Swiss hotels that are across this country in Chicago and other big cities, people who fly on Swiss Air, evidently in Switzerland, those pilots are not required to take drug tests because it is against the law in Switzerland to require somebody to take a drug test. I would think twice before I wanted to fly in that type of a situation.

People who go on ski vacations in Switzerland, there are literally tens of thousands of Americans that do it. There is no protection against the guy that runs the ski lifts and protect people on those slopes that somebody in there is not on drugs. Of all of the thousands of people who are drug free, it only takes one person who is a heroin addict who cannot be tested because of Swiss law and can cause real problems in those areas.

Mr. SOUDER. Mr. Speaker, it is inconceivable to me that they do not drug test pilots. That is literally flying blind. Sometimes ignorance is not bliss. In other words, it is like we do not want to know whether they are abusing drugs, and then if you see a society already having these trends, I would think it would be more of a reason to drug test, not less of a reason.

Mr. HASTERT. I think the pressure could start here in the United States. You talked about Ciba-Geigy. I think we could call the president of Ciba-Geigy, Doug Watson, and tell him to stand up against the legalization of drugs in Switzerland. Perhaps hundreds of other Swiss companies who benefit from trade from the United States, Americans Against Heroin Legalization could call the Swiss Bank, Swiss Credit, or Credit Swiss, the big bank that has been silent on this issue that certainly should be vocal in supporting Youth Against Drugs in Switzerland. Credit Swiss should be vocal in Switzerland to stop the legalization of heroin.

In New York, Robert O'Brien is the regional head of Credit Swiss. In Los Angeles, the Credit Swiss head is David Worthington. In Florida, Max Lutz, who represents senior management at Credit Swiss. Those people should know that Members of Congress do not really appreciate that.

Mr. MICA. Mr. Speaker, I would just like to, as we close up, remind folks that what this experiment in Switzerland, a beautiful country, you think of the Swiss Alps and mountain chalets and peaceful living.

Let me read from this. In one park, the number of addicts grew to 15,000 daily that came for free needles. Switzerland, again, a placid European tranquil State, Switzerland now has the highest heroin addiction rate in Europe and the second highest HIV infection. That is with the free needles, with the free heroin. So they have tried it. It is a disaster for their people.

We are joining their people who are now calling for a referendum to repeal this. Again, a good example of a program that went bad.

So I join my colleagues in whatever pressure we need to put on the Swiss, United States interests, we will do that. We are not going to let what happened there happen here, and this is the evidence as to why we should not let that take place.

Mr. HASTERT. Mr. Speaker, I think that is really an important point. I think that is one of the things we need to look at.

Mr. Speaker, for hundreds of years we looked to the Swiss for chocolate and we looked to them for Swiss watches and Swatches and things like that. We also respected the integrity of the Swiss banks.

During the Hitler era, the Jews trusted the Swiss to protect their accounts from the Nazis. However, after the war, the Swiss took bank deposits of murdered holocaust victims and funneled them to Swiss businessmen to cover assets seized by East European Communist regimes.

According to recent news reports, while the Swiss Bankers Association admits to $32 million in diverted deposits, the World Jewish Congress believes the figure may be as high as $7 billion. But in 1992, the Swiss bank secrecy laws, which had concealed the diversion of these funds, were repealed, and this change removed Switzerland from a short list of countries whose banks are capable of masking deposits delivered from such illicit sources as drug profits.

Some countries, like the Republic of Seychelles, have banking laws that permit large deposits of suspected money. Although there is no direct evidence that Switzerland may be joining these ranks, legalized drugs could normalize financial transactions with drug kingpins.

So one of the things we need to be careful of, if Switzerland does legalize drugs and legalize heroin, then the profits from those drugs can be moved into Swiss banks and that money can be transferred all over the world. Thus, the drug money that happens in the United States or Mexico or Thailand, moved into the wire system, moved to Swiss banks.

So I think that is something that is very, very treacherous, something that we need to be very, very careful about. Our committee will be looking into this, will be working on this, and I hope that we will have another special order on this issue.

I would encourage Mr. Speaker and all of the rest of my colleagues to be sensitive to this. Talk to these Swiss companies, be involved, and let us turn this around, turn it around in Switzerland because Switzerland is so important to this country. We can turn it around in this country as well.

We are not without fault, we have our problems, but we cannot let other countries slip into this type of a situation as well.

I certainly appreciate my colleagues from Indiana and Florida for joining us this evening on this very, very important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOEKSTRA (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. MANZULLO (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. PORTER (at the request of Mr. ARMEY), for today, on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of back pain.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today, on account of official business in the district.

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

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

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

Mr. WELDON, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. SKELTON.

Mr. MOAKLEY.

Mr. FARR.

Mr. KUCINICH.

Mr. DAVIS of Illinois.

Mr. HOYER.

Mr. DOYLE.

Mr. BERMAN.

Mr. FRANK of Massachusetts.

Mr. VENTO.

Mrs. THURMAN.

Mr. MCNULTY.

Mr. RAHALL.

Mr. VISCLOSKY.

Mr. KILDEE.

(The following Members (at the request of Mr. PICKERING) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. EHRLICH.

Mr. DAN SCHAEFER of Colorado in two instances.

Ms. PRYCE.

Mr. GALLEGLY.

Mr. COOK.

Mr. SMITH of Michigan.

Mr. DAVIS of Virginia in two instances.

Mr. QUINN in two instances.
Mr. HERGER.
Mr. HOUGHTON.
Mr. SHUSTER.

(The following Members (at the request of Mr. SOUDER) and to include extraneous matter:)

Mr. NEY in two instances.
Mr. HYDE.
Mr. LANTOS.
Mr. HINOJOSA.
Mr. MENENDEZ in six instances.
Mr. FORD.
Mr. BALLENGER.
Mr. HOSTETTLER.
Ms. DEGETTE.
Mr. MILLER of California.
Mr. LAHOOD.
Mr. BLUNT.
Mr. THOMPSON.
Mrs. MORELLA.
Mr. CRANE.
Mr. COLLINS.
Mr. LEWIS of Georgia.
Ms. VELÁZQUEZ.
Mr. BROWN of California.
Mr. VISCLOSKY.
Mr. CLAY.
Mr. SHERMAN.
Mr. WELDON of Pennsylvania.
Mr. BLILEY.

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ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock p.m.), under its previous order, the House adjourned until Monday, April 28, 1997, at 2 p.m.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, April 18, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. §1383), I am transmitting the enclosed notice of adoption of amendments to the Procedural Rules of the Office of Compliance) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed amendments be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

Summary: After considering the comments to the Notice of Proposed Rulemaking published January 7, 1997 in the Congressional Record, the Executive Director has adopted and is publishing amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3). The amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999. Telephone No. 202–724–9250. TDD/TTY: 202–426–1912.

SUPPLEMENTARY INFORMATION

I. Background.

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') 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 303 of the CAA directs that the Executive Director of the Office of Compliance (''Office'') shall, subject to the approval of the Board of Directors (''Board'') of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 Cong. R. S19239 (daily ed., Dec. 22, 1995)). Amendments to these rules, approved by the Board and adopted by the Executive Director, were published September 19, 1996 in the Congressional Record (142 Cong. R. H10672 and S10980 (daily ed., Sept. 19, 1996)). The revisions and additions that follow establish procedures for consideration of matters arising under Parts B and C of title II of the CAA, which became generally effective January 1, 1997.

Pursuant to section 303(b) of the CAA, the Executive Director published for comment a Notice of Proposed Rulemaking (''NPR'') in the Congressional Record on January 7, 1997 (143 Cong. R. S25–S30 (daily ed., Jan. 7, 1997)) inviting comments regarding the proposed amendments to the procedural rules. Four comments were received in response to the NPR: Three from Congressional offices and one from a labor organization. After full consideration of the comments received, the Executive Director has, with the approval of the Board, adopted these amendments to the procedural rules.

II. Consideration of Comments and Conclusions Regarding Amendments to Existing Rules.

A. Section 1.04(d)—Final Decisions.

One commenter noted that, although section 1.04(d) provides that the Board will make public final decisions in favor of a complaining covered employee, or charging party under section 210 of the CAA, as well as those that reverse a Hearing Officer's decision in favor of a complaining employee or charging party, section 1.04(d) does not specifically provide that decisions in favor of an employing office will be made public. Rather, such decisions may be made public in the discretion of the Board. The commenter suggested that the rules should provide either that all or none of the decisions be made public, asserting that, if section 1.04(d) were not so modified, there would be ''inconsistent access'' to decisions and ''the impression that the Board's procedures are weighted against employing offices.'' Proposed section 1.04(d) is identical to section 416(f) of the CAA, and its language, therefore, should not and will not be altered, whatever the Board's ultimate practice with respect to the publication of decisions in favor of employing offices.

B. Section 1.07(a)

One commenter suggested that, if section 1.04(d) were not modified to provide for publication of all decisions, the term ''certain final decisions'' in section 1.07(a) should be defined and procedures should be established to challenge Board determinations regarding the publication of decisions. Section 1.07(a) has been modified to make it clear that the referenced final decisions are those described in section 416(f) of the CAA. As section 416(f) of the CAA makes clear which final decisions must be made public and grants the Board complete discretion as to publication of other final decisions, procedures for challenging determinations regarding publication are not warranted.

C. Section 5.01—Complaints.

For the reasons set forth in Section III.C.10., *infra,* section 5.01(b)(2) will not be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215 of the CAA, as requested by a commenter.

D. Section 5.04—Confidentiality

One commenter suggested that section 5.04 be modified to clarify that proceedings before Hearing Officers and the Board are not confidential. However, with certain exceptions, pursuant to section 416(c) of the CAA, such proceedings are confidential and, therefore, the proposed rule cannot be modified as suggested by the commenter. However, the rule will be clarified to note the statutory exceptions to the confidentiality requirement. In addition, at the suggestion of another commenter, the rule will be modified to cross-reference sections 1.06, 1.07 and 7.12 of the procedural rules, which also relate to confidentiality.

III. Consideration of Comments and Conclusions Regarding Section 215 Procedures.

A. Promulgation of the proposed amendments as substantive regulations under section 304.

Two commenters restated objections to the Board's decision in promulgating its substantive section 215 regulations (143 Cong. R. S61, S63 (daily ed., Jan. 7, 1997)) not to adopt the Secretary's rules of practices and procedure for variances under the OSHAct (part 1905, 29 C.F.R.), and the Secretary's regulations relating to the procedure for conducting inspections, and for issuing and contesting citations and proposed penalties under the OHSAct (part 1903, 29 C.F.R.) as regulations under section 215(d)(2) of the CAA. The arguments offered by the commenters are substantially the same as those rejected by the Board in its rulemaking on this issue (143 Cong. R. at S63). The Board has fully explained its decision not to adopt Parts 1903 and 1905, 29 C.F.R., as regulations under section 215(d) of the CAA, and for rejecting the arguments made by the commenters. The Board did not consider the Secretary's regulations governing inspections, citations, and variances to be outside the scope of rulemaking under section 304 because they were ''procedural'' as opposed to ''substantive.'' Instead, the Board did not adopt these regulations because they were promulgated to implement sections 8, 9, and 10 of the OSHAct, statutory provisions which are not ''referred to in subsection (a)'' of section 215. Accordingly, these regulations are not within the scope of the Board's rulemaking authority under section 215(d)(2). 143 Cong. R. at S63–64. Thus, the question whether the proposed regulations should have been issued under section 304 of the CAA cannot be addressed by the Executive Director in the context of this rulemaking.

Because the Board has determined that regulations covering variances, citations, and notices cannot be issued under section 215(d), the question is whether such regulations may be issued by the Executive Director under section 303. The essence of the commenters' argument in this rulemaking is that the Executive Director cannot do so because the procedures affect substantive rights of the parties. The commenters' position is based on the substance-procedure distinction that they believe demarcates the