

(d) **Pre-construction review of alteration and construction projects.** Any project involving alteration or new construction of facilities of covered entities are subject to inspection by the General Counsel for compliance with Titles II and III of the ADA during the design, pre-construction, construction, and post construction phases of the project. The Office of the Architect of the Capitol shall, within one year from the effective date of these regulations, develop a process with the General Counsel to identify potential barriers to access prior to the completion of alteration and construction projects that may include the following provisions:

- (1) Design review or approval;
- (2) Inspections of ongoing alteration and construction projects;
- (3) Training on the applicable ADA standards;
- (4) Final inspections of completed projects for compliance; and
- (5) Any other provision that would likely reduce the number of ADA barriers in alterations and new construction and the costs associated with correcting them.

§ 3.104 Reporting, estimating cost & time, and compliance date.

(a) **Reporting duty.** On a regular basis, at least once each Congress, the General Counsel shall prepare and submit a report to Congress containing the results of the periodic inspections conducted under § 3.103(a), describing any violations, assessing any limitations in accessibility, and providing the estimated cost and time needed for abatement.

(b) **Estimated cost & time.** Covered entities shall cooperate with the General Counsel by providing information needed to provide the estimated cost and time needed for abatement in the manner provided by § 2.103(b).

(c) **Compliance date.** All barriers to access identified by the General Counsel in its periodic reports shall be removed or otherwise corrected as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the report describing the barrier to access was issued by the General Counsel.

Recommended Method of Approval:

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Signed at Washington, D.C., on this 3rd day of February, 2016.

BARBARA L. CAMENS,
CHAIR OF THE BOARD, OFFICE OF
COMPLIANCE.

ENDNOTES

1. 28 C.F.R. § 36.201(b) reads as follows: "Landlord and tenant responsibilities. Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract."

2. The DOJ's illustrations and descriptions in its Technical Assistance Manuals regarding compliance with Titles II and Title III by tenants and landlords make this clear. See, U.S. Dept. of Justice, ADA Title III Technical Assistance Manual § III.-1.2000 (Nov. 1993) ("The title III regulation permits the landlord and the tenant to allocate responsibility, in the lease, for complying with particular provisions of the regulation. However, any allocation made in a lease or other contract is only effective as between the parties, and both landlord and tenant remain

fully liable for compliance with all provisions of the ADA relating to that place of public accommodation."); U.S. Dept. of Justice, ADA Title II Technical Assistance Manual § II.-1.3000 (Nov. 1993) (Both manuals are available online at www.ada.gov). Also see, Gabreille P. Whelan, Comment, The "Public Access" Provisions of Title III of the Americans with Disabilities Act, 34 Santa Clara L. Rev. 215, 217-18 (1993).

3. Several commenters correctly noted that the NPRM contains a technical error because the year (2004) was omitted from the C.F.R. citation, which was a potential source of confusion because the regulation was removed from the C.F.R. in 2004 when the substance of the regulation became part of the ABA Guidelines at § F202.6. Fortunately, all of the commenters were sufficiently able to ascertain the subject matter of the proposed regulation to participate fully in the rule-making process by providing detailed comments about the proposed regulation, which is all that is required of a NPRM. See e.g., *Am. Iron & Steel Inst. v. EPA*, 568 F.2d 284, 293 (3d Cir. 1977); *United Steelworkers v. Marshall*, 647 F.2d 1189, 1121 (D.C. Cir. 1980); and *Am. Med. Ass'n v. United States*, 887 F.2d 760, 767 (7th Cir. 1989).

4. Under § F202.6 of the ABAAG, "Buildings or facilities for which new leases are negotiated by the Federal government after the effective date of the revised standards issued pursuant to the Architectural Barriers Act, including new leases for buildings or facilities previously occupied by the Federal government, shall comply with F202.6." F202.6 then proceeds to describe the requirements for an accessible route to primary function areas, toilet and bathing facilities, parking, and other elements and spaces. The ABAAG became the ABA Accessibility Standards ("ABAAS") on May 17, 2005 when the GSA adopted them as the standards. See 41 C.F.R. § 102.76.65(a) (2005).

5. These features include at least one accessible route to primary function areas, at least one accessible toilet facility for each sex (or an accessible unisex toilet facility if only one toilet is provided), accessible parking spaces, and, where provided, accessible drinking fountains, fire alarms, public telephones, dining and work surfaces, assembly areas, sales and service counters, vending and change machines, and mail boxes.

**EXECUTIVE COMMUNICATIONS,
ETC.**

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4203. A letter from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Hispanic-Serving Agricultural Colleges and Universities (HSACU) (RIN: 0524-AA39) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

4204. A letter from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-formula Federal Assistance Programs — General Award Administrative Provisions and Specific Administrative Provisions (RIN: 0524-AA58) received February 1, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

4205. A letter from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's

proposed rule — Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Farmer Mac Investment Eligibility (RIN: 3052-AC86) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

4206. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's Major final rule — Single Family Housing Guaranteed Loan Program (RIN: 0575-AC18) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4207. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Technical Amendment [Docket No.: FDA-2011-N-0922] (RIN: 0910-AG10) received February 1, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2015-0263; FRL-9940-46] received February 2, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Protection of Stratospheric Ozone: Revisions to Reporting and Recordkeeping for Imports and Exports [EPA-HQ-OAR-2015-0309; FRL-9941-82-OAR] (RIN: 2060-AS68) received February 2, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4210. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 13566 of February 25, 2011, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

4211. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-276, "Washington Metropolitan Area Transit Authority Safety Regulation Temporary Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4212. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-277, "Microstamping Implementation Temporary Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4213. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-275, "Office of the Attorney General Personnel and Procurement Clarification Temporary Amendment Act of 2016", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4214. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2016 Atlantic Shark Commercial Fishing Season [Docket No.: 150413357-

5999-02] (RIN: 0648-XD898) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4215. A letter from the Assistant Administrator for Fisheries, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Blueline Tilefish Fishery; Secretarial Emergency Action [Docket No.: 150311250-5474-01] (RIN: 0648-BE97) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4216. A letter from the Assistant Administrator for Fisheries, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts for Skates in the Gulf of Alaska [Docket No.: 150126078-5999-02] (RIN: 0648-BE85) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4217. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's notice — Revised Jurisdictional Thresholds for Section 8 of the Clayton Act received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

4218. A letter from the Secretary, Department of Energy, transmitting a submission of proposed legislation to amend Section 4601(c) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)); jointly to the Committees on Armed Services and Energy and Commerce.

4219. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule — Self-Certification and Employee Training of Mail-Order Distributors of Scheduled Listed Chemical Products [Docket No.: DEA-347] (RIN: 1117-AB30) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and the Judiciary.

4220. A letter from the Chair, Office of Compliance, transmitting a notice of adoption of regulations and submission for approval, pursuant to 2 U.S.C. 1384(b)(3); Public Law 104-1, Sec. 304; (109 Stat. 29); jointly to the Committees on House Administration and Education and the Workforce.

4221. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter and relevant documentation concerning the implementation of limited waivers of certain sanctions with respect to Iran under the Iran Freedom and Counter-Proliferation Act of 2012, the Iran Sanctions Act of 1996, and Sec. 1245 of the National Defense Authorization Act for Fiscal Year 2012; jointly to the Committees on Foreign Affairs, Financial Services, Oversight and Government Reform, the Judiciary, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself and Mr. LOBIONDO):

H.R. 4441. A bill to transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize and streamline programs of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACK (for herself, Mr. WELCH, Mr. HARPER, and Mr. THOMPSON of California):

H.R. 4442. A bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOLLY (for himself, Mr. MICA, Mr. JONES, Mr. NUGENT, Mr. DUFFY, and Mr. NOLAN):

H.R. 4443. A bill to amend the Federal Election Campaign Act of 1971 to prohibit individuals holding Federal office from directly soliciting contributions to or on behalf of any political committee under such Act, and for other purposes; to the Committee on House Administration.

By Mrs. ELLMERS of North Carolina (for herself, Ms. DEGETTE, Mr. POMPEO, Ms. MATSUI, and Mr. DENT):

H.R. 4444. A bill to amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Mr. DEUTCH, Mr. TAKANO, Mr. ELLISON, Mr. LEWIS, Mr. KAPTUR, Mr. MCGOVERN, Mr. HASTINGS, Mr. CARTWRIGHT, and Mr. GALLEGO):

H.R. 4445. A bill to direct the Federal Trade Commission to submit to Congress a report on the consumer harm arising from the use, in advertisements and other media for the promotion of commercial products and services, of images that have been altered to materially change the appearance and physical characteristics of the faces and bodies of the individuals depicted; to the Committee on Energy and Commerce.

By Mr. STEWART (for himself, Mr. BISHOP of Utah, and Ms. ROS-LEHTINEN):

H.R. 4446. A bill to authorize the use of Ebola funds for Zika response and preparedness; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. LARSON of Connecticut, Mr. RANGEL, Ms. KUSTER, Mr. PERLMUTTER, Mr. CICILLINE, Ms. PINGREE, Mr. LYNCH, Ms. ESTY, and Mr. VAN HOLLEN):

H.R. 4447. A bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESANTIS (for himself, Mr. LAMBORN, Mr. CRENSHAW, Mr.

ROKITA, Mr. SMITH of Texas, Mr. ROHRBACHER, Mr. HARPER, Mr. BISHOP of Michigan, Mr. ROSS, Mr. COLLINS of New York, Mr. DESJARLAIS, Mr. YOHIO, Mr. SALMON, Mr. CLAWSON of Florida, Mr. WEBER of Texas, Mr. PERRY, Mr. MEADOWS, Mr. JORDAN, Mr. ZELDIN, Mr. WALKER, and Ms. MCSALLY):

H.R. 4448. A bill to amend the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to secure the authority of State and local governments to adopt and enforce measures restricting investment in business enterprises in Iran, and for other purposes; to the Committee on Financial Services.

By Mr. KATKO (for himself and Mr. LIPINSKI):

H.R. 4449. A bill to direct the Secretary of Transportation to establish a remote air traffic control tower pilot program; to the Committee on Transportation and Infrastructure.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. KING of New York, Ms. MAXINE WATERS of California, Mr. LYNCH, Mr. CAPUANO, and Ms. MOORE):

H.R. 4450. A bill to amend title 31, United States Code, to ensure that persons who form corporations or limited liability companies in the United States disclose the beneficial owners of those corporations or limited liability companies, in order to prevent wrongdoers from exploiting United States corporations and limited liability companies for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations and limited liability companies, and for other purposes; to the Committee on Financial Services.

By Ms. MCSALLY (for herself, Mr. FRANKS of Arizona, Mr. ZINKE, and Mr. MCCAUL):

H.R. 4451. A bill to amend the Homeland Security Act of 2002 to establish a program to prioritize efforts to secure the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. MEADOWS:

H.R. 4452. A bill to designate the area between the intersections of International Drive Northwest and Van Ness Street Northwest and International Drive Northwest and International Place Northwest in Washington, District of Columbia, as "Liu Xiaobo Plaza", and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MOORE:

H.R. 4453. A bill to amend the FAA Modernization and Reform Act of 2012 to review the number of contracts for new disadvantaged small business concerns at certain airports with Disadvantaged Business Enterprises, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. PINGREE (for herself and Ms. GABBARD):

H.R. 4454. A bill to amend title 38, United States Code, to provide for the eligibility under the Post-9/11 Educational Assistance Program of certain individuals with service-connected disabilities who transfer to reserve components before discharge from the Armed Forces; to the Committee on Veterans' Affairs.

By Mrs. RADEWAGEN:

H.R. 4455. A bill to improve air service capabilities in American Samoa, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Kentucky (for himself, Mr. CARTWRIGHT, Mr. JENKINS of