

## WORKING FOR CHURCH

Nowadays, Bailey Howell, 60, puts his dedication to work for the Church of Christ in Starkville. Bailey and Mary Lou spent a month this summer with a church group teaching conversational English in Sopot, Poland, near Gdansk.

"His mind is very God-centered," Mary Lou Howell says. "We go to church and to Mississippi State sporting events."

The Bulldogs have had many talented players since Howell, but those who remember Howell's playing days say his ability, charisma and class set him apart.

Lee Baker, then sports editor of the defunct Jackson Daily News, won't forget the night he covered the final game of Howell's junior season at Mississippi State. When Baker arrived home, his wife was in the hospital delivering their son.

He went to the hospital, then headed to the newspaper to write.

"We were going to name him John Berrian, after my grandfather," Baker says. "At the end of my column, I announced the arrival of John Bailey Baker. My wife didn't know her son's name until she read it in the paper."

## BAILY HOWELL HIGHLIGHTS

Born Jan. 20, 1937, at Middleton, Tenn.

Elected Mr. Mississippi State by the student body.

Member, Phi Kappa Phi scholastic honorary society.

No. 2 scorer in MSU history with 2,030 points.

Led NCAA in shooting percentage (56.8) in 1957.

Made 10 NBA playoff appearances in 12 seasons.

Averaged 18.7 points and 9.9 rebounds for NBA career.

Upon retirement, ranked among NBA's top 10 in nine categories, including points, rebounds and games played.

## BAILY HOWELL'S MSU RECORDS

Scoring average, career: 27.1 points per game.

Point, game: 47 vs. Union, Dec. 4, 1958.

Free throws made, career: 682.

Free throw attempts, career: 892.

Free throws made, season:

243 in 1957-58.

Free-throw attempts, season: 315 in 1957-58.

Rebounds, career: 1,277.

Rebound average, career: 17.0 per game.

Rebounds, season: 492 in 1958.

Rebound average, season: 19.7 per game in 1956-57.

Rebounds, game: 34 vs. LSU, Feb. 1, 1957.

[From the Clarion-Ledger, Sept. 30, 1997]

WITH HOWELL IN SHRINE, CELTICS KEEP WINNING

(By Jeff Donn)

SPRINGFIELD, MASS.—Baily Howell still shudders at the memory of his first season with the Boston Celtics.

Bob Cousy was retired. Bill Russell was no longer the future of basketball. And the Celtics' march of eight straight NBA championships ended in 1967 when Philadelphia finally broke through.

"My first year there we lost, so here comes the kiss of death!" said Howell, a star at Mississippi State. "Before I even got to the Celtics, the team was getting old together."

Winning, though, had not gotten old to them. With Howell, player-coach Russell, John Havlicek and Sam Jones, they went on to claim the last two of 10 titles within 11 seasons—something no other team has approached. And they have been reaping honors since, their latest on Monday with the entry of Howell into the Basketball Hall of Fame.

Others inducted Monday night were three coaches—Pete Carril of Princeton, Don

Haskins of Texas-El Paso and Antonio Diaz-Miguel of Spain—as well as 1980s NBA scoring leader Alex English and women's stars Denise Curry and Joan Crawford.

Howell, a 6-foot-7, 220-pounder and the forerunner of today's power forward, is the 185th Celtics player and 23rd team entry, including coach Red Auerbach, in the Hall of Fame. No other team approaches those numbers.

Howell averaged 18.7 points and 10 rebounds game.

"Today, everything is such big business," said Howell, 60, who now manages commercial real estate. "The game is a game people love to watch and love to play at all levels. It's not just how much money somebody makes and how much profit."

Carril's Princeton teams made their name by upending more athletic opponents. On the sidelines was Carril, a rumped elf with mussed hair who gesticulated like a New York City caddy.

Yet Carril, 67, now an assistant coach for the NBA's Sacramento Kings, is the only Division I college coach to win more than 500 games without the help of sports scholarships.

Did Princeton's half-court game and low scores ever get tedious?

"The only time I ever heard the word 'boring' was from the other side," Carril said.

Haskins also made a reputation by outplaying better known opponents. His team—then called Texas Western—fielded five black starters to defeat Adolph Rupp's all-white Kentucky stars in the 1966 NCAA championship.

With his unorthodox high-release jumper, English was the consummate scorer, hitting for 19,682 points in the 1980s, but unable to make it to the NBA Finals.

"He scored so easy and so often that it looked like he was bored out there," Howell said.

## NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to regulations previously adopted by the Board implementing various labor and employment and public access laws to covered employees within the legislative branch.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

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.<sup>1</sup>

#### 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, DC., on this 30th day of September, 1997.

RICKY SILBERMAN,  
Executive Director,  
Office of Compliance.

<sup>1</sup>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.

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."

#### TREASURY/POSTAL APPROPRIATIONS CONFERENCE REPORT

Mr. GRAHAM. Mr. President, I appreciate the chance to record my comments regarding the conference report on the Treasury-Postal appropriations bill.

This legislation will help fund national functions, such as law enforcement and delivery of the mail. The law-enforcement provisions include an important anticrime initiative for Florida, which is strongly supported by public-safety officials. The anticrime provision would fund the establishment of a high intensity drug trafficking area in central Florida.

I have worked closely with colleagues Senator CONNIE MACK and Congressman JOHN MICA of Florida to include this measure in the conference report.

In an effort to fight crime and to support law enforcement, I voted for the conference report for the appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1998.

This conference report also contains a provision to adjust congressional pay for cost of living. When the Senate considered its version of this appropriations bill, the legislation did not include a pay adjustment for Members of Congress. The record reflects that I support the Senate version of this legislation that was submitted to a House-Senate conference.

If I had the opportunity to vote on the proposed adjustment as a separate, stand-alone measure, I would have voted "no."

#### 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 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 RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 1, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed on October 1,