLIGHTS

Senate and House met in joint session to count electoral votes.

Senate

Chamber Action

Routine Proceedings, pages S109–S117

Measures Introduced: Six resolutions were introduced, as follows: S. Res. 9–14. **Page S112**

Electoral Ballot Count: Senate met in Joint Session with the House of Representatives to count the electoral ballots of the several States cast in the election of the President and Vice President of the United States. **Page S113**

Measures Passed:

Amending Senate Rules: Senate agreed to S. Res. 9, amending paragraphs 2 and 3 of rule XXV of the Standing Rules of the Senate. **Page S109**

Majority Party Committee Appointments: Senate agreed to S. Res. 10, making majority party appointments to certain Senate committees for the 105th Congress. **Page S110**

Minority Party Committee Appointments: Senate agreed to S. Res. 11, making minority party appointments to Senate committees for the 105th Congress. **Page S110**

Minority Party Committee Appointments: Senate agreed to S. Res. 12, making minority party appointments to Senate committees in paragraphs 3(a), (b), and (c) of rule XXV. **Page S110**

Majority Party Committee Appointments: Senate agreed to S. Res. 13, making majority party appointments to the Senate Committee on the Judiciary for the 105th Congress. **Pages S110–11**

Majority Party Committee Appointments: Senate agreed to S. Res. 14, making majority party appointments to Senate committees for the 105th Congress. **Page S111**

Nominations Received: Senate received the following nominations:

Anthony Lake, of Massachusetts, to be Director of Central Intelligence.

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, as Ambassador to Australia.

Anne W. Patterson, of Virginia, to be Ambassador to the Republic of El Salvador.

Arma Jane Karaer, of Virginia, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Dennis K. Hays, of Florida, to be Ambassador to the Republic of Suriname.

John Francis Maisto, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

Pete Peterson, of Florida, to be Ambassador to the Socialist Republic of Vietnam.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

Richard W. Bogosian, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Rwanda/Burundi.

Madeleine Korbel Albright, of the District of Columbia, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Edward William Gnehm, Jr., of Georgia, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Karl Frederick Inderfurth, of North Carolina, to be an Alternate Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Victor Marrero, of New York, to be an Alternate Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Lowell Lee Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Keith R. Hall, of Maryland, to be an Assistant Secretary of the Air Force.

Susan R. Baron, of Maryland, to be a Member of the National Corporation for Housing Partnerships for the term expiring October 27, 1997.

Charles A. Gueli, of Maryland, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1999.

Niranjan S. Shah, of Illinois, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1998.

Yolanda Townsend Wheat, of Missouri, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2001.

Sheila Foster Anthony, of Arkansas, to be a Federal Trade Commissioner for the term of seven years from September 26, 1995.

Triruvarur R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of four years.

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

Heidi H. Schulman, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

Ronald Kent Burton, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

Judith M. Espinosa, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of four years.

Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2005.

Brigadier General Robert Bernard Flowers, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

David J. Barram, of California, to be Administrator of General Services.

Denis J. Hauptly, of Minnesota, to be Chairman of the Special Panel on Appeals for a term of six years.

Leo K. Goto, of Colorado, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of two years.

Don T. Nakanishi, of California, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of two years.

Peggy A. Nagae, of Oregon, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years.

Dale Minami, of California, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years.

Yeiichi Kuwayama, of the District of Columbia, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years.

Elsa H. Kudo, of Hawaii, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of two years.

Robert F. Drinan, of Massachusetts, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years.

Susan Hayase, of California, to be a Member of the Board of Directors of the Civil Liberties Public Education Fund for a term of three years.

Michael A. Naranjo, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2002.

Jeanne Givens, of Idaho, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2002.

Barbara Blum, of the District of Columbia, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2002.

Letitia Chambers, of Oklahoma, to be a Member of the Board of Trustees of the Institute of American

Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2000.

Sophia H. Hall, of Illinois, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1997.

Sophia H. Hall, of Illinois, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2002.

Rose Ochi, of California, to be Director, Community Relations Service, for a term of four years.

Daniel Guttman, of the District of Columbia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2001.

Gerald N. Tirozzi, of Connecticut, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

Hulett Hall Askew, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998.

Ernestine P. Watlington, of Pennsylvania, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1999.

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2002.

Nathan Leventhal, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

Joseph Lane Kirkland, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

A. E. Dick Howard, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term of six years.

Jon Deveaux, of New York, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

Anthony R. Sarmiento, of Maryland, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

Sarah McCracken Fox, of New York, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2000.

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 1999.

Patricia M. McMahon, of New Hampshire, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

M. R. C. Greenwood, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

John A. Armstrong, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Stanley Vincent Jaskolski, of Ohio, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Richard A. Tapia, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Mary K. Gaillard, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Bob H. Suzuki, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Eamon M. Kelly, of Louisiana, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Vera C. Rubin, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Routine lists in the Army. **Pages S115–17**

Messages From the House: **Pages S111–12**

Recess: Senate convened at 12:31 p.m. and, in accordance with S. Con. Res. 3, recessed at 1:24 p.m., until 12 noon, on Tuesday, January 21, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S115.)

Committee Meetings

(Committees not listed did not meet)

AIR BAG SAFETY

Committee on Commerce, Science, and Transportation: Committee held hearings to examine air bag safety, receiving testimony from Senator Kempthorne; Ricardo Martinez, Administrator, National Highway Traffic Safety Administration; James Hall, Chairman, and Elaine B. Weinstein, Chief, Safety Studies Division, both of the National Transportation Safety Board; Joan Claybrook, Public Citizen, Andrew Card, Susan M. Cischke, Chrysler Corporation, Lou Camp, Ford Motor Company, and Bob Lange, General Motors Corporation, all on behalf of the American Automobile Manufacturers Association, and Janet Dewey, Air Bag Safety Campaign, all of Washington, D.C.; Philip Hutchison, Association of International Automobile Manufacturers, and Brian O'Neill, Insurance Institute for Highway Safety,

both of Arlington, Virginia; Charles H. Pulley, Automotive Occupant Restraints Council, Lexington, Kentucky; Kathleen Jones, Blacksburg, Virginia; and Robert Sanders, Parents Coalition for Air Bag Warnings, Baltimore, Maryland.

Hearings were recessed subject to call.

GULF WAR ILLNESSES

Committee on Veterans' Affairs: Committee held hearings to examine Persian Gulf War illnesses, receiving testimony from Jesse Brown, Secretary of Veterans Affairs, Kenneth Kizer, Under Secretary for Health, and Stephen L. Lemons, Acting Under Secretary for Benefits, all of the Department of Veterans Affairs; George J. Tenet, Acting Director, Nora Slatkin, Executive Director, and Sylvia Copeland, Executive Officer, Office of Weapons, Technology, and Proliferation, all of the Central Intelligence Agency; and Joyce C. Lashof, Chair, and Philip J. Landrigan, Member, both of The Presidential Advisory Committee on Persian Gulf War Veterans' Illnesses.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 67 public bills, H.R. 382–448; 7 private bills, H.R. 375–381; and 16 resolutions, H.J. Res. 25–31, H. Con. Res. 6–8, and H. Res. 25–30, were introduced. **Pages H138–56**

Reports Filed: There were no reports filed today.

Committee Resignation: Read a letter from Representative Bunning wherein he resigns from the Select Committee on Ethics. Subsequently, the Speaker announced the appointment of Representative Lamar Smith of Texas to fill the vacancy. **Page H75**

Public Law Technical Correction: House passed H.J. Res. 25, making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208). **Pages H75–76**

Committee Chairman Election: House agreed to H. Res. 25, electing Representative Sensenbrenner, Chairman, Committee on Science; Representative Talent, Chairman, Committee on Small Business; and Representative Stump, Chairman, Committee on Veterans' Affairs. **Page H76**

Chief Administrative Officer: The Speaker appointed Jeff Trandahl of Virginia to act as, and to exercise temporarily the duties of Chief Administrative Officer of the House of Representatives. Subsequently, the Speaker administered the Oath of Office to Mr. Trandahl. **Page H76**

Deputy Clerk: Read a letter from the Clerk wherein she designates Ms. Linda Nave, Deputy Clerk, to sign papers and do all other acts under the name of the Clerk of the House of Representatives in the Clerk's temporary absence or disability. **Page H76**

Electoral Vote Tellers: The Speaker appointed Representatives Thomas of California and Gejdenson as Tellers on the Part of the House for count of the Electoral Votes. **Page H76**

Recess: House recessed at 12:09 p.m. and reconvened at 12:59 p.m. **Page H76**

Electoral Ballot Count: Pursuant to the provisions of S. Con. Res. 1, the House and Senate met in joint session and counted the votes cast by the electors for President and Vice-President of the United States of America. The count disclosed the following votes cast for President: Bill Clinton of Arkansas, 379; and Bob Dole of Kansas, 159. The count disclosed the following votes for Vice President: Al Gore of Tennessee, 379; and Jack Kemp of Maryland, 159. Representatives Thomas of California and Gejdenson, on the part of the House, and Senators Warner and Ford, on the part of the Senate, served as tellers. **Pages H76–77**

Recess: House recessed at 1:28 p.m. and reconvened at 1:45 p.m. **Page H77**

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at noon and, pursuant to the provisions of S. Con. Res. 3, adjourned at 2:11 p.m. until 10 a.m. on Monday, January 20, 1997.

Committee Meetings

COMMITTEE ORGANIZATION

Committee on Agriculture: On January 8, the Committee met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on House Oversight: On January 8, the Committee met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Rules: On January 8, the Committee met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Transportation: On January 8, the Committee met for organizational purposes.

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

Select Committee on Ethics: On January 8, the Committee met in executive session to consider scheduling of sanction hearings in the matter of Representative Gingrich.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 10, 1997

(Committee meetings are open unless otherwise indicated)

Senate

No meetings are scheduled.

House

Select Committee on Ethics: January 12, executive, to consider pending business, 1:30 p.m., HT–2M Capitol.

January 13, to hear presentations of James Cole and Counsel for Respondent in the matter of Representative Gingrich, 9 a.m., HT–2M Capitol.

January 14–17, sanction hearings and recommendations in the matter of Representative Gingrich, 9 a.m., room to be announced.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the employment-umemployment situation for December, 9:30 a.m., 1334 Longworth.

Next Meeting of the SENATE

12 noon, Tuesday, January 21

Senate Chamber

Program for Tuesday: No legislative business is scheduled.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Monday, January 20

House Chamber

Program for Monday: Inauguration ceremonies.

Extensions of Remarks, as inserted in this issue

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