LIEBERMAN and Mr. KENNEDY) proposes an amendment to the bill, H.R. 1854, supra; as follows:

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided*, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further*, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: ''salaries, Office of the Architect of the Capitol, Architect of the Capitol''; ''Capitol Buildings, Architect of the Capitol''; ''Capitol grounds, Architect of the Capitol''; ''Senate office buildings, Architect of the Capitol''; ''Capitol power plant, Architect of the Capitol''; ''library buildings and grounds, Architect of the Capitol''; and ''salaries and expenses, Office of the Superintendent of Documents, Government Printing Office'': *Provided further*, That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for ''salaries and expenses, General Accounting Office,'' are reduced by 1.92 percent.

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH (AND ROTH) AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''§ 625. Jurisdiction and judicial review

''(a) REVIEW.—Compliance or noncompliance by an agency with the provisions of this subchapter and subchapter III shall be subject to judicial review only in accordance with this section.

''(b) JURISDICTION.—(1) Except as provided in subsection (e), subject to paragraph (2), each court with jurisdiction under a statute to review final agency action to which this title applies, has jurisdiction to review any claims of noncompliance with this subchapter and subchapter III.

''(2) Except as provided in subsection (e), no claims of noncompliance with this subchapter or subchapter III shall be reviewed separate or apart from judicial review of the final agency action to which they relate.

''(c) RECORD.—Any analysis or review required under this subchapter or subchapter III shall constitute part of the rulemaking record of the final agency action to which it pertains for the purposes of judicial review.

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

ROTH (AND HATCH) AMENDMENT NO. 1810

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

At the end of the amendment add the following:

''Notwithstanding any other provision of this act, 623(i), 625(d), 625(e) and 706(a)(2)(F) shall not be effective, and the following shall apply:

(d) COMPLETION OF REVIEW OR REPEAL OF RULE.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

(e) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENTS NOS. 1811–1814

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted four amendments intended to be proposed by them to the bill S. 343, supra; as follows:

AMENDMENT NO. 1811

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding the provision of 623(e)(3) the following shall apply:

''(3) A petition for review of final agency action under subsection (b) or subsection (c) shall be filed not later than 60 days after the agency publishes the final rule under subsection (b). The court shall, to the extent practicable, consolidate such actions in one proceeding.''

AMENDMENT NO. 1812

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding section 553(1) of title 5 of the United States Code, the following shall apply:

''(l) RULEMAKING PETITION.—(1) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.''

AMENDMENT NO. 1813

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding the provisions of 624(a), the following shall apply: CONSTRUCTION WITH OTHER LAWS.—The requirements of section 624 shall supplement and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law, both with a requirement of section 624 and any requirement of the statute authorizing the rule, such requirements of section 624 shall not apply to the rule.''

AMENDMENT NO. 1814

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding any provision of this Act to create a subsection(c) of section 604 of Title 5 of the United States Code, the following shall apply:

(b) REGULATORY FLEXIBILITY ANALYSIS.—

(1) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

''(c)(1) Except as provided in paragraph (2), no final rule for which a final regulatory flexibility analysis is required under this section shall be promulgated unless the agency finds that the final rule minimizes compliance burdens on small entities to the maximum extent possible, consistent with the purposes of this subchapter, the objectives of the rule, and the requirements of applicable statutes.

''(2) If an agency determines that a statute requires a rule to be promulgated that does not satisfy the criterion of paragraph (1), the agency shall—

''(A) include a written explanation of such determination in the final regulatory flexibility analysis; and

''(B) transmit the final regulatory flexibility analysis to Congress when the final rule is promulgated.''.

CRAIG (AND OTHERS) AMENDMENTS NOS. 1815–1817

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. HATCH, and Mr. ROTH) submitted three amendments intended to be proposed by them to an amendment to the bill S. 343, supra; as follows:

AMENDMENT NO. 1815

In the matter to be inserted strike ''the agency head may promulgate'' and insert in lieu thereof ''the agency head may (and if the agency has a nondiscretionary duty to issue a rule, shall) promulgate''.

AMENDMENT NO. 1816

In lieu of the matter proposed, insert the following:

''Notwithstanding the provisions of section 626 of this Act, the following shall apply:

''§ 626. Deadlines for rulemaking

''(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date

of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

AMENDMENT NO. 1817

In lieu of the matter proposed, insert the following:

''Notwithstanding Section 553(f)(4) the following Shall apply; (4) A description of the factual conclusions upon which the rule is based.''

NUNN AMENDMENTS NOS. 1818–1819

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1700 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1818

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

AMENDMENT NO. 1819

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

NUNN AMENDMENTS NOS. 1820–1821

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1698 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1820

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

AMENDMENT NO. 1821

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

JOHNSTON AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''(d) TOXICS RELEASE INVENTORY STANDARDS.—Section 313(d) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)) is amended by adding the following to the end of paragraph (2):

''No chemical may be included on the list described in subsection (c) of this section, if the chemical has low toxicity to human health or the environment and if only under unrealistic exposures would such chemical pose one or more of the hazards described in subsection (d)(2)(B) or (d)(2)(C). Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under section 633 of title 5, United States Code, to carry out a site-specific analysis to establish actual ambient concentrations, or to document adverse effects at any particular location.''

BOND (AND ROBB) AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ROBB) submitted an amendment to amendment No. 1797 submitted by Mr. BOND to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 1 line 4, strike everything through the end of the amendment and insert in lieu thereof the following:

''Petition for alternative means of compliance

''(a) IN GENERAL.—Any entity subject to one or more human health, safety or environmental rules may petition an agency to modify or waive such rules. The petitioned agency is authorized to enter into one or more enforceable agreements establishing alternative means to demonstrate compliance, not otherwise permitted by such rules, to be complied with in lieu of such rules. The petition shall identify with reasonable specificity, the facilities for which an alternative means of compliance is sought, the rules for which a modification or waiver is sought, the proposed alternative means of compliance, and the proposed form of an enforceable agreement.

''(b) STANDARDS.—(1) The agency shall grant a petition under this section if the agency determines that the petitioner shows there is a reasonable likelihood that the alternative means of compliance—

(A) would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition;

(B) would provide a degree of public access to information, and of accountability and enforceability, at least substantially equivalent to the degree provided by the rules subject to the petition; and

(C) would not impose an undue burden on the agency responsible for enforcing the agreement entered into pursuant to subsection (f).

(2) In making the determinations under this subsection, the agency shall take into account any relevant cross media effects of the proposed alternative means of compliance, and whether the proposed alternative means of compliance would transfer any significant human health, safety or environmental effects between populations or geographic locations.

''(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, which are neither designed to assist the implementation of the existing method of compliance nor codifications of the constitutional right to petition the government,such petition shall be reviewed consistent with such procedures or standards.

''(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility or facilities are located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any proposed enforceable agreements.

''(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 240 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be granted unless it applies to a different facility, or it is based on a change in a fact, circumstance, or provision of law underlying or otherwise related to the rules subject to the petition.

''(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose one or more enforceable agreements establishing alternative methods of compliance for the facilities subject to the petition in lieu of the otherwise applicable rules. Not withstanding any other provision of law, such enforceable agreements may modify or waive the terms of any human health safety or environmental rule, including any standard, limitation, permit condition, order, regulation or other requirement issued by the agency consistent with the requirements of subsection (b) and (c), provided that the state in which the facility is located agrees to any modification or waiver of applicable rules. If accepted by the owner or operator of a facility, compliance with such agreement shall be deemed to be compliance with the laws and rules identified in the agreement. An agreement entered into under this section shall provide for enforcement as if it were a provision of the rule or rules being modified or waived.

''(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act.

''(h) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall not be subject to judicial review.

''(i) SAVINGS CLAUSE.—A decision to grant or deny a petition or enter into an enforceable agreement shall not create any obligation on an agency to modify any regulation.

HATCH (AND LOTT) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

In lieu of the matter proposed insert the following: ''No chemical may be included on the list described in subsection (c) of this section if exposures from reasonably anticipated releases cannot reasonably be anticipated to cause the adverse effects described in subsection (d)(2)(B) or (d)(2)(C).

''Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under Section 633 of Title 5, US Code, or a site-specific analysis to establish actual ambient concentrations or to document adverse effects at any particular location.''

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

GRAMM AMENDMENT NO. 1825

Mr. GRAMM proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

MURRAY (AND OTHERS) AMENDMENT NO. 1826

Mrs. MURRAY (for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mr. DODD, Mrs. FEINSTEIN and Mr. COHEN) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1825, supra; as follows:

In lieu of the text proposed to be inserted, insert the following: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.''

MURRAY AMENDMENT NO. 1827

Mr. EXON (for Mrs. MURRAY) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1825, supra; as follows:

Strike all after the first word and insert: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.'' This section shall be effective one day after enactment.''

DOLE AMENDMENT NO. 1828

Mr. MACK (for Mr. DOLE) proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 27 of the bill, strike all between lines 1–25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than thirty-three individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

SIMON (AND OTHERS) AMENDMENT NO. 1829

Mr. MACK (for Mr. SIMON for himself, Mr. Reid, Mr. SIMPSON, Mr. LOTT and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 1854; supra, as follows:

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

''(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

''(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

''(B) an evaluation of the character, loyalty, or suitability of such individual;''.

LIEBERMAN (AND GRASSLEY) AMENDMENT NO. 1830

Mr. MACK (for Mr. LIEBERMAN, for himself, and Mr. GRASSLEY) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of SEC. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

BINGAMAN AMENDMENT NO. 1831

Mr. MACK (for Mr. BINGAMAN) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

MACK AMENDMENT NO. 1832

Mr. MACK proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 60, line 1, strike all through the period on line 17.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

WELLSTONE (AND MOSELEY-BRAUN) AMENDMENT NO. 1833

Mr. WELLSTONE (for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occured at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 38, strike lines 24 and 25 and insert the following: ''under this heading in Public Law 103–333, $204,000 are rescinded: *Provided,* That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking ''rescinded'' the last place the term appears and inserting ''rescinded, and an additional amount of $319,000,000 is rescinded'': *Provided further,* That of the funds made available''.

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: ''Public Law 103–333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such