

### “§639.3 Definitions.

“(a) *Employee office*. (1) The term “employing office” means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of “employee office” by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

“(i) \* \* \* \* \*

### AMENDMENTS TO REGULATIONS UNDER SECTION 215 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

It is proposed that the regulations implementing section 215 of the CAA, adopted and published in the CONGRESSIONAL RECORD on January 7, 1997 at 143 CONG. REC. S61, 66-69 (daily ed. Jan. 7, 1997), be amended as follows:

1. EXTENSION OF COVERAGE.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

### “§1.102 Definitions.

“(c) 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; (9) the General Accounting Office; and (10) the Library of Congress.

“(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of 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 Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress.”

“(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

### “§1.103 Coverage.

“The coverage of Section 215 of the CAA extends to any “covered employee.” It also extends to any “covered employing office,” which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

“(1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

“(3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.”

2. Corrections to cross-references.—By making the following amendments in Appendix A to Part 1900, which is entitled “REFERENCES TO SECTIONS OF PART 1910, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(d) OF THE CAA”

(a) After “1910.1050 (Methylenedianiline.” insert the following:

“1910.1051 1,3-Butadiene.

“1910.1052 Methylene chloride.”

(b) Strike “1926.63—Cadmium (This standard has been redesignated as 1926.1127).” and insert instead the following:

“1926.63 [Reserved].”

(c) Strike “Subpart L—Scaffolding,” “1926.450 [Reserved],” “1926.451 Scaffolding,” “1926.452 Guardrails, handrails, and covers,” “1926.453 Manually propelled mobile ladder stands and scaffolds (towers).” and insert instead the following:

### “SUBPART L—SCAFFOLDS

“1926.450 Scope, application, and definitions applicable to this subpart.

“1926.451 General requirements.

“1926.452 Additional requirements applicable to specific types of scaffolds.

“1926.453 Aerial lifts.

“1926.454 Training.”

(d) Strike “1926.556 Aerial lifts.”

(e) Strike “1926.753 Safety Nets.”

(f) Strike “Appendix A to Part 1926—Designations for General Industry Standards” and insert instead the following:

“APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS”.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 700. An act to remove the restrictions on the distribution of certain revenues from

the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 976. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 700. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; to the Committee on Indian Affairs.

H.R. 976. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2880. A communication from the Acting Secretary of Veterans Affairs, transmitting, a draft bill of proposed legislation to remove a statutory provision; to the Committee on Veterans' Affairs.

EC-2881. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule relative to migratory bird hunting (RIN1018-AE14) received on August 27, 1997; to the Committee on Indian Affairs.

EC-2882. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled “Urine Surveillance” (RIN1120-AA68) received on August 26, 1997; to the Committee on the Judiciary.

EC-2883. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-2884. A communication from the President of the United States, transmitting, pursuant to law, the report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC-2885. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to private delivery services received on August 29, 1997; to the Committee on Finance.

EC-2886. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97-37 received on August 29, 1997; to the Committee on Finance.

EC-2887. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to weighted average interest received on September 3, 1997; to the Committee on Finance.

EC-2888. A communication from the Secretary of Agriculture, transmitting, a draft bill of proposed legislation entitled the “Agricultural Fair Practices Enforcement Authority Act of 1997”; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2889. A communication from the Secretary of Agriculture, transmitting, a draft

bill of proposed legislation to establish the position of Under Secretary; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2890. A communication from the Acting Administrator, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to a schedule of fees to be charged, received on August 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2891. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to a change in disease status received on September 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2892. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to bartlett pears received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2893. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to tart cherries received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2894. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to quarantined areas received on August 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2895. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to limes received on August 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2896. A communication from the Assistant Secretary of State (Legislative Affairs), the report of the Executive Summary and Annexes to the U.S. Arms Control and Disarmament Agency for calendar year 1996; to the Committee on Foreign Relations.

EC-2897. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons; to the Committee on Foreign Relations.

EC-2898. A communication from the Assistant Secretary of State (Legislative Affairs), the report of a memorandum of justification relative to the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC-2899. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled "The Potato Research and Promotion Plan" (AMS-FV-96-703, CN-97-003, DA-97-09) received on September 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2900. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on horse protection enforcement for fiscal year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2901. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled

"Mid-Session Review of the (Fiscal Year) 1998 Budget"; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC-2902. A communication from the Secretary of the Interior, transmitting, a draft bill of proposed legislation entitled "The Revised Statute (R.S.) 2477 Rights-of-Way Act"; to the Committee on Energy and Natural Resources.

EC-2903. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2904. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Public Land Records" (RIN1004-AC81) received on September 3, 1997; to the Committee on Energy and Natural Resources.

EC-2905. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, a rule relative to wildlife refuges in Alaska (RIN1018-AD93) received on August 22, 1997; to the Committee on Energy and Natural Resources.

EC-2906. A communication from the Acting Deputy Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report on Damaged and Threatened National Historic Landmarks for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC-2907. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The Indiana Regulatory Program" (IN-127-FOR) received on September 3, 1997; to the Committee on Energy and Natural Resources.

EC-2908. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The Kentucky Regulatory Program" (KY-211-FOR) received on August 26, 1997; to the Committee on Energy and Natural Resources.

EC-2909. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "Coal Moisture Rule" (RIN1029-AB78) received on August 25, 1997; to the Committee on Energy and Natural Resources.

EC-2910. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to conflicts of interest (RIN1991-AB26), received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC-2911. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to certificate requirements (RIN1991-AB31), received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC-2912. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, one rule relative to conservation standards received on August 28, 1997; to the Committee on Energy and Natural Resources.

EC-2913. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting,

pursuant to law, a rule received on September 3, 1997; to the Committee on Finance.

EC-2914. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97-52; to the Committee on Finance.

EC-2915. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates" (RIN0938-AH55) received on September 4, 1997; to the Committee on Finance.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-224. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Energy and Natural Resources.

## RESOLUTION

Whereas, the Federal Government's program to manage and dispose of spent fuel from the United States nuclear power plants is substantially behind schedule and failure to take appropriate action to enable said Federal Government to take title to and possession of this material in a timely and efficient manner could result in the need to construct and operate one or more long-term spent nuclear fuel storage facilities in Massachusetts and New England; and

Whereas, forty per cent of New England's power is from nuclear plant generation which is the highest percentage for any region in the entire United States; and

Whereas, New England's capability to meet the clean Air Act requirements is highly dependent upon continued availability of our nuclear power plants; and

Whereas, continued operation of our nuclear power plants reduces New England's dependence on the importation of foreign oil; and

Whereas, the Department of Energy is contractually required to begin to take title to and possession of spent fuel on January 31, 1998; and

Whereas, an integrated spent fuel management system is necessary which should include, but not be limited to, four essential components:

A central facility for interim storage until a permanent repository is made available;

A transportation infrastructure for the safe and efficient transfer of spent fuel;

A central repository for permanent deep geological disposal; and

A provision to prioritize the acceptance of spent nuclear fuel from shut down reactor sites; and

Whereas, more than \$12,000,000,000 has been paid into the nuclear waste fund of which over \$1,000,000,000 has been paid by the ratepayers of New England and current congressional budget restraints preclude proper use of the funds consistent with schedule requirements; and

Whereas, legislation to rectify the nuclear waste storage problem have been introduced in this one hundred and fifth session of the United States Congress: Therefore be it

*Resolved*, That the Massachusetts House of Representatives respectfully requests that the United States Congress enact legislation to address the problems relative to the disposal of nuclear waste and that members thereof from the Commonwealth take a leadership role in insuring that the financial, energy and environmental interests of the ratepayers of the Commonwealth are protected; and be it further