

to the general prohibition on trading. Because H.R. 3215 will repeal the authority under which these regulations were promulgated, they should be repealed if this bill is enacted. As a practical matter, these regulations providing for exceptions will no longer be necessary nor effective because the general prohibition will no longer exist. However, I want to make it clear that this repeal should not be construed to prejudice any person who has lawfully acted in reliance on those regulations. I also want to make it clear that even though we are repealing section 437, and thereby rendering the regulations providing for exceptions unnecessary, all other applicable general standards of ethical conduct for these Federal employees remain in effect.

Similar legislation passed the other body on October 31, 1995, as part of a broader package of technical amendments to laws relating to Indians—S. 325. The package passed by unanimous consent. Last week, the Committee on Indian Affairs in the other body by voice vote ordered favorably reported S. 199, a separate bill that addresses only the repeal of section 437. The Department of the Interior, of which the Bureau of Indian Affairs is a part, testified in favor of the repeal of section 437 at hearings on S. 325. I am informed that the Department of Health and Human Services, which includes the Indian Health Service, is in favor of repeal of section 437. I am also informed that the Navajo Nation and the Hopi Tribe are in favor of this legislation. I do not have any reason to believe that any other American Indian groups oppose this bill. I urge all Members to support this worthy legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill.

Mr. Speaker, this bill enjoys bipartisan support. The current law prohibits employees from the Bureau of Indian Affairs and the Indian Health Service from entering into contracts with Indians or their families for the purchase, transportation or delivery of goods or services. It also prohibits these employees from engaging in any purchase or sale of services with the property of any Indian.

When first passed in the 1980's, the legislation was designed to prevent Federal employees who were involved in administering programs to help Indians from taking advantage of the Indians they were supposed to be helping.

While it was well-intentioned when passed, today the law appears to be outdated and has the negative effect of making it harder for Indian Health Services to recruit and retain good medical employees for remote reservations because those employees' spouses are prohibited from trading with local Indians.

Mr. Speaker, passing this bill will not diminish in any way the ethical standards because the people involved

will still be covered by all of the ethics in Government regulations. The counterpart legislation passed the Senate by unanimous consent last year, and I urge Members to support the measure.

Mr. HAYWORTH. Mr. Speaker, I would like to take this opportunity to thank the distinguished chairman and ranking member of the House Judiciary Committee for their assistance in moving H.R. 3215 through the legislative process.

As my colleagues may know, the Trading with Indians Act was originally enacted in 1834, and at that time it served an important purpose: to ensure that Federal employees did not improperly influence native Americans. However, today this law is unnecessary and unproductive. It establishes a prohibition against commercial trading with native Americans by employees of the Indian Health Service [IHS] and Bureau of Indian Affairs [BIA]. In many cases, this prohibition also extends to transactions undertaken by the spouse of a Federal employee.

The penalties for violations include a fine of not more than \$5,000, or imprisonment for not more than 6 months, or both. The act further provides that any employee who is found to be in violation should be terminated from Federal employment.

Enforcement of this outdated law has caused great difficulties for many native American families. It has also made it more difficult for IHS and BIA to retain quality Federal employees in certain facilities located on remote parts of reservations.

Both Health and Human Services Secretary Donna Shalala and Interior Assistant Secretary Ada Deer have expressed support for repealing the Trading with Indians Act. The Senate has already approved legislation which includes language identical to H.R. 3215. Both the Navajo Nation and the Hopi Tribe support passage of the bill. In fact, I am not aware of any opposition to H.R. 3215.

Repeal of the Trading with Indians Act is long overdue. Passage of H.R. 3215 would benefit numerous native American families, and I hope that my colleagues will join me in supporting this commonsense legislation.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 3215.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CODIFYING WITHOUT SUBSTANTIVE CHANGE LAWS RELATED TO TRANSPORTATION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 2297

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TITLE 18, UNITED STATES CODE.

Section 2721(b) of title 18, United States Code, is amended as follows:

(1) In the matter before clause (1), strike "the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act" and substitute "titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49".

(2) In clause (9), strike "the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.)" and substitute "chapter 313 of title 49".

#### SECTION 2. TITLE 23, UNITED STATES CODE

In the catchline for section 103(e)(4)(L) of title 23, United States Code, strike "FTA" and substitute "CHAPTER 53 OF TITLE 49".

#### SECTION 3. TITLE 28, UNITED STATES CODE.

In section 1445(a) of title 28, United States Code, strike "sections 51-60 of Title 45" and substitute "section 1-4 and 5-10 of the Act of April 22, 1908 (45 U.S.C. 51-54, 55-60)".

#### SECTION 4. TITLE 31 UNITED STATES CODE.

Title 31, United States Code, is amended as follows:

(1) In section 1105(a), redesignate clauses (27) through the end as clauses (26) through the end.

(2) Section 9101 is amended as follows:

(A) Clause (2)(J) is repealed.

(B) Redesignate clauses (2)(K) through the end as clauses (2)(J) through the end.

(C) In clause (3)(B), strike "Fund;" and substitute "Fund."

(D) Clause (3)(N), as added by section 902(b) of the Energy Policy Act of 1992 (Public Law 102-486, 106 Stat. 2944), is redesignated as clause (3)(O).

#### SECTION 5. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In section 106(b), strike "the date of the enactment of this sentence" and substitute "August 23, 1994,".

(2) In section 111(b)(4) and (g), strike "the date of the enactment of this section" and substitute "December 18, 1991".

(3) Section 329 is amended as follows:

(A) In subsection (b)(1), strike "(as those terms are used in such Act)" and substitute "(as that term is used in part A of subtitle VII of this title)".

(B) In subsection (d), strike "that Act" and substitute "that part".

(4) In section 521(b)(1)(B), strike "the date of enactment of this subparagraph" and substitute "November 3, 1990".

(5) Section 701(b)(4) is amended as follows:

(A) Strike "the effective date of this section" and substitute "January 1, 1996".

(B) Strike "the date of the enactment of the ICC Termination Act of 1995" and substitute "December 29, 1995,".

(6) In section 702, strike "the effective date of such Act" and substitute "January 1, 1996".

(7) In section 726(a), strike "the date of enactment of the ICC Termination Act of 1995" and substitute "December 29, 1995".

(8) In section 5116(j)(4)(A), strike "subsection (g)" and substitute "section 5115 of this title".

(9) In section 5119(b)(2), 5309(g)(1)(B) and (m)(3), 5328(b)(3), 5334(b)(1), 5335(b)-(d), 3113(c)(1)(B) and (C) and (2), 40112(e)(2), 41105(b), 41310(f), 41714(e)(2), 42104(b), 44506(d), 44913(a)(2), 47107(k), 48102(d)(2), and 48109,

strike "Public Works and Transportation" and substitute "Transportation and Infrastructure".

(10) Section 5303 is amended as follows:

(A) In subsection (f)(2), strike "subsection (e)" and substitute "subsection (b)".

(B) In subsection (h)(4), strike "section 5338(g)(1)" and substitute "section 5338(g)".

(11) Section 5307 is amended as follows:

(A) In subsection (a)(2)(A), strike "title;" and substitute "title; or".

(B) In subsection (a)(2)(B), strike "transportation; or" and substitute "transportation".

(C) Strike subsection (a)(2)(C).

(12) Section 5309 is amended as follows:

(A) In subsection (a)—

(i) insert "(1)" before "The Secretary";

(ii) redesignate clauses (1)–(7) as clauses (A)–(G), respectively;

(iii) redesignate subclauses (A) and (B) as subclauses (i) and (ii), respectively; and

(iv) insert at the end the following:

"(2) The Secretary of Transportation shall require that all grants and loans under this subsection be subject to all terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section."

(B) In subsection (e)(4)(B), strike "paragraph (1)(B)" and substitute "paragraph (2)".

(C) In subsection (m)(1)(A), insert "rail" before "fixed guideway modernization".

(13) Section 5315(d) is amended by striking "5304 and 5306" and substituting "5307 and 5309".

(14) Section 5317(b)(5) is amended as follows:

(A) In subparagraph (C), strike "under this paragraph" and substitute "under subparagraph (B) of this paragraph".

(B) In subparagraph (D), strike "(except this paragraph)".

(15) Section 5323(b)(1), (c), and (e) is amended by striking "(except section 5307)" wherever it appears.

(16) The catchline for section 5325(d) is amended by striking "MANAGEMENT, ARCHITECTURAL, AND ENGINEERING CONTRACTS," and substituting "ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS".

(17) Section 5327(c) is amended by striking "to carry out a major project under section 5307" and substituting "to carry out a major project under section 5309".

(18) In section 5335(d)(2)(B), strike "With" and substitute "with".

(19) Section 5336(b)(2) is amended as follows:

(A) In subparagraphs (A) and (B), add at the end the following: "An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph."

(B) Strike subparagraph (C).

(C) Redesignate subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(20) Section 5338(g)(2) is amended by striking "section 5308(b)(2)" and substituting "section 5311(b)(2)".

(21) In section 10501(c)(3)(B), strike "the effective date of the ICC Termination Act of 1995" and substitute "January 1, 1996".

(22) In section 10701(d)(3), strike "the effective date of this paragraph" and substitute "January 1, 1996".

(23) In section 10704(d), strike "the effective date of the ICC termination Act of 1995" and substitute "January 1, 1996".

(24) In sections 10706(a)(5)(C) and 10709(e), strike "the effective date of the Staggers Rail Act of 1980" and substitute "October 1, 1980".

(25) In sections 11101(f) and 11301(f), strike "the effective date of the ICC Termination Act of 1995" and substitute "January 1, 1996".

(26)(A) The heading for part B of subtitle IV is amended to read as follows:

"PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS".

(B) The heading for chapter 131 as amended to read as follows:

"CHAPTER 131—GENERAL PROVISIONS".

(27) Section 13102 is amended as follows:

(A) In clause (4)(A), strike—

(i) "The effective date of this section" and substitute "January 1, 1996"; and

(ii) "the day before the effective date of this section" and substitute "December 31, 1995".

(B) In clause (4)(B), strike "on or after such date" and substitute "after December 31, 1995".

(28) Section 13703 is amended as follows:

(A) In subsection (e), strike—

(i) "the day before the effective date of this section" and substitute "December 31, 1995"; and

(ii) "such effective date" and substitute "January 1, 1996".

(B) In subsection (f)(2), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(29) Section 13709 is amended as follows:

(A) In subsection (a)(1) and (3), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(B) In subsection (e), strike—

(i) "the effective date of this section" and substitute "January 1, 1996"; and

(ii) "the day before such effective date" and substitute "December 31, 1995".

(30) Section 13710 is amended as follows:

(A) In subsection (a)(4), strike "the effective date of this section" and substitute "January 1, 1996".

(B) In subsection (b), strike—

(i) "the day before the effective date of this section" and substitute "December 31, 1995"; and

(ii) "the effective date of this section" and substitute "January 1, 1996".

(31) Section 13711 is amended as follows:

(A) In subsection (a), strike—

(i) "or, before the effective date of this section" and substitute "or, before January 1, 1996";

(ii) "the day before the effective date of this section" and substitute "December 31, 1995"; and

(iii) "provided before the effective date of this section" and substitute "provided before January 1, 1996".

(B) In subsection (d), strike—

(i) "the effective date of this section" and substitute "January 1, 1996"; and

(ii) "the day before such effective date" and substitute "December 31, 1995".

(C) In subsection (g), strike "the effective date of this section" and substitute "January 1, 1996".

(32) Section 13902 is amended as follows:

(A) In subsection (b)(8)(A)—

(i) insert "and" after "(iv) any Indian tribe";

(ii) strike "and" after "clause (i), (ii), (iii), or (iv)."; and

(iii) strike "the effective date of this subsection" and substitute "January 1, 1996".

(B) In subsection (b)(8)(B), strike "the effective date of this paragraph" and substitute "January 1, 1996".

(C) In subsections (c)(4)(A) and (d)(1)(A) and (2), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(33) In section 13905(a), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(34) In section 13906(d), strike "the effective date of this section" and substitute "January 1, 1996".

(35) Section 13907(e) is amended as follows:

(A) In clause (1), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(B) In clause (2), strike "the day before such effective date" and substitute "December 31, 1995".

(36) Section 13908 is amended as follows:

(A) In subsection (d)(1), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(B) In subsection (e), strike "the effective date of this section" and substitute "January 1, 1996".

(37) Section 14302 is amended as follows:

(A) In subsection (c)(4), strike "the effective date of this section" and substitute "January 1, 1996".

(B) In subsection (g), strike "the effective date of this section" and substitute "January 1, 1996".

(C) In subsection (h)(1), strike "the day before the effective date of this section" and substitute "December 31, 1995".

(D) In subsection (h)(2), strike "the day before such effective date" and substitute "December 31, 1995".

(38) In sections 14706(g)(3) and 14708(g), strike "the effective date of this section" and substitute "January 1, 1996".

(39) In section 14709, strike—

(A) "the effective date of this section" and substitute "January 1, 1996"; and

(B) "the day before the effective date of this section" and substitute "December 31, 1995".

(40) The heading for part C of subtitle IV is amended to read as follows:

"PART C—PIPELINE CARRIERS".

(41) In the analysis of chapter 151, strike—"CHAPTER 151—GENERAL PROVISIONS".

(42) In the analysis of chapter 153, strike—"CHAPTER 153—JURISDICTION".

(43) The analysis and subchapter headings of chapter 157 are amended as follows:

(A) The analysis of chapter 157 is amended as follows:

(i) Strike—"CHAPTER 157—OPERATIONS OF CARRIERS".

(ii) Strike—"SUBCHAPTER A—GENERAL REQUIREMENTS and substitute—

"SUBCHAPTER A—GENERAL REQUIREMENTS".

(iii) Strike—"SUBCHAPTER B—OPERATIONS OF CARRIERS" and substitute—

"SUBCHAPTER B—OPERATIONS OF CARRIERS".

(B)(i) The heading for subchapter A is amended to read as follows:

"SUBCHAPTER A—GENERAL REQUIREMENTS".

(ii) The heading for subchapter B is amended to read as follows:

"SUBCHAPTER B—OPERATIONS OF CARRIERS".

(44) Section 15701(e) is amended by striking "the effective date of this section" and substituting "January 1, 1996".

(45) The analysis of chapter 159 is amended as follows:

(A) Strike—"CHAPTER 159—ENFORCEMENT; INVESTIGATIONS, RIGHTS, AND REMEDIES".

(B) Strike the item related to section 15907.

(46) In the analysis of chapter 161, strike—"CHAPTER 161—CIVIL AND CRIMINAL PENALTIES".

(47) Section 20133(b) is amended as follows:

(A) In paragraph (1), strike “the date of enactment of the Federal Railroad Safety Authorization Act of 1994” and substitute “November 2, 1994”.

(B) In paragraph (2), strike “such date of enactment” and substitute “November 2, 1994”.

(48) In sections 20134(c)(2), 20145, 22108(b), 24314(b), 24702(c), and 24903(a), strike “Committee on Energy and Commerce” and substitute “Committee on Transportation and Infrastructure”.

(49) In sections 20145, 20146, and 20151(a) and (c), strike “the date of enactment of the Federal Railroad Safety Authorization Act of 1994” and substitute “November 2, 1994”.

(50) In section 20152(b), strike “the date of enactment of this section” and “that date” and substitute “November 2, 1994” and “November 2, 1994,” respectively.

(51) In section 20153(g), strike “the date of enactment of this section” wherever it appears and substitute “November 2, 1994”.

(52) Add at the end of section 20301(b) the following:

“(4) a car, locomotive, or train used on a street railway.”

(53) In section 21301(a)(1)—

(A) insert “A person may not fail to comply with a regulation prescribed or order issued by the Secretary of Transportation under chapter 201 of this title.” before “Subject to”; and

(B) strike “Secretary of Transportation under chapter 201 of this title is liable” and substitute “Secretary under chapter 201 is liable”.

(54) In section 21303(a)(1), strike “chapter 211 of this title” and substitute “chapter 211 of this title.”

(55) In section 22106(b), insert “in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation” after “under this chapter”.

(56)(A) Insert after chapter 281 the following:

#### “CHAPTER 283—STANDARD WORK DAY

“Sec.

“28301. General.

“28302. Penalties. (b) is amended as follows:

#### “§ 28301. General

“(a) EIGHT HOUR DAY.—In contracts for labor and services, 8 hours shall be a day’s work and the standards day’s work for determining the compensation for services of an employee employed by a common carrier by railroad subject to subtitle IV of this title and actually engaged in any capacity in operating trains used for transporting passengers or property on railroads from—

“(1) a State of the United States or the District of Columbia to any other State or the District of Columbia;

“(2) one place in a territory or possession of the United States to another place in the same territory or possession;

“(3) a place in the United States to an adjacent foreign country; or

“(4) a place in the United States through a foreign country to any other place in the United States.

“(b) APPLICATION.—Subsection (a) of this section—

“(1) does not apply to—

“(A) an independently owned and operated railroad not exceeding one hundred miles in length;

“(B) an electric street railroad; and

“(C) an electric interurban railroad; but

“(2) does apply to an independently owned and operated railroad less than one hundred miles in length—

“(A) whose principal business is leasing or providing terminal or transfer facilities to other railroad; or

“(B) engaged in transfers of freight between railroads or between railroads and industrial plants.

#### “§ 28302. Penalties

“A person violating section 28301 of this title shall be fined under title 18, imprisoned not more one year, or both.”.

(B) In the analysis for subtitle V, insert after item 281 the following:

“283. STANDARD WORK DAY ..... 28301”.

(57) In section 30144(a)(1)(A), strike “Organization” and substitute “Organizations”.

(58) In section 30168(c), strike “Committees on Energy and Commerce and Public Works and Transportation” and substitute “Committees on Commerce and Transportation and Infrastructure”.

(59) In section 30308, insert a comma after “1994”.

(60) In section 31136(e)(2)(A) and (J)(i) and (ii) and (3), strike “the date of the enactment of this paragraph” and substitute “November 28, 1995”.

(61) In section 32702(8), insert “any” after “or”.

(62) Section 32705 is amended as follows:

(A) Subsection (a) is amended to read as follows:

“(a)(1) DISCLOSURE REQUIREMENTS.—Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

“(A) Disclosure of the cumulative mileage registered on the odometer.

“(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

“(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

“(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete.”.

(B) In subsection (b)(3)(A), strike “may” and “only if” and substitute “may not” and “unless”, respectively.

(63) In sections 32904(b)(6)(C) and 32905(g), strike “Committee on Energy and Commerce” and substitute “Committee on Commerce”.

(64) In the analysis of subtitle VII, strike the item related to part D and item 491 and substitute—

#### “PART D—RESERVED

#### “PART E—MISCELLANEOUS

“501 BUY-AMERICAN REFERENCES ..... 50101”.

(65) In section 40109(c)—

(A) strike “sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742,” and substitute “chapter 413 (except sections 41307 and 41310 (b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),”; and

(B) strike “section 46301(b)” and substitute “sections 44909 and 46301(b)”.

(66) In section 40116(d)(2)(A)(iv), strike “Levy” and “the date of enactment of this clause” and substitute “levy” and “August 23, 1994”, respectively.

(67) Section 40117(e)(2) is amended as follows:

(a) In clause (B), insert “and” after the semicolon.

(B) Strike clause (C).

(C) Redesignate clause (D) as clause (C).

(68) Section 40118 is amended as follows:

(A) In the catchline for subsection (d), strike “TRANSPORTATION BY FOREIGN AIR CARRIERS” and substitute “CERTAIN TRANS-

PORTATION BY AIR OUTSIDE THE UNITED STATES”.

(B) In subsection (f)(1), strike “(f)(1) No” and substitute “(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No”. (69)(A) Add at the end of chapter 401 the following:

#### “§ 40121. Interstate agreements for airport facilities

“Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.”.

(B) In the analysis for chapter 401, insert after item 40120 the following:

“40121. Interstate agreements for airport facilities.”.

(70) Add at the end of section 41109(a) the following:

“(5) As prescribed by regulation by the Secretary, an air carrier other than a charter air carrier may provide charter trips or other special services without regard to the places named or type of transportation specified in its certificate.”.

(71) In section 41309(b)(2)(B), strike “common”.

(72) In section 41312(a)(1), insert “of Transportation” after “Secretary”.

(73) In section 41715(a), strike “Secretary’s” and substitute “Secretary of Transportation’s”.

(74) In sections 44501(c)(1), 44511(e), 48102(c)(2)(A) and (d)(2), and 70112(d)(1), strike “Science, Space, and Technology” and substitute “Science”.

(75) Section 44502 is amended as follows:

(A) In subsection (c)(1), strike “To ensure that” and substitute “To ensure”.

(B) Strike subsection (e), and redesignate subsection (f) as subsection (e).

(76) In section 45301(c)(5), strike “the date of the enactment of this subsection” and substitute “August 23, 1994”.

(77) Section 46301 is amended as follows:

(A) In subsection (a)(1)(A)—

(i) strike “any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,” and substitute “chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),”; and

(ii) strike “or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912–44915, 44932–44938,” and substitute “section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), or section”; and

(iii) insert “or” after “46303,”; and

(iv) strike “, or 41715”.

(B) In subsection (a)(2)(A), strike “or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938” and substitute “, section 44502(b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)”.

(C) Adjust the margins of clauses (A) and (B) of subsection (a)(3) to be the same as clauses (A) and (B) of subsection (a)(2).

(D) In subsection (c)(1)(A)—

(i) strike “any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,” and substitute “chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),”; and

(ii) strike “or” before “subchapter II”; and

(iii) insert “, or section 44909” before “of this title”.

(E) In subsection (d)(2), strike “or any of sections 44701(a) or (b), 44702–44716, 44901,

44903 (b) or (c), 44905, 44906, 44907(d)(1)(B), 44912-44915, 44932-44938," and substitute "section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A), and (d)(1)(C)-(f), 44908, and 44909), or section".

(F) In subsection (f)(1)(A)(i), strike "or any of sections 44701(a) or (b), 44702-44716, 44901, 44903 (b) or (c), 44905, 44906, 44907(d)(1)(B), 44912-44915, or 44932-44938" and substitute "section 44502 (b) or (c), chapter 447 (except sections 44717 and 44719-44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), 44908, and 44909)".

(78) In section 46306(c)(2)(B), insert "that is" before "provided".

(79) In section 46316(b), strike "and sections 44701(a) and (b), 44702-44716, 44901, 44903(b) and (c), 44905, 44906, 44912-44915, and 44932-44938" and substitute "chapter 447 (except sections 44717-44723), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909)".

(80) In section 47107(l)(1), strike "the date of the enactment of this subsection" and substitute "August 23, 1994".

(81) Section 47115 is amended as follows:

(A) Subsection (f)(2) as enacted by section 112(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1576) is amended by striking "the date of the enactment of this subsection" and substituting "August 23, 1994".

(B) Subsection (f) as enacted by section 6(67) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4386), is redesignated subsection (g).

(82) Section 47117 is amended as follows:

(A) In subsection (e)(1)(B), strike "47504(c)(1)" and substitute "47504(c)".

(B) In subsection (g)(1), strike "47105(e)" and substitute "47105(f)".

(83) Section 47118 is amended as follows:

(A) In subsection (a), strike "on or before the date of the enactment of this sentence" and substitute "before August 24, 1994".

(B) In subsection (e), strike "Notwithstanding section 47109(c) of this title, not" and substitute "Not".

(84) In the catchline for section 47128(d), strike "AND REPORT".

(85) Section 47129 is amended as follows:

(A) In subsection (a)(1), strike "of this subtitle" and substitute "of this title".

(B) In subsections (b), (e)(2), and (f)(2), strike "the date of the enactment of this section" and substitute "August 23, 1994".

(C) In subsection (e)(3), strike "such date of enactment" and substitute "August 23, 1994".

(86) In section 47509(d), strike "the date of the enactment of this section" and substitute "August 23, 1994".

(87) In the catchline for section 48104(b), strike "YEARS" and substitute "YEAR".

(88)(A) Part D of subtitle VII is redesignated as part E.

(B) Chapter 491 is redesignated as chapter 501.

(C) Items 49101-49105 in the analysis of chapter 501, as redesignated by subparagraph (B) of this paragraph, are redesignated as items 50101-50105.

(D) Sections 49101-49105 are redesignated as sections 50101-50105.

(89) In sections 50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, strike "sections 47106(d) and" and substitute "section".

(90) In section 60101, strike "(a)" and substitute "(a) GENERAL.—".

(91) In section 60114(a)(9), strike "60120, 60122, and 60123" and substitute "60120 and 60122".

(92) In section 70102(6), strike "facilities" and substitute "facilities at that location".

(93) In section 70112(a)(3)(B), insert "(i) or (ii)" after "(A)".

(94) In section 70113(e)(6)(D), insert "a" before "resolution".

(95) In section 70117(b)(2), strike "Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.)" and substitute "Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)".

## SEC. 6. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective July 5, 1994—

(1) Section 4(f)(1)(S) of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1362), is amended to read as follows:

"(S) In section 6101(4)(B), strike 'agency' the 2d time it appears and substitute 'agency.'."

(2) Section 5(e)(11) of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1374), as amended by section 7(a)(4)(A) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4389), is amended to read as follows:

"(11) In section 2516(l)(j), strike 'section' the first place it appears and all that follows and substitute 'section 60123(b) (relating to destruction of a natural gas pipeline) or section 46502 (relating to aircraft piracy) of title 49.'."

(b) Effective August 26, 1994, section 105(b)(2) of the Hazardous Materials Transportation Act of 1994 (title I of Public Law 103-311, 108 Stat. 1674) is amended to read as follows:

"(2) by striking 'the State' the first place it appears;"

(c) Effective September 30, 1994, section 335A of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331, 108 Stat. 2495) is amended to read as follows:

"SEC. 335A. Section 5302(a)(1) of title 49, United States Code, is amended by inserting 'payments for the capital portions of rail trackage rights agreements,' after 'rights of way.'."

(d) Effective October 31, 1994—

(1) Section 6 of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4378), is amended to read as follows:

(A) Clause (41) is amended to read as follows:

"(41) Section 32913(b) is amended as follows:

"(A) In the catchline, strike 'PENALTY REDUCTION' and substitute 'CERTIFICATION'."

"(B) In paragraph (1), strike 'the penalty should be reduced' and substitute 'a reduction in the penalty is necessary.'"

(B) Clause (44)(B) is amended to read as follows:

"(B) Add before the period at the end of 'of this title'."

(2) Section 8(1) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4390), is amended by striking "1st paragraph" and substituting "1st paragraph related to transfer of aircraft".

(e) Effective November 2, 1994, section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103-437, 108 Stat. 4589), is repealed and section 107(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(b)), as amended by section 105(1) of the Indian Self-Determination Act (Public Law 103-413, 108 Stat. 4269), is revived and shall read as if section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103-437, 108 Stat. 4589), had not been enacted.

(f) Effective December 29, 1995, the ICC Termination Act of 1995 (Public Law 104-88, 109 Stat. 809) is amended as follows:

(1) In section 102(b), strike "Commerce" and "Transportation" and substitute "Commerce" and "Transportation", respectively

(2) In section 305(d)(6), strike "part B or (C)" and substitute "part B or C".

(3) In section 308(j) strike "30106(d)" substitute "30166(d)".

(4) Section 327 is amended as follows:

(A) in clause (3)(B), strike "'Interstate Commerce Act'" and substitute "'the Interstate Commerce Act'" in subsection (b)(3)".

(B) in clause (5), insert "(A)" after "(5)" and add at the end of the clause the following:

"(B) by inserting after item 712 in the table of contents the following:

'Sec. 713. Class II railroads receiving Federal assistance.'"

(g) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) is amended by striking "such Secretary" and substituting "the Secretary".

(h) Section 917(a)(4) of the Consumer Credit Protection Act (15 U.S.C. 1693o(a)(4)) is amended by striking "Civil Aeronautics Board" and substituting "Secretary of Transportation".

(i) In section 17(d) of the Noise Control Act of 1972 (Public Law 92-574, 86 Stat. 1249), strike "such terms have under the first section of the Act of February 17, 1911 (45 U.S.C. 22)" and substitute "the term 'railroad carrier' has in section 20102 of title 49, United States Code".

(j) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:

(1) In section 101(26), strike "the Pipeline Safety Act" and substitute "section 60101(a) of title 49, United States Code".

(2) In section 107(c)(1)(C), strike "the Hazardous Liquid Pipeline Safety Act of 1979" and substitute "section 60101(a) of title 49, United States Code".

(k) Section 241(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12161(2)) is amended by striking "commuter service" and substituting "commuter rail passenger transportation".

## SEC. 7 REPEAL OF OTHER LAWS.

The following are repealed:

(1) Section 119 "Sec. 404(f)" of the Amtrak Reorganization Act of 1979 (Public Law 96-73, 93 Stat. 547).

(2) Sections 1 (a)(3) and (b), 2, and 4-6 of the Reorganization Plan No. 2 of 1968 (effective June 30, 1968, 82 Stat. 1369, 1370).

(3) Sections 5005 and 6020 of the Intermodal Surface Transportation Efficiency Act (49 U.S.C. 301(notes)).

(4) Section 317 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (49 U.S.C. 44502(note)).

(5) The Department of Transportation Act (Public Law 89-670, 80 Stat. 931).

(6) Sections 129 and 135 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Public Law 102-581, 106 Stat. 4886, 4888).

(7) Section 27 of the Bus Regulatory Reform Act of 1982 (Public Law 97-261, 96 Stat. 1126).

(8) Section 4007 (a), (c), (d), and (e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 2151, 2152).

## SEC. 8. EFFECTIVE DATE.

(1) The amendments made by sections 3 and 5(10)-(17), (19), (20), (52), (53), (55), (61), (62), (65), (70), (77), (78), and (91)-(93) of this Act shall take effect on July 5, 1994.

(2) The amendment made by section 5(82)(A) of this Act shall take effect on October 31, 1994.

## SEC. 9. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANCE.—This Act restates, without substantive change, laws enacted before March 1, 1996, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after February 29, 1996, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An Action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catchline of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provisions remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

#### SEC. 10. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The law specified in the following schedule is repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

#### SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1916 Sept. 3, 5.	436	.....	39	721, 722	45	65, 66

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 2297, which restates without substantive change, laws related to transportation and makes other technical improvements in the United States Code. The bill was prepared for the House Judiciary Committee by the Office of the Law Revision Counsel under its authority under section 285(b) of title 2, United States Code, to prepare and submit periodically revisions of positive law titles of the Code to keep those titles current.

The Office of the Law Revision Counsel is engaged in an ongoing project of preparing various titles of the United States Code for enactment into positive law. Such codifications are impor-

tant because they facilitate access to the law on a particular subject by putting it in one place—obviating the necessity of examining disparate statutes. Amending positive law involves fewer technical complexities—and thus presents fewer opportunities for errors—because the United States Code itself is amended rather than having to enact changes in various acts. Finally, positive law facilitates proof in judicial proceedings, because the text of United States Code titles enacted into positive law is legal evidence in Federal and State courts of the laws contained therein.

Congress codified title 49 into positive law in segments—initially completing the task with the July 5, 1994 enactment of Public Law 103-272. Later that year, Congress enacted Public Law 103-429 to make technical improvements and incorporate title 49 transportation related laws enacted after the June 30, 1993 cutoff date for Public Law 103-272 or not otherwise included in title 49.

Today, we again update title 49—this time to incorporate an additional law not already included in the codification and make further technical corrections. Some of these technical changes are necessitated by events after the September 25, 1994 cutoff date for the last transportation related codification—including the enactment of Public Law 103-88, the ICC Termination Act of 1995, on December 29, 1995.

As the result of comments received from various departments and agencies concerned with transportation, and interested private parties, the Office of Law Revision Counsel prepared an amendment in the nature of a substitute to incorporate changes resulting from the comments. After reviewing the legislation as reported by the Committee on the Judiciary, the chairman of the Committee on Commerce, Mr. BLILEY, and the chairman of the Committee on Science, Mr. WALKER, advised me of their support. To reflect comments from the Committee on Transportation and Infrastructure, the Office of Law Revision Counsel proposed some additional changes—which are incorporated in the manager's amendment.

The Law Revision Counsel assures me that H.R. 2297, as amended, makes no change in the substance of existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment. Pay-as-you-go procedures would not apply, because enactment would not affect direct spending or receipts.

By updating and improving the codification of title 49, this legislation will provide to be beneficial to Congress, the courts, and the public. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these changes in the bill are technical. There are no substantive changes in the law. It merely codifies and clarifies present law, and I urge the Members to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 2297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING CIRCUIT JUDGE WHO HAS TAKEN PART IN EN BANC HEARING TO CONTINUE TO PARTICIPATE AFTER TAKING SENIOR STATUS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 531) 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.

The Clerk read as follows:

S. 531

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENT.

The last sentence of section 46(c) of title 28, United States Code, is amended by inserting "(1)" after "eligible" and by inserting the period at the end of the sentence ", or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court en banc at a time when such judge was in regular active service".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I rise in support of S. 531. This act amends section 46(c) of title 28, 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. There is an inadvertent problem in the law as it exist today. While section 46(c) allows a senior circuit judge who was a member of a panel whose decision is being reviewed en banc to sit on the en banc court, it has been interpreted to require a circuit judge in regular active service who has heard argument in an en banc case to case participating in that case upon taking senior status. This problem leads to uncertainty in deciding who will be eligible to vote on the final disposition of an appeal and may create the perception that a judge is delaying the release of an en banc opinion until a member of the en banc court takes senior status.

This is an unintended result and a basic drafting problem in the statute. The judicial council of the seventh circuit, the most recent court to construe