

way. They have our money, our taxpayers' money, but they are going to do things their way.

They are honest enough to tell us that up front. They are not going to change their curriculum. They are not going to change their culture. They are not going to stop giving religious instruction, if they give religious instruction. That is what they are set up to do. They are honest enough to say that if we give them the money, they are not going to change or let us dilute their integrity.

So private schools or religious schools will operate as they have always operated. So let us not give them public money. Public money should go to public schools, and charter schools are public schools.

I want to conclude by saying that nowhere is the need greater than in the area of education, that we understand that we are leaders in an indispensable Nation. We are leaders in an indispensable Nation. We are the pivotal generation. If we are petty at this point, when our resources are greater than ever before; if we are petty at this point, when we do not have any global crisis, there is no world war, there is nothing attracting the attention of the American leaders and American resources as much as education should; if we at this point will not shift the tremendous amounts of dollars that we have spent on the cold war and on military defense, shift some of that money into education to meet the recognized crises in education, then we are petty leaders in an indispensable Nation, and the great indispensable Nation will lose its place in the world.

I have said before that compared to the United States of America, Rome was a little village. The Roman empire, with all its splendor, was nothing compared to the kind of colossus that America has at this point. But the minds of the American leaders are not measuring up to the size of the Nation and the mission of the Nation. We need a generation of profound leaders who act in a way that this indispensable Nation requires.

Ted Turner, in the area of billionaire philanthropy; George Soros, in the area of billionaire philanthropy; they have shown the way; Reed Hunt, at the Federal Communications Commission, has shown the way in the new guidelines for universal funds. There are many places where there are Americans who think like FDR and LBJ and they know we have to tackle big problems with big solutions. And in the area of education, we need to understand that we have a big problem that needs big solutions.

Part of that solution should be the training of teachers; part of that solution should be the upgrading of our schools with technology; part of that solution should be charter schools. And underneath that whole set of those subparts, there has to be a massive program to build schools. The construction, the bricks and mortar, comes first in this particular case, but in this indispensable Nation, we need an indis-

pensable school system with universal quality education for all.

DESIGNATION OF HON. EDWARD A. PEASE TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MONDAY, OCTOBER 6, 1997

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 1, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Monday, October 6, 1997.

NEWT GRINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the designation is accepted.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MINGE (at the request of Mr. GEPHARDT) for September 30, on account of medical reasons.

Mr. ROTHMAN (at the request of Mr. GEPHARDT) for September 30, on account of attendance at funeral service for Florence Rothman.

Mr. McNULTY (at the request of Mr. GEPHARDT) for October 1 after 2:20 p.m., on account of personal business.

Mr. SAXTON (at the request of Mr. ARMEY) for September 30 until 2:45 p.m., on account of attending a memorial service.

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for September 30 after 3:30 p.m., on account of official business.

Mr. WAMP (at the request of Mr. ARMEY) for October 1 after 1:45 p.m., on account of a death in the family.

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

Mr. McKEON, for 5 minutes, today.

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. DOOLITTLE, for 5 minutes, today.

Mr. PAXON, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 996. An act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.

S. 1198. An act to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a non-immigrant visa for aliens coming to the United States for certain charitable purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, October 6, 1997, at 12:30 p.m., for morning hour debate.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
Office of Compliance,

Washington, DC, September 30, 1997.

Hon. NEWT GRINGRICH,
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 proposed rulemaking (proposing amendments to procedural rules previously adopted) for publication in the Congressional Record.

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

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules.

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is proposing to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees. The Congressional Accountability Act of 1995 ("CAA"), 2

U.S.C. §§ 1301-1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Five sections of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), and the Occupational Safety and Health Act of 1970 ("OSHA Act"), and which prohibit intimidation or reprisal for the exercise of rights under the CAA, become effective with respect to GAO and the Library on December 30, 1997. This Notice of Proposed Rulemaking ("NPRM") proposes to extend the coverage of the Procedural Rules to include GAO and the Library and their employees for purposes of proceedings relating to these five sections of the CAA and the general provisions of the rules relating to ex parte communications. These proposed amendments to the Procedural Rules have been approved by the Board of Directors of the Office of Compliance.

Dates: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724-9250 (voice), (202) 426-1912 (TTY). This notice will also be made available in large print or braille or on computer disk, upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104-1, 109 Stat. 3, 2 U.S.C. §§ 1301-1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. With respect to GAO and the Library, five sections of the CAA will become effective as of December 30, 1997: (a) section 204, applying rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), restricts the use of lie detector tests by employing offices; (b) section 205, applying rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), assures covered employees of notice before office closings and mass layoffs; (c) section 206, applying rights and protections of the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), protects job rights of covered employees who serve in the military and other uniformed services; (d) section 215, applying rights and protections of the Occupational Safety and Health Act of 1970 ("OSHA Act"), protects the safety and health of covered employees from hazards in their places of employment; and (e) section 207 forbids intimidation or reprisal against covered employees for exercising rights under other sections of the CAA.

The Procedural Rules of the Office of Compliance establish procedures for considering

matters that involve employing offices and covered employees other than GAO and the Library and their employees. The purpose of this rulemaking is to extend the rules to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved as employing offices or covered employees.

The Board of Directors has also proposed to extend its substantive regulations implementing sections 204, 205, and 215 of the CAA to cover GAO and the Library and their employees. The NPRM was published in the September 9, 1997 issue of the Congressional Record, at 143 Cong. Rec. S9014.

2. Record of earlier rulemakings

To avoid duplication of effort, the Executive Director plans to rely generally on the record of earlier rulemakings. The current Procedural Rules of the Office of Compliance were proposed, adopted, and amended in three phases during the past two years. See 141 Cong. Rec. S17012 (daily ed. Nov. 14, 1995) (NPRM); 141 Cong. Rec. S19239 (daily ed. Dec. 22, 1995) (final rules); 142 Cong. Rec. H7450 (daily ed. July 11, 1996) (NPRM); 142 Cong. Rec. S10980 (daily ed. Sept. 19, 1996) (final rules); 143 Cong. Rec. S25 (daily ed. Jan. 7, 1997) (NPRM); 143 Cong. Rec. H1879 (daily ed. Apr. 24, 1997) (final rules). A copy of the Procedural Rules of the Office of Compliance is available for inspection at the Law Library Reading Room, at the address and times stated at the beginning of this Notice, and may also be viewed or downloaded from the Office of Compliance's internet Website at <http://www.compliance.gov/proful3.html>, or <http://www.access.gpo.gov/compliance/proful3.html>.

3. Proposed amendments

The Executive Director is presently aware of no reason why the procedural rules to cover GAO and the Library and their employees should be separate or substantively different from the rules already adopted for other employing offices and their employees. The Executive Director therefore proposes in this NPRM to extend the coverage of the rules already adopted to include GAO and the Library and their employees, and to make no other substantive change to the rules. Specifically, the NPRM proposes to amend the definitions established in section 1.02 of the Procedural Rules of the Office of Compliance: (a) by including the employees of GAO and the Library in the definition of "covered employee," (b) by including GAO and the Library in the definition of "employing office," and (c) by adding a new paragraph (q) to section 1.02 specifying that GAO and the Library and their employees are included in these definitions only for the purposes of proceedings involving sections 204, 205, 206, 207, or 215 of the CAA or for purposes of the rules regarding ex parte communications. A technical correction is also necessary in the language being amended.¹

4. Request for comment

The Executive Director invites comment on these proposed amendments generally and invites comment specifically on whether there is any reason why the rules for GAO and the Library and their employees should be separate or different from the rules already adopted for other employing offices and their employees.

Signed at Washington, D.C., this 30th day of September, 1997.

RICKY SILBERMAN
Executive Director,
Office of Compliance.

Accordingly, the Executive Director of the Office of Compliance hereby proposes the following amendments to the Procedural Rules of the Office of Compliance:

It is proposed that section 1.02 of the Procedural Rules of the Office of Compliance be amended by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

"§1.02 Definitions.

"Except as otherwise specifically provided in these rules, for purposes of this Part:

- * * * * *
- "(b) *Covered employee.* The term "covered employee" means any employee of
- "(1) the House of Representatives;
- "(2) the Senate;
- "(3) the Capitol Guide Service;
- "(4) the Capitol Police;
- "(5) the Congressional Budget Office;
- "(6) the Office of the Architect of the Capitol;
- "(7) the Office of the Attending Physician;
- "(8) the Office of Compliance; or
- "(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

"(h) *Employing Office.* The term "employing office" means:

- "(1) the personal office of a Member of the House of Representatives or a Senator;
- "(2) a committee of the House of Representatives or the Senate or a joint committee;
- "(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;
- "(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or
- "(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

"(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term "employing office" shall include the General Accounting Office and the Library of Congress, and the term "covered employee" shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1), (2), and (3):

"(1) The processing of any allegation that section 204, 205, or 206 of the Act has been violated, and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 204, 205, and 206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

- "(i) the Employee Polygraph Protection Act of 1988,
- "(ii) the Worker Adjustment and Retraining Notification Act, and
- "(iii) the Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

"(2) The enforcement of the inspection and citation provisions of section 215(c)(1), (2), (3) of the Act, and proceedings to grant variances under section 215(c)(4) of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

"(3) Any proceeding or rulemaking, for purposes of section 9.04 of these rules."

¹ In section 1.02(b) of the Procedural Rules of the Office of Compliance, reference to the Office of Technology Assessment is being removed, as that Office no longer exists.