

Section 725.405—Development of Medical Evidence: fails to account for district director obligation to develop evidence other than medical evidence.

Section 725.405(c)—Medical Examination and Tests: limits the development of medical evidence.

Section 725.408—Operator's Response to Notification: requires potentially liable operators to respond to notification of its status within thirty days, research up to 27 years of employment data within sixty days of notification to submit evidence to claims examiner to support its position that it is not a potentially responsible operator.

Section 725.413(c)—Initial Adjudication by the District Director: transfers adjudication functions from the ALJ to the district director, limits development of medical evidence.

Section 725.414—Development of Evidence: defines the amount and type of medical evidence which each party may submit.

Section 725.415—Action by the District Director After Development of Operator's Evidence: provides for adjudication at an informal hearing before the district director that is not an on-the-record proceeding under oath.

Section 725.416—Conferences: permits sanctions, including abandonment or waiver of the right to contest issues, for failure to appear at an informal conference and permits the conference procedures to be within the discretion of the district director.

Section 725.454—Time and Place of Hearing: Transfer of Cases: deletes language permitting the ALJ to reopen the hearing or admit additional evidence for good cause shown.

Section 725.456—Introduction of Documentary Evidence: deletes authority of the ALJs to perform certain functions and denies all parties, rights to fully cross-examine adverse evidence and witnesses.

Section 725.457—Witnesses: denies all parties, rights to fully cross-examine adverse evidence and witnesses; denies full development of a record at the hearing; limits expert witness testimony.

FOOTNOTES

¹Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p.p. 3338-3435.

²5 U.S.C. §§601 *et seq.*

³Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

⁴5 U.S.C. §605(b).

⁵5 U.S.C. §601.

⁶13 C.F.R. part 121.

⁷See 13 C.F.R. part 121 and U.S. Bureau of the Census data 1994.

⁸In the preamble, the agency appears to indicate that economic impact to small business can be correlated to the \$100 million per year impact used for the Unfunded Mandates Reform Act of 1995. The use of the \$100 million threshold is not relevant for determining the economic impact of the regulation to a particular size or a particular type of coal mine.

⁹Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

¹⁰Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3372.

¹¹Using data from the U.S. Bureau of the Census on firm revenues and the ESA. Advocacy calculated that an anthracite mine with 20 employees would have annual revenues of \$2,069,000. This amount divided by 20 employees indicates that the firm has revenues of \$103,450 per employee. With an average employee salary of \$38,355, the firm is incurring 37 percent labor costs. If the agency challenges this assertion, then ESA should provide additional information on industry salaries.

¹²Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

¹³Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3371.

¹⁴5 U.S.C. §609.

GEN. HUGH SHELTON'S APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise to praise President Clinton's appointment of Army Gen. Hugh Shelton as Chairman of the Joint Chiefs of Staff and the U.S. Senate's Armed Services Committee's vote to confirm the nomination.

General Shelton's career is the embodiment of North Carolina values: hard work, service to country, respect, and commitment to excellence. He has earned the opportunity to serve as the highest ranking member of the U.S. Military, Chairman of the Joint Chiefs of Staff.

General Shelton grew up with his hand in the dirt as we say in North Carolina, and is head in the books. He comes from the small town of Speed, in Edgecombe County in eastern North Carolina, a county I have the honor of representing as the Representative of the Second Congressional District of North Carolina.

As a veteran myself of the U.S. Army and a farm boy from eastern North Carolina, I have the utmost respect for General Shelton, who grew up working tobacco as a school boy, days on end. He went on to earn his degree in textile engineering from North Carolina State University in Raleigh, and his commission through the University's ROTC program.

General Shelton is a leader, his distinguished career of leadership and service to our Nation began in 1963, when he joined the U.S. Army. He served with the 5th Special Forces Group from 1966 to 1967 and from 1969 to 1970 with the 173d Airborne Brigade. His service in the campaign against the Viet Cong and Communist North Vietnamese in the highly volatile back country of Vietnam won him the respect of his colleagues for his personal sacrifice and service to our Nation.

In the Persian Gulf war, our largest military confrontation since Vietnam, General Shelton served as assistant commander of the 101st Airborne Division (air assault) "when it made the largest, longest helicopter assault in history."

He has commanded Fort Bragg and the 18th Airborne Corps and the 82d Airborne Division at Fort Bragg, NC. Currently, he serves as commander of U.S. Special Forces at MacDill Air Force Base in Tampa, FL, which is home to the Army's Green Berets and the Navy's Seals.

One of his greatest attributes has been his experience and effectiveness in bringing together the Armed Forces as he did at the Pentagon and as the task force commander for Haiti.

He has sacrificed, served, and fought to keep our Nation free. God has blessed him with these great skills which will serve him and the United States well as Chairman of the Joint Chiefs of Staff.

I commend the President for appointing General Shelton to this most important position, and I congratulate the general on this outstanding accomplishment. I urge the full Senate to complete his confirmation as soon as possible.

EXTENSION OF REMARKS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. SOLOMON. Mr. Speaker, who would not love to have been a fly on the wall when President Clinton, as the Wall Street Journal noted in its September 11 editorial, "unleashed John Huang at a meeting on September 13, 1995, approving his transfer from the Commerce Department to work as a fundraiser at the Democratic National Committee?"

Now that I think of it, Mr. Speaker, we also would like to know what in the first place Mr. Huang was doing at Commerce, where he had access to sensitive information he allegedly shared with a foreign government and a foreign company which once employed him. It would take a wall-sized chart to show the constellation of quid-pro-quo and money trails.

But that is another story, Mr. Speaker, and for right now we are concentrating on how so many bright, Ivy League educated lawyers could allegedly break the law, do so knowingly, and then suffer such memory lapses about it.

The Journal suggests that Vice President GORE is being set up as the administration's sacrificial lamb. It also suggests that justice would not be served if it went no further than the Vice President's office.

I proudly place the Journal editorial in today's RECORD.

TOSSING GORE

On the eve of new hearings by the Thompson committee, Attorney General Janet Reno felt forced to relax her hard-line stance against an independent counsel in the campaign contributions scandal, starting a review of phone calls by Vice President Al Gore. Conceivably Ms. Reno is edging toward facing the real issue, which is not the Vice President but the President. More likely this is another stall, reflecting a Martha's Vineyard decision by Bill Clinton to divert the pursuing wolves once again by throwing another child from the sled. Sorry, Al.

The Justice Department pre-hearing statement promised to review whether "allegations that the vice president illegally solicited campaign contributions on federal property should warrant a preliminary investigation under the independent counsel act." But the central issue is not whether Mr. Gore's phone calls broke some quaint statute. Nor whether he was sentient at the Hsi Lai Temple fund-raiser. Nor whether there is some metaphysical distinction, as in the latest collapsed excuse by Ms. Reno and her mysterious "career prosecutors," between "hard money" and "soft money." Nor whether Democratic National Chairman Don Fowler knew he was talking to the CIA when he talked to the CIA on behalf of Roger Tamraz, a rogue Mr. Fowler had already been warned shouldn't have White House access.

The issue that needs to be investigated is whether all of these various fund-raising outrages are the result of a conspiracy set in motion by the President of the United States. As detailed July 7 by our Micah Morrison, Mr. Clinton unleashed John Huang at a meeting on September 13, 1995, approving his transfer from the Commerce Department to work as a fundraiser at the Democratic National Committee. Also at this significant meeting were three members of Mr. Clinton's inner circle: senior aide Bruce Lindsey, Arkansas wheeler-dealer Joseph Giroir and Indonesian financier James Riady. White