

□ 1925

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EVERETT] at 7 o'clock and 25 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

H.R. 2404. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until November 1, 1995, and for other purposes;

H.J. Res. 108. Joint resolution making continuing appropriations for the fiscal year 1996, and for other purposes; and

H. Con. Res. 104. Concurrent resolution providing for an adjournment of the two Houses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. TEJEDA (at the request of Mr. GEPHARDT), after 3 p.m., Thursday, September 28, and for the balance of the week, on account of family business.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of attending a funeral in Chicago.

Mr. WALKER (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. MCHUGH (at the request of Mr. ARMEY), for today, on account of attending the official closure ceremony of the Plattsburgh Air Force Base in Plattsburgh, NY.

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

Ms. KAPTUR, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

(The following Members (at the request of Mr. HILLEARY) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

Mr. HILLEARY, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. TATE, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

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

Ms. SLAUGHTER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 144. An act to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees; to the Committee on the Judiciary.

S. 531. An act to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes; to the Committee on the Judiciary.

S. 977. An act to correct certain references in the Bankruptcy Code; to the Committee on the Judiciary.

S. 1147. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Finance.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2399. An act to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors; and

H.J. Res. 108. Joint resolution making continuing appropriations for the fiscal year 1996, and for other purposes.

ADJOURNMENT

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

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 104, 104th Congress, the House stands adjourned until 10 a.m. on Friday, October 6, 1995.

Thereupon (at 7 o'clock and 26 minutes p.m.), pursuant to House Concurrent Resolution 104, the House adjourned until Friday, October 6, 1995, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,

OFFICE OF COMPLIANCE,

Washington, DC, September 22, 1995.

Hon. NEWT GINGRICH,

Speaker of the 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 proposed rulemaking for publication in the Congressional Record. The notice contains the recommendation of the Executive Director which the Board has approved regarding the Employee Polygraph

Protection Act of 1988 and its applicability to the Capitol Police under the Congressional Accountability Act. 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.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Employee Polygraph Protection Act of 1988.

NOTICE OF PROPOSED RULEMAKING

Summary: This document contains proposed regulations authorizing the Capitol Police to use lie detector tests under Section 204(a)(3) and (c) of the Congressional Accountability Act of 1995 ("CAA"), P.L. 104-1. The proposed regulations set forth the recommendations of the Executive Director, Office of Compliance as approved by the Board of Directors, Office of Compliance.

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 204 extends the rights and protections of the Employee Polygraph Protection Act of 1988 [29 U.S.C. §§2201, et seq.] to covered employees and employing offices. The provisions of section 204 are effective January 23, 1996, one year after the effective date of the CAA.

The purpose of this proposed regulation is to authorize the Capitol Police to use lie detector tests with respect to its own employees.

Dates: Comments are due on or before 30 days after the date of publication of this notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 252-3115. 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, 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) 252-3100. 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) 244-2705.

Supplementary Information:

Background and Summary

The Congressional Accountability Act of 1995 ("CAA") 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 204(a) and (b) of the CAA applies the rights and protections of the Employee Polygraph Protection Act of 1988, 29 U.S.C. §2001, et seq. ("EPPA") to covered employees and employing offices. Section 204(c) authorizes the Board of Directors of the Office of Compliance ("Board") established under the CAA to issue regulations

implementing the section. Section 204(c) further states that such regulations "shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as 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." Section 204(a)(3) provides that nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations issued under section 204(c) of the CAA.

The Capitol Police is the primary law enforcement agency of the legislative branch. The proposed regulations would provide the Capitol Police with specific authorization to use lie detector tests. The limitations on the exclusion of the proposed regulation are derived from the Secretary of Labor's regulation implementing the exclusion for public sector employers under Section 7(a) of the EPPA (29 C.F.R. §801.10(d)), which limits the exclusion to the entity's own employees.

The Board issues concurrently with this proposed regulation a separate Advance Notice of Proposed Rulemaking which invites comment regarding a number of other regulatory issues, including what regulations, if any, the Board should issue to implement the remainder of Section 204.

Proposed Regulation

Exclusion for employees of the Capitol Police. None of the limitations on the use of lie detector tests by employing offices set forth in Section 204 of the CAA apply to the Capitol Police. This exclusion from the limitations of Section 204 of the CAA applies only with respect to Capitol Police employees. Except as otherwise provided by law or these regulations, this exclusion does not extend to contractors or nongovernmental agents of the Capitol Police, nor does it extend to the Capitol Police with respect to employees of a private employer or an otherwise covered employing office with which the Capitol Police has a contractual or other business relationship.

Recommended Method of Approval

The Board recommends that this regulation be approved by concurrent resolution in light of the nature of the work performed by the Capitol Police and the fact that neither the House of Representatives nor the Senate has exclusive responsibility for the Capitol Police.

Signed at Washington, D.C., on this 27th day of September, 1995.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

1477. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report on the low-income housing and community development activities of the Federal Home Loan Bank System for 1994, pursuant to 12 U.S.C. 1430(j)(12)(A); to the Committee on Banking and Financial Services.

1478. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's report to Congress on flood insurance compliance by insured credit unions, pursuant to section 529(e)(2) of the

Riegle Community Development and Regulatory Improvement Act of 1994; to the Committee on Banking and Financial Services.

1479. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report for fiscal year 1993, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Economic and Educational Opportunities.

1480. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Financial Review of the District of Columbia's Drug Asset Forfeiture Program," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

1481. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29); to the Committee on House Oversight.

1482. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of a report entitled, "Federal Field Work Group [FFWG] Report to Congress on Alaska Rural Sanitation"; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1815. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1996, and for other purposes; with an amendment (Rept. 104-237 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. QUILLEN: Committee on Rules. House Resolution 234. Resolution providing for consideration of the bill (H.R. 2405) to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. 104-270). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 235. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-271). Referred to the House Calendar.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 2259. A bill to disapprove certain sentencing guideline amendments (Rept. 104-272). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker.

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than November 1, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER (for himself, Mr. BILILEY, Mr. BILIRAKIS, Mr. THOMAS, Mr. HYDE, Mr. GREENWOOD, Mr. HASTERT, Mrs. JOHNSON of Connecticut, and Mr. MCCREERY):

H.R. 2425. A bill to amend title XVIII of the Social Security Act to preserve and reform the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, the Judiciary, 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. GEPHARDT (for himself and Mr. TALENT):

H.R. 2426. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2427. 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 Ms. DANNER:

H.R. 2428. A bill 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; to the Committee on Economic and Educational Opportunities.

By Mr. FARR (for himself, Mr. GILCHREST, Mr. OLVER, Mr. HOLDEN, Mrs. MORELLA, Mr. GEJDESON, Mr. ROSE, Mr. FAZIO of California, Mr. CONDIT, Mr. DOOLEY, Mr. SAXTON, and Mr. LOBIONDO):

H.R. 2429. A bill to amend the Farms for the Future Act of 1990 to provide agricultural producers, in cooperation with States and local governments, financially competitive options for maintaining farmland in agricultural production; to the Committee on Agriculture.

By Mr. FRANKS of Connecticut:

H.R. 2430. A bill to amend the Federal Election Campaign Act of 1971 to require that candidates for the House of Representatives receive at least half of their campaign contributions for individuals; to the Committee on House Oversight.

H.R. 2431. A bill to amend the Internal Revenue Code of 1986 to permit loans from individual retirement plans for certain first-time homebuyer, education, and medical emergency expenses; to the Committee on Ways and Means.

H.R. 2432. A bill to amend the Internal Revenue Code of 1986 to require State unemployment insurance laws to establish a system under which workers may purchase insurance to cover the costs of health insurance during periods of unemployment; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 2433. A bill to authorize the Secretary of Agriculture to regulate the commercial transportation of horses for slaughter, and for other purposes; to the Committee on Agriculture.

By Mr. SAM JOHNSON (for himself and Mr. CARDIN):

H.R. 2434. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. BARTLETT of Maryland, Mr. BOEHLERT, Mr. BROWNBACK, Mr. CHABOT, Mr. CHRYSLER, Mr. COX, Mr. DUNCAN, Mr. FORBES, Mr. FOX, Mr. FUNDERBURK,