

## APPENDIX F TO SUBPART P—SELECTION OF PROTECTIVE SYSTEMS

*Subpart Q—Concrete and Masonry Construction*

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

## APPENDIX TO SUBPART Q—REFERENCES TO SUBPART Q OF PART 1926

*Subpart R—Steel Erection*

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

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

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

## APPENDIX A TO SUBPART S—DECOMPRESSION TABLES

*Subpart T—Demolition*

- 1926.850 Preparatory operations.
- 1926.851 Stairs, passageways, and ladders.
- 1926.852 Chutes.
- 1926.853 Removal of materials through floor openings.
- 1926.854 Removal of walls, masonry sections, and chimneys.
- 1926.855 Manual removal of floors.
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- 1926.857 Storage.
- 1926.858 Removal of steel construction.
- 1926.859 Mechanical demolition.
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*Subpart U—Blasting and Use of Explosives*

- 1926.900 General provisions.
- 1926.901 Blaster qualifications.
- 1926.902 Surface transportation of explosives.
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- 1926.904 Storage of explosives and blasting agents.
- 1926.905 Loading of explosives or blasting agents.
- 1926.906 Initiation of explosive charges—electric blasting.
- 1926.907 Use of safety fuse.
- 1926.908 Use of detonating cord.
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- 1926.913 Blasting in excavation work under compressed air.
- 1926.914 Definitions applicable to this subpart.

*Subpart V—Power Transmission and Distribution*

- 1926.950 General requirements.
- 1926.951 Tools and protective equipment.
- 1926.952 Mechanical equipment.
- 1926.953 Material handling.
- 1926.954 Grounding for protection of employees.
- 1926.955 Overhead lines.
- 1926.956 Underground lines.
- 1926.957 Construction in energized substations.
- 1926.958 External load helicopters.

- 1926.959 Lineman's body belts, safety straps, and lanyards.

- 1926.960 Definitions applicable to this subpart.

*Subpart W—Rollover Protective Structures; Overhead Protection*

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

*Subpart X—Stairways and Ladders*

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

## APPENDIX A TO SUBPART X—LADDERS

*Subpart Z—Toxic and Hazardous Substances*

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

## APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS

## NOTE

(Due to printing errors in the section of the RECORD of September 18, 1996 pertaining to the Carjacking Correction Act, material was omitted. The permanent RECORD will be corrected to reflect the following.)

## UNANIMOUS-CONSENT AGREE-MENT—H.R. 3676, S. 2006, AND S. 2007

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration en bloc of H.R. 3676, which is at the desk, calendar 560, which is S. 2006, and calendar 561, which is S. 2007, that the bills be deemed read for a third time and passed, the motions to reconsider be laid on the table en bloc, and any statements relating to these bills appear at the appropriate point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CARJACKING CORRECTION ACT OF 1996

A bill (H.R. 3676) to amend title 18, United States Code, to clarify the intent of Congress with respect to the Federal carjacking prohibition, was considered.

Mr. HATCH. Mr. President, I rise in strong support of the Carjacking Correction Act of 1996, a bill I introduced earlier this year in the Senate, the companion of which, H.R. 3676, has now come over from the House. This bill adds an important clarification to the Federal carjacking statute, to provide that a rape committed during a carjacking should be considered a serious bodily injury.

I am pleased to be joined in this effort by the ranking member of the Judiciary Committee, Senator BIDEN. He has long been a leader in addressing the threat of violence against women, and demonstrates that again today.

I also want to thank Representative JOHN CONYERS, the ranking member of the House Judiciary Committee, who brought this matter to my attention, and has led the effort in the House for passage of this legislation.

This correction to the law is necessitated by the fact that at least one court has held that under the Federal carjacking statute, rape would not constitute a "serious bodily injury." Few crimes are as brutal, vicious, and harmful to the victim than rape by an armed thug. Yet, under this interpretation, the sentencing enhancement for such injury may not be applied to a carjacker who brutally rapes his victim.

In my view, Congress should act now to clarify the law in this regard. The bill I introduced this year, S. 2006, and its companion House bill, H.R. 3676, would do this by specifically including rape as serious bodily injury under the statute.

I urge my colleagues to support this bill, and anticipate its swift passage.

The bill (H.R. 3676) was ordered to a third reading, was read the third time, and passed.

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In my view, Congress should act now to clarify the law in this regard. The bill I introduced this year, S. 2006, would do this, by specifically including rape as serious bodily injury under the statute.

I urge my colleagues to support this bill, and anticipate its swift passage.

The bill (S. 2006) was ordered to be engrossed for a third reading, was read the third time, and passed; as follows:

S. 2006

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Carjacking Correction Act of 1996".

#### SEC. 2. CLARIFICATION OF INTENT OF CONGRESS WITH RESPECT TO THE FEDERAL CARJACKING PROHIBITION.

Section 2119(2) of title 18, United States Code, is amended by inserting "including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title" after "(as defined in section 1365 of this title)".

#### CARJACKING CORRECTION ACT OF 1996

A bill (S. 2007) to clarify the intent of Congress with respect to the Federal carjacking prohibition, was considered.

Mr. BIDEN. Mr. President, I am very pleased that this bill will soon become law. I commend my cosponsor, Senator HATCH. And I also commend Representative CONYERS, who championed this bill over in the House, and with whom I was proud to work on it.

A few months ago, the first circuit court of appeals made a mistake. It made, in my view, a very big mistake: It said that the term "serious bodily injury" in one of our federal statutes does not include rape.

Let me tell you about the case. One night near midnight, a woman went to her car after work. While she was getting something out of the back seat, a man with a knife came up from behind and forced her back into the car. He drove her to a remote beach, ordered her to take off her clothes, and made her squat down on her hands-and-knees.

Then he raped her. After the rape, he drove off in her car, leaving her alone on the side of the road.

This man was convicted under the federal carjacking statute. That statute provides an enhanced sentence of up to 25 years if the defendant inflicts serious bodily injury in the course of a carjacking.

When it got time to sentence the defendant, the prosecutor asked the court to enhance the sentence because of the rape. Mind you, there was no dispute that the defendant had, in fact, raped the victim.

The trial judge agreed with the prosecutor, and gave the defendant the statutory 25 years maximum, finding that the rape constituted serious bodily injury.

But when the case went up to the first circuit, that court said "no"—rape is not serious bodily injury. To support its ruling, and I'm now quoting the opinion, the court said that "there was no evidence of any cuts or bruises in her vaginal area."

That, in my view, is absolutely outrageous—and Senator HATCH and I proposed this bill to set matters straight.

Under the code, "seriously bodily injury" has several definitions. It includes: a substantial risk of death; protracted and obvious disfigurement; protracted loss or impairment of a bodily part or mental faculty; and it also includes extreme physical pain.

It takes no great leap of logic to see that a rape involves extreme physical pain. And I would go so far as to say that only a panel of male judges could fail to make that leap and even think—let alone rule—that rape does not involve extreme pain.

Rape is one of the most brutal and serious crimes any woman can experience. It is a violation of the first order, but it has all too often been treated like a second-class crime. According to a report I issued a few years ago, a robber is 30 percent more likely to be convicted than a rapist; a rape prosecution is more than twice as likely as a murder prosecution to be dismissed; a convicted rapist is 50 percent more likely to receive probation than a convicted robber.

No crime carries a perfect record of arrest, prosecution, and incarceration—but the record for rape is especially wanting.

And this first circuit decision helps explain why: too often, our criminal justice system just doesn't get it.

If the first circuit decision were allowed to stand, it would mean that a criminal would spend more time behind bars for breaking a man's arm than for raping a woman.

For 5 long years, I worked to pass a piece of legislation that I have cared about like no other: The Violence Against Women Act. The act does a great many practical things:

It funds more police and prosecutors specially trained and devoted to combating rape and family violence.

It trains police, prosecutors, and judges in the ways of rape and family violence—so they can better understand and respond to the problem;

It provides shelters for more than 60,000 battered women and their children;

It provides extra lighting and emergency phones in subways, bus stops and parks;

It provides for more rape crises centers;

It set up a national hotline that battered women can call around the clock—to get advice and counseling when they are in the throes of a crisis;

And we're getting rape education efforts going with our young people—so we can break the cycle of violence before it gets started.

But the Violence Against Women Act also meant to do something else, beyond these concrete measures: it also sent a clarion call across our land that crimes against women will no longer be treated as second class crimes.

For too long, the victims of these crimes have been seen not as innocent targets of brutality, but as participants who somehow bear shame or even some responsibility for the violence.

This is especially true when it comes to victims who know their assailants. For too long, we have been quick to call theirs a private misfortune rather than a public disgrace. We have viewed the crime as less than criminal, the abuser less than culpable, and the victim less than worthy of justice.

We must remain ever vigilant in our efforts to make our streets and our neighborhoods and our homes safe for women.

And we need to make sure—right now—that no judge ever misreads the carjacking statute again. With this bill, we are telling them that we intend, that we always intended, for those words "serious bodily injury" to mean rape—no if's, and's or but's.

I thank my colleagues for their support.

The bill (S. 2007) was ordered to be engrossed for a third reading, was read the third time, and passed; as follows:

S. 2007

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Carjacking Correction Act of 1996".

#### SEC. 2. CLARIFICATION OF INTENT OF CONGRESS WITH RESPECT TO THE FEDERAL CARJACKING PROHIBITION.

Section 2119(2) of title 18, United States Code, is amended by inserting "including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title" after "(as defined in section 1365 of this title)".

#### NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

The text of the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes, as passed by the