

□ 0023

Mr. FAWELL changed his vote from "yea" to "nay."

Messrs. BROWN of California, SAWYER, and TOWNS changed their vote from "nay" to "yea."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THOMAS). The question is on Title II of the resolution.

Title II of the resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. SHAYS. Mr. Speaker, as the designee of the majority leader and pursuant to section 108 of House Resolution 6, I call up the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1 is as follows:

H.R. 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Accountability Act of 1995".

##### SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means—

(A) an individual on the payroll of an employing office of the House of Representatives;

(B) an individual on the payroll of an employing office of the Senate;

(C) an individual on the payroll of an employing office of the Architect of the Capitol; and

(D) an individual on the payroll of an employing office of an instrumentality.

(2) EMPLOYEE IN THE HOUSE OF REPRESENTATIVES.—The term "individual on the payroll of an employing office in the House of Representatives" means—

(A) an individual who is covered under rule LI of the House of Representatives, as in effect on the day before the date of enactment of this Act;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(3) EMPLOYEE IN THE SENATE.—The term "individual on the payroll of an employing office in the Senate" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(4) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term "individual on the payroll of an employing office of the Architect of the Capitol" means—

(A) an employee of the Architect of the Capitol or an individual within the administrative jurisdiction of the Architect of the Capitol if such employee or individual is paid from funds under a law providing appropriations for the legislative branch;

(B) any applicant for a position that is to be occupied by an employee or individual described in subparagraph (A); or

(C) any individual who was formerly an employee or individual described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(5) EMPLOYEE OF AN INSTRUMENTALITY.—The term "individual on the payroll of an employing office of an instrumentality" means—

(A) any individual on the payroll of an instrumentality of the legislative branch of the Federal Government;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's instrumentality employment.

(6) HEAD OF AN EMPLOYING OFFICE.—The term "head of an employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the Congressional employment of an employee.

##### SEC. 3. APPLICATION OF LAWS.

(a) LAWS WHICH WILL APPLY.—The following laws shall apply, as prescribed by this subsection, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to subsection (c)), effective

on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act, except that this Act shall not apply to the United States Capitol Police.

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

The laws referred to in this subsection which apply now to congressional employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this subsection.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the legislative branch of the Federal Government in accordance with this Act.

(c) COMPLIANCE WITH OSHA.—The legislative branch of the Federal Government shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

##### SEC. 4. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch an Office of Compliance (hereinafter in this Act referred to as the "Office").

(b) COMPOSITION.—

(1) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board of Directors shall consist of 8 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 8 members of the Board of Directors shall be completed not later than 120 days after the date of the enactment of this Act.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Chairperson of the Board of Directors shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this Act as the "executive director"). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or

expertise in the application of the laws referred to in section 3 to employment. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

(B) OFFICE.—The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House of Representatives or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive director. The term of office of the executive director shall be a single term of 5 years.

(C) BOARD OF DIRECTORS QUALIFICATIONS.—

(1) SPECIFIC QUALIFICATIONS.—

(A) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be considered eligible for appointment to, or service on, the Board of Directors.

(B) OFFICE.—No member of the Board of Directors appointed under subsection (b)(1) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House of Representatives or Senate, or may have held such a position within 4 years of the date of appointment.

(2) HOLDING OFFICE.—If during a term of office a member of the Board of Directors engages in an activity described in paragraph (2)(A), such position shall be declared vacant and a successor shall be selected in accordance with subsection (b)(1).

(3) VACANCIES.—A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

(d) BOARD OF DIRECTORS TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board of Directors—

(A) 2 shall have a term of office of 2 years,

(B) 2 shall have a term of office of 3 years,

(C) 2 shall have a term of office of 4 years, and

(D) 2 shall have a term of office of 5 years, as designated at the time of appointment by the persons specified in subsection (b)(1).

(3) REMOVAL.—Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in subsection (b)(1) and only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, or

(E) a felony or conduct involving moral turpitude.

(e) CHAIRPERSON.—The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.

(f) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(g) OFFICE STAFF.—The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this Act.

(h) DETAILEES.—The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(i) CONSULTANTS.—In carrying out this Act, the executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

#### SEC. 5. STUDY AND REGULATIONS.

(a) INITIAL ACTION.—

(1) IN GENERAL.—The Board of Directors shall conduct a study of the manner in which the laws made applicable to the legislative branch of the Federal Government under section 3(a) should apply. The Board of Directors shall complete such study and report the results to Congress not later than 180 days after the date of the first appointment of the first executive director.

(2) INSTRUMENTALITIES.—The Board of Directors shall include in its study under paragraph (1) an examination of the procedures used by the instrumentalities to enforce the application of laws applicable to the legislative branch of the Federal Government and a determination as to whether to direct the instrumentality to make improvements in its regulations and procedures so as to assure that procedures as effective as the procedures set forth in sections 7 through 12 will apply. If the instrumentality has no such regulations and procedures, the Board may direct the instrumentality to adopt the requisite regulations and procedures, or, if deemed necessary, in lieu thereof may itself adopt regulations pursuant to this section or authorize use of the procedures pursuant to sections 7 through 12.

(b) CONTINUING ACTION.—On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in section 3(b) should apply to the legislative branch of the Federal Government and if it should, the manner in which it should be made applicable;

(2) shall study the application to the legislative branch of the Federal Government of provisions of Federal law referred to in section 3 that are enacted after the date of the enactment of this Act;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c) REGULATIONS.—

(1) LAWS MADE APPLICABLE.—

(A) GENERAL RULE.—Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws made applicable to the legislative branch of the Federal Government under section 3(a). The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) CONGRESSIONAL NOTICE.—In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in section 3(a), the Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(D) FINAL REGULATIONS.—The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2) CONTINUING ACTION.—

(A) GENERAL RULE.—Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the legislative branch of the Federal Government. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) CONGRESSIONAL NOTICE.—In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in section 3(b) shall apply to the legislative branch of the Federal Government, the Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(D) FINAL REGULATIONS.—The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) REGULATION REQUIREMENTS.—Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the legislative branch of the Federal Government, including portions relating to remedies.

(4) ACTION IF DISAPPROVAL.—If a regulation is disapproved by a concurrent resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) TRANSMITTAL.—A final regulation issued under subsection (c) shall be transmitted to the Congress for consideration under subsection (e).

(e) TAKING EFFECT OF REGULATIONS.—

(1) GENERAL RULE.—Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the Congress by concurrent resolution.

(2) CONCURRENT RESOLUTION.—A concurrent resolution referred to in paragraph (1) may be introduced in the House of Representatives or the Senate within 5 days of session

after the date on which the Board of Directors issues the final regulation to which the concurrent resolution applies. The matter after the resolving clause of the resolution shall be as follows: "That Congress disapproves the issuance of final regulations of the Office of Compliance as issued on \_\_\_\_\_ (the blank space being appropriately filled in)."

(3) PROCEDURE.—A concurrent resolution referred to in paragraph (1) shall be referred to the appropriate committee of the House involved. If no concurrent resolution is reported within 15 days of session after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the concurrent resolution was referred shall be discharged from further consideration of the first such concurrent resolution introduced and the concurrent resolution shall be placed on the appropriate calendar of the House involved. Any meeting of a committee on a concurrent resolution shall be open to the public. Within 5 days of session after the concurrent resolution is reported or discharged, it shall be in order as a matter of highest privilege to move to proceed to its consideration and such motion shall not be debatable. The concurrent resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment. If, prior to the adoption of a concurrent resolution by one House, that House receives a concurrent resolution of the other House with respect to the same regulations, then the procedure in that House shall be the same as if no concurrent resolution had been received from the other House, but vote on final adoption shall be on the concurrent resolution of the other House. If a concurrent resolution is received by a House in which no identical concurrent resolution has been introduced, it shall be referred to the appropriate committee and the same procedures and 20-day period for action shall apply to the consideration of the concurrent resolution by that House as would apply to an introduced concurrent resolution.

(f) RULEMAKING POWER.—The provisions of subsection (e) of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(g) OPEN TO THE PUBLIC.—Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

#### SEC. 6. OTHER FUNCTIONS.

(a) RULES OF THE OFFICE.—The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States, the Legal Counsel of the Senate, and the General Counsel of the House of Representatives on the adoption of rules.

(b) INVESTIGATIVE AUTHORITY.—The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 8 through 10 and section 12.

(c) DUTIES.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government and under sections 7 through 12,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 12, and any other information the executive director deems appropriate for distribution, distribute such information to Members of Congress and other employing authorities of the legislative branch of the Federal Government in a manner suitable for posting, provide such information to new employees of the legislative branch of the Federal Government, distribute such information to the residences of congressional employees, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by congressional employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 12 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk of the House of Representatives and the Secretary of the Senate, develop a system for the collection of demographic data respecting the composition of the congressional employees, including race, sex, and wages, and a system for the collection of information on employment practices, including family leave and flexible work hours, in Congressional offices.

(d) REPORT.—Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to Congress a report on the information collected under such system. Each report after the first report shall contain a comparison and evaluation of data contained in the previous report.

#### SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the legislative branch of the Federal Government under this Act consists of 4 steps as follows:

(1) Step I, counseling, as set forth in section 8.

(2) Step II, mediation, as set forth in section 9.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

(4) Step IV, judicial review if a congressional employee is aggrieved by a dismissal of a claim under section 10(c), a final decision under section 10(g), or an order under section 10(h) or if a head of an employing office is aggrieved by a final decision under section 10(g) or would be subject to an order issued under section 10(h).

(5) Step V, as an alternative to steps III and IV, a civil action in a district court of the United States in accordance with section 12.

A congressional employee may elect the procedure described in paragraph (3) or (5) but not both procedures.

#### SEC. 8. STEP I: COUNSELING.

(a) IN GENERAL.—A congressional employee alleging a violation of a law made applicable to the legislative branch of the Federal Government under this Act may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

#### SEC. 9. STEP II: MEDIATION.

(a) IN GENERAL.—Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the legislative branch of the Federal Government under this Act may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing office, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

#### SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) FORMAL COMPLAINT AND REQUEST FOR HEARING.—Not later than 30 days after receipt by the congressional employee of notice from the Office of the end of the mediation period under section 9, the congressional employee may file a formal complaint with the Office against the head of the employing office involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) HEARING BOARD.—A board of 3 independent hearing officers (hereinafter in this Act referred to as a "hearing board"), who are not Members of the House of Representatives, Senators, or officers or employees of the House of Representatives or Senate, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) HEARING.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to

an additional 60 days the time for conducting a hearing.

(e) **DISCOVERY.**—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) **SUBPOENA POWER.**—

(1) **IN GENERAL.**—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may apply to a United States district court for an order requiring that person to appear before the hearing board to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **SERVICE OF SUBPOENAS.**—The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **SERVICE OF PROCESS.**—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) **IMMUNITY.**—The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) **HEARING BOARD DECISION.**—As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the legislative branch of the Federal Government under this Act has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) **REMEDY ORDER.**—If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the legislative branch of the Federal Government under this Act has occurred, it shall order the remedies under such law as made applicable to the legislative branch of the Federal Government under this Act, except that no Member of the House of Representatives, Senator, any other head of an employing office, or any agent of such a Member, Senator, or employing office, shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages. The entry of an order under this subsection shall constitute a final decision for purposes of judicial review under section 11.

(i) **FUNDS.**—There shall be established in the House of Representatives and in the Senate a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or as a result of judicial review under section 11 or a civil action under section 12. From the out-

set of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

**SEC. 11. JUDICIAL REVIEW.**

(a) **IN GENERAL.**—

(1) **TYPES OF REVIEW.**—Following any hearing under section 10 on a complaint relating to a provision of law described in section 3, any congressional employee aggrieved by a dismissal of a claim under section 10(c), a final decision under section 10(g), a final order under section 10(h), or any head of an employing office aggrieved by a final decision under section 10(g) or a final order under section 10(h), may petition for review by the United States Court of Appeals for the Federal Circuit in accordance with paragraph (2).

(2) **PROVISIONS APPLICABLE TO REVIEW.**—The following provisions apply to a review under paragraph (1):

(A) **LAW APPLICABLE.**—Chapter 158 of title 28, United States Code, shall apply—

(i) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(ii) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(iii) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 10(g), an order under section 10(h); and

(iv) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(B) **STANDARD OF REVIEW.**—To the extent necessary for decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a dismissal under section 10(c), a final decision under section 10(g), or an order under section 10(h) if it is determined that the dismissal, decision, or order was—

(i) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(ii) not made consistent with required procedures; or

(iii) unsupported by substantial evidence.

(C) **RECORD.**—In making determinations under subparagraph (B), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the order of the hearing board.

(b) **ATTORNEY'S FEES.**—If a congressional employee is the prevailing party in a proceeding under this section, attorney's fees for the judicial proceeding may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

**SEC. 12. CIVIL ACTION.**

(a) **IN GENERAL.**—

(1) **CIVIL ACTION.**—A congressional employee may, within 30 days after receipt of notice from the Office of the end of the mediation period under section 9 for a violation of a law made applicable to the legislative branch of the Federal Government, bring a civil action in a district court of the United States seeking relief from the alleged violation of law if such a civil action may be brought by an employee under such law. In any such civil action, any party may demand a jury trial.

(2) **EXHAUSTION REQUIREMENT.**—No civil action may be filed under paragraph (1) unless the employee has made a timely request for

counseling and has completed the procedures set forth in sections 8 and 9.

(3) **COURT ORDER.**—If a court determines that a violation of law occurred, the court may only enter an order described in section 10(h).

(b) **ATTORNEY'S FEES.**—If a congressional employee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

**SEC. 13. RESOLUTION OF COMPLAINT.**

If, after a formal complaint is filed under section 10, the employee and the head of the employing office resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

**SEC. 14. PROHIBITION OF INTIMIDATION.**

Any intimidation of, or reprisal against, any employee by any Member of the House of Representatives, Senator, or officer or employee of the House of Representatives or Senate, by the Architect of the Capitol or anyone employed by the Architect of the Capitol, or by an instrumentality of the legislative branch of the Federal Government because of the exercise of a right under this Act constitutes an unlawful employment practice, which may be remedied in the same manner under this Act as is a violation of a law made applicable to the legislative branch of the Federal Government under this Act.

**SEC. 15. CONFIDENTIALITY.**

(a) **COUNSELING.**—All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) **MEDIATION.**—All mediation shall be strictly confidential.

(c) **HEARINGS.**—Except as provided in subsections (d) and (e), the hearings and deliberations of the hearing board shall be confidential.

(d) **RELEASE OF RECORDS FOR JUDICIAL ACTION.**—The records of hearing boards may be made public if required for the purpose of judicial action under section 9.

(e) **ACCESS BY COMMITTEES OF CONGRESS.**—At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(f) **COORDINATION.**—The executive director shall coordinate the proceedings with the Committee on Standards and Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in the respective proceedings.

**SEC. 16. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.**

(a) **IN GENERAL.**—It shall not be a violation of a law made applicable to the legislative branch of the Federal Government under this Act to consider the—

(1) party affiliation,

(2) domicile, or

(3) political compatibility with the employing office,

of a congressional employee with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the House of Representatives or Senate leadership,

(2) an employee on the staff of a committee or subcommittee,

(3) an employee on the staff of a Member of the House of Representatives or Senate,

(4) an officer or employee of the House of Representatives or Senate elected by the House of Representatives or Senate or appointed by a Member of the House of Representatives or Senate, other than those described in paragraphs (1) through (3), or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

**SEC. 17. ENFORCEMENT; OTHER REVIEW PROHIBITED.**

(a) ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of any of the laws made applicable to congressional employees under this Act.

(b) REVIEW.—No congressional employee may commence a judicial proceeding to redress practices prohibited under section 5, except as provided in this Act.

**SEC. 18. STUDY.**

(a) STUDY.—The Office shall conduct a study—

(1) of the ways that access by the public to information held by the Congress may be improved, streamlined, and made consistent between the House of Representatives and the Senate and of the application of section 552 of title 5, United States Code to the legislative branch of the Federal Government; and

(2) of the application of the requirement of section 552a of title 5, United States Code, to the legislative branch of the Federal Government.

(b) STUDY CONTENT.—The study conducted under subsection (a) shall examine—

(1) information that is currently made available under such section 552 by Federal agencies and not by the legislative branch of the Federal Government;

(2) information held by the non-legislative offices of the legislative branch of the Federal Government, including—

(A) the instrumentalities,

(B) the Architect of the Capitol,

(C) the Chief Administrative Officer of the House of Representatives,

(D) the Clerk of the House of Representatives,

(E) the Secretary of the Senate,

(F) the Inspector General of the House of Representatives,

(G) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms of the Senate,

(H) the United States Capitol Police, and

(I) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the legislative branch of the Federal Government; and

(4) provisions for judicial review of denial of access to information held by the legislative branch of the Federal Government.

(c) TIME.—The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the Congress not later than one year after the date of the initial appointment of the Board of Directors.

□ 0030

The SPEAKER pro tempore (Mr. THOMAS). Pursuant to the provisions of section 108 and title I of House Resolution 6, it is now in order to consider H.R. 1, the Congressional Accountability Act.

The gentleman from Connecticut [Mr. SHAYS] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I yield myself such time as I might consume, and say to the Members of this Chamber that the Congressional Accountability Act is not one person's bill, it was authored 2 years ago by a colleague of mine, Dick Swett. There were four original cosponsors, ROSCOE BARTLETT, JAY DICKEY, David Mann, and PAUL MCHALE. The cochairman of the Freshman Bipartisan Task Force on Congressional Reform TILLIE FOWLER, PETER TORKILDSEN, Karen Shepherd, Eric Fingerhut and 100 freshmen cosponsored this bill. The presidents of the freshman class last year, EVA CLAYTON and BUCK MCKEON, cosponsored this bill. The Joint Committee on the Organization of Congress headed by LEE HAMILTON and DAVID DREIER, Republicans and Democrats throughout, championed this bill through their committee. The chairmen and ranking members of the Committee on House Administration and Committee on Rules that marked up H.R. 4822 on which this bill is based, Republicans and Democrats, were essential to its work: CHARLIE ROSE, BILL THOMAS, JOE MOAKLEY, JERRY SOLOMON. Other leaders who have been working on this issue for years and years and years, BILL GOODLING and HARRIS FAWELL and others, in particular BARNEY FRANK, who encouraged the Speaker of the House in this past time to move forward with this bill, was essential to its passage last time with JOHN BOEHNER.

Mr. Speaker, this bill has had bipartisan support. It moved forward in this Chamber last year with bipartisan support. Republicans and Democrats have made their mark on this bill.

I also want to thank the former Speaker Tom Foley for guaranteeing a vote and moving it to the Senate and for NEWT GINGRICH, our present Speaker, for championing this bill wherever he went, and to thank STENY HOYER for his work. The bottom line to this is that this is our bill, it belongs to all of us, and it is a strong bill. It includes all the laws that we are presently exempted from. It covers all the instrumentalities, the Library of Congress, the GAO, it gives them the protection, and it allows employees for the first time to go to court, civil action if they choose to, de novo, or to have a court appeal.

In the whole process of deliberation on this bill, Mr. Speaker, we had 3 guiding principles that Dick Swett and I worked on with so many other Members. If a law is right for the private sector, it is right for Congress. Congress will write better laws when it has to live by the same laws it imposes on the private sector and the executive branch and we must as well respect the

separation of powers embodied in the Constitution.

Mr. Speaker, I do not quite know how long this bill will take in debate, it may be a full hour, but it is truly our bill. It passed this Chamber with overwhelming support, and it is my hope that the Senate will act shortly on this legislation, maybe tomorrow, and that we will have a conference and finalize this bill possibly by next week.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. HASTERT). The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1.

I want to at the outset congratulate the gentleman from Connecticut [CHRIS SHAYS] and Dick Swett from New Hampshire. Dick is no longer with us. CHRIS is obviously here. They worked very hard on this issue in the last Congress. They raised the visibility of this issue, but more importantly than that, they worked with all the Members of this House on both sides of the aisle to try to reach agreement on the very difficult question as to how we include the House and the Senate and the instrumentalities of Congress under the provisions of 10 specific bills which we have passed over the last six decades and apply those so that our employees will enjoy the same protection as the employees of other entities in this country.

It is important that we are moving forward on this bill. It has been blocked frankly for too long. The House passed this bill essentially twice in the last Congress, only to see our efforts thwarted by Republican-led efforts in the Senate, unfortunately. The Democratic and Republican Members of this House want this bill and as has been said earlier in the day voted to approve it 427-4 back in August of last year.

We have gone a long way toward making sure that the Congress lives under the same laws as any other Americans. Most pieces of legislation we have passed apply to Congress. The Americans with Disabilities Act which I proudly cosponsored specifically applies to Congress, as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act, and the Family and Medical Leave Act, all apply now. The House has also had in place since 1988 prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress, not just House Members, live under all the laws we pass and do so permanently, not just as internal House rules which are now on the books adopted by this House in October of last year, but as a statute, a part of statutory law.

I cannot tell you how many times I have had business men and women, men and women in every walk of life complain that Congress passes laws

and then simply exempts itself. Every one of us on this House floor has heard that criticism, which was legitimate, by our publics. Most of my constituents did not know frankly that the Congressional Accountability Act passed the House last year by that vote of 427-4. In fact the discussions that I have heard in debates sometimes on this floor and during the course of this election, you would not know that the House had acted. You would not know that it was in our rules. That perhaps served the purposes of some, but the fact is we did act. But the other body did not. And the instrumentalities are not covered. Furthermore, the mechanisms for appeal and hearing process are not provided for adequately in the rules because they could not be provided for adequately in the rules.

The American people deserve something more than the internal House rule that we have. But as importantly our employees deserve better than that. That really is the crux of this issue, so that we can protect them as we have protected others throughout this country.

I want to go home and tell those constituents that have talked to me and to all of you that we have answered their plea. I want to tell them that we meet the same requirements that they do, that we follow the same laws that we ask them to, from OSHA to Fair Labor Standards. I want to tell them that our employees have the same protections theirs do, from anti-age discrimination to family and medical leave. Perhaps the shared experience will help us, as some of you believe, write better, more careful laws.

□ 0040

This is about common sense, trust and accountability. That is why we are all here late into the evening finishing the work which began the last Congress. I hope all of my colleagues will join me in moving forward on H.R. 1.

Again I want to congratulate the gentleman from Connecticut, Mr. SHAYS and Mr. Swett for their leadership and their tenacious support of this very important piece of legislation.

Mr. SHAYS. Mr. Speaker, there are speakers on both sides. There will not be a vote right this second. I yield myself 30 seconds to correct one point that was made during the debate on the rule and now here on the issue of Republicans killing it in the Senate. To correct the RECORD, Mr. Speaker, this bill passed with bipartisan support in this Chamber. It died in the Senate with bipartisan support.

The Senate Government Affairs Committee held a hearing on June 29. They then reported out and marked up the bill on September 20, after the break. They reported the bill out on the third and filed their report. The report was not printed until October 6, the day it was to be voted on. So any Member could object to it being brought up.

I say to the House it passed here with bipartisan support; it died there with bipartisan support.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Economic and Educational Opportunity Committee, who is truly the father of this legislation.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, on the last day Congress met on October 7, I recorded my serious concerns with the rule on congressional coverage then before the House. While I realized the rule was made necessary by the Senate's failure to act, I felt compelled to note the absence of an employee right to go to court, for full trial, where the underlying law provided that right to private sector employees, rendered the proposal fundamentally defective and I am gratified that the bill now before us extends that right by statute to Hill employees.

It also extends 10 major employment laws to Congress, and it is my understanding that we will also add court enforcement under the Veterans Reemployment Act through negotiations with the Senate to the bill that ultimately goes to the President.

Let us send a bill to the President soon. I am pleased that after the last several years where many of us have felt alone in trying to bring attention to this issue that it now appears certain we are on the verge of enactment of true congressional coverage. Yes, let us welcome the moment, but let us also admit that this is a step that should have been taken long ago.

We will never be as careful as we should be in passing, changing, and drafting laws until we ourselves are forced to comply with those laws and the fundamental unfairness of a double standard is obvious in any case. So let us not pat ourselves on the back too eagerly tonight. It is long overdue.

I also want to acknowledge the bipartisanship here in these late hours and am pleased effective congressional coverage will become law on the Republican watch.

Politics, of course, is not a perfect process. This bill is not a perfect process either. Punitive damages have not been included, and personal liability is excluded.

Prior bills I have introduced provided for such liability, but I will leave that battle to another day, recognizing its controversial nature, and not wishing to jeopardize the passage of the legislation.

This is a new beginning that will go a long way in restoring the confidence of the American people in this great institution.

Finally, I wish to acknowledge the leadership of my colleagues, the gentleman from Connecticut, CHRIS SHAYS, and the gentleman from Illinois, HARRIS FAWELL, on this issue and that of key staffers such as Randy Johnson, Gary Visscher, Peter Carson, and Rob Green.

Mr. Speaker, let us work out whatever difference we have with the Senate and get this legislation to the President this month.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON], who cochaired the bipartisan reform commission.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding the time and I rise in strong support of H.R. 1, the Congressional Accountability Act. Let me acknowledge that there have been many Members in both Chambers who deserve credit for the passage of this bill tonight, and I commend especially the gentleman from Connecticut and the gentleman from Maryland for their outstanding leadership.

I think there are three reasons why it is important for Members of Congress to follow the same laws that cover the private sector. First, the widespread perception that Members have exempted themselves from many laws significantly undermines the confidence of the American people in this institution. We lose credibility and legitimacy when people believe that Members are somehow above the law.

Second, more fully applying laws to Congress will improve the quality of legislation that we pass. A number of Members have made that point this evening. It can be difficult for Members to understand completely the practical implications of the legislation that we pass when we are not forced to confront these implications in our own place of work.

Third, and this point I think has not been mentioned, it is simply unfair to congressional employees not to extend to them the same rights and protections available to those who work elsewhere.

May I also add just a word of caution. House passage of this Congressional Accountability Act is not the final process or hurdle in the process of bringing this legislation to enactment. The Senate, I know, has promised very quick consideration of a bill to apply laws to Congress. My information is, however, that the bill that the Senate will pass is going to be very different from the bill that we pass, and then we will have to agree on a single consensus package. We still have got a lot of work to do on this package. I hope Members will continue to follow it very carefully until we bring it to the point of enactment.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, Mr. HARRIS FAWELL, who has really been a champion of this legislation for years.

(Mr. FAWELL asked and was given permission to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time. He has been the leader and has brought this bipartisan

group together, but the gentleman from Pennsylvania [Mr. GOODLING] and so many others, have been also in the ranks. As has been stated, many Members have had a part to play.

We have all heard the old phrase that Congress would exempt itself from the law of gravity if it thought it could get away with it. And, indeed, Congress has tried to get away with it for a long time.

But that is changing now. And I compliment the new leadership in the House for having a Congressional Accountability Act as the first bill to be presented to the 104th Congress.

We know this bill is not perfect. And the full specifics as to the exact manner in which the 10 "place of employment" labor laws shall be applied to congressional employers will be fully determined by the passage of regulations by the Office of Compliance.

But the bill does establish the standard that congressional employees will have the right, in instances of violations of these labor laws by Members of Congress, to the same basic employee protections as possessed by employees in the private sector. This will include the right of congressional employees to seek a full de novo jury trial in Federal court against their congressional employers, complete with general damages, court costs and recovery of attorney's fees.

The bill does now allow for such employees to obtain punitive damages against their congressional employers. In addition, Members of Congress are indemnified for any damages, costs, or legal fees to which a prevailing employee may be found entitled. Private sector employers can generally be held personally liable for those types of damages under civil rights law, the Age Discrimination in Employment Act and the Americans With Disabilities Act.

What is most important, however, is that our Leadership in Congress is now committed to place this long overdue type of legislation on the front burner, indeed, as the very first bill to be considered in this 104th Congress. The Senate is doing likewise and doubtless both the House and Senate in conference will soon agree on a final law—not a set of rules which can be waived at the will of this House—for early presentation to the President to sign. That's what happens when leadership is really dedicated to moving legislation.

Once Congress has established the standard that the place of employment labor laws its passes shall also apply to Congress, these laws will then tend to be more equitable and flexible in the treatment of employees and employers generally within both the private and public sectors. And that is a better employment policy for America in the 21st century.

□ 0050

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Con-

necticut [Mrs. KENNELLY], the vice chairman of the Democratic Caucus.

Mrs. KENNELLY. Mr. Speaker, I am pleased that once again this body has taken up the Congressional Accountability Act as it did twice last year, and I am particularly proud of my colleague from Connecticut [Mr. SHAYS], who joined with a former Member, Mr. Swett from New Hampshire, and did yeoman service to bring about this reform.

As some of us might remember as we read back in history, exempting Congress from various laws began because we thought we would not have the enforcement power that we should have if executive branches had administrative powers over us, so we would not be a coequal branch of government.

As you know, we went too far, and the laws did not apply to Congress. This is unacceptable to the public. I think this is excellent legislation. I think it demonstrates the best sense of what we can do together, Members of both parties working together.

Once again, may I compliment the gentleman from Connecticut [Mr. SHAYS]. He has done an excellent job.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT], an original cosponsor of this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1, the Congressional Accountability Act.

In the 103d Congress, I was an original sponsor of this legislation along with my colleague Mr. SHAYS and am proud to be speaking on the House floor after 2 years of diligent work. This bill is, quite frankly, long overdue.

H.R. 1 is simple and straightforward—it makes us comply with the same laws we impose on the private sector including the Fair Labor Standards Act, the Americans With Disabilities Act, the Family and Medical Leave Act, and OSHA.

It is my view that Member of Congress should be treated the same as our laws treat the American people. If the laws we pass are good enough for our constituents, then they should be good enough for their Representative in Congress. If these laws are so onerous, Congress should simply stop passing them.

I believe we must go further than this bill in reforming Congress. However, H.R. 1 is a giant step in the right direction and I commend all those responsible for bringing this bill to fruition.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, over the years, this Congress has developed a package of policies and a set of laws designed to provide employee protection and to combat discrimination.

Those laws have helped to make America better and more fair.

This bill, H.R. 1, will apply those same laws to Congress that now apply to all other employers. I was pleased to be a cosponsor of this bill in the last session of Congress, and I will vote for this bill.

If discrimination occurs in Congress, there should be protection from it, regardless of race, creed, color, sex, age, family status, physical condition, or any other protected class. Labor practices should be fair, the workplace should be safe, and fair notice and retraining should be the expectation of those who work here.

We have outlived the days when Congress can expect special and different treatment from the average employer. If the Constitution means anything for anyone, equal protection of the laws must apply to everyone.

Of all that we have done today, this is the one measure that affects the ordinary citizen. It is a good bill, and I urge my colleagues to vote "yes" for passage.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Arkansas [Mr. DICKEY], one of the six original cosponsors, a member of the freshman class that was so important to passage of this bill.

Mr. DICKEY. Mr. Speaker, in 1978 a restaurant owner in Pine Bluff, AR, my hometown, built a restaurant with two required parking spaces, a ramp, and a streetlight for the disabled. In 1992 the regulators came in and said, "The laws have changed, and you have got to move that ramp and the two parking places to the front door."

Rather than fight the Government or pay a fine or both, the ramp was moved, the two spaces were moved, but the streetlight was left. So the cost to the owner was \$4,000 plus an extra space for the streetlight.

The owner is watching carefully tonight to see that we pass this bill, the Congressional Accountability Act. Why? Because if Congress has to abide by the regulators who come in and sustain their positions with their fines, then congress someday will say, as we have said for a long time, "We cannot keep this place going with these expenses."

Then the people who fuel the engine of our economy, the small business person, will find relief in our leadership.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, in a day that could have passed being fairly irrelevant to real Americans, this is something that I think we all can be proud of.

I would like to congratulate and thank my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Indiana [Mr. HAMILTON], and all of the original cosponsors of this effort in the last session and their hard work on it,

and on this day, this is something that goes beyond symbolism.

This is, indeed, something that both the majority and minority Members of the Congress can be proud of.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN], who was the cochairman of the Freshman Bipartisan Task Force on Congressional Reform, so important to the passage of this bill.

Mr. TORKILDSEN. Mr. Speaker, I also want to applaud the efforts of the gentleman from Connecticut [Mr. SHAYS] and of everyone else involved in this measure to bring it forward for passage tonight.

I rise tonight in strong support of H.R. 1. In a direct contradiction of what the Framers of the Constitution intended, Congress has been exempting itself from the very laws that every American must follow.

In the 57th Federalist Paper, James Madison wrote that Members of the House of Representatives "can make no law which will not have its full operation on themselves and their friends as well as on the great mass of the society. This has always been one of the strongest bonds by which human policy can connect the rulers and the people together."

Madison was right. For too long what he called one of the strongest bonds connecting lawmakers and the people has been absent from the Congress.

Last fall the House overwhelmingly passed similar legislation. Failure of the Senate to act requires the House to act again this year.

I urge my colleagues to support this measure to make Congress abide by the laws every American citizen must comply with every single day.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCHALE], one of the original cosponsors of this legislation that passed last year.

Mr. MCHALE. Mr. Speaker, I rise in strong support of H.R. 1, the Congressional Accountability Act, a piece of legislation which I suspect will soon become one of the most important internal reforms enacted by the Congress during the past 50 years.

In Roman times it was said that the people become more subservient to justice when they see the author of the law obeying it himself. That, in fact, was the very principle cited by the gentleman from Massachusetts [Mr. TORKILDSEN] a few moments ago in Federalist 57 as drafted by James Madison, the father of our Bill of Rights.

Although I suspect a vote on this matter will be bipartisan and overwhelming, that should not cloud the recognition that but for the tremendous courage and tenacity of our colleague, the gentleman from Connecticut [Mr. SHAYS], and the leadership of our former colleague, Dick Swett, this matter would not be brought before the House this evening.

Mr. Speaker, I believe very strongly that in our system of justice we cannot

have two tiers. All members of our society, be they private citizens or Members of the Congress, are governed by the rule of law, the same rule of law.

I urge an affirmative vote on H.R. 1.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], who was also just an essential part of the passage of this bill last year as cochairman of the freshman bipartisan task force on congressional reform.

Mrs. FOWLER. Mr. Speaker, I rise today in strong support of the Congressional Accountability Act. I want to commend my friend from Connecticut [Mr. SHAYS] for his hard work.

From the beginning, this was a truly bipartisan effort. Both the Republican and Democrat freshman classes made this bill a top priority early on. By the time this bill passed in the 103d Congress, 97 Members of our class, Democrats and Republicans, had signed on as cosponsors.

Bringing Congress under the laws it passes for everyone else is something I campaigned on when I first ran for this office 2 years ago. It is something I fought for during my first term. It is something we simply must complete on this first day of the 104th Congress if we are to begin earning back the trust and respect the American people once had for this great institution.

The significant long-term impact of this bill will be that we pass better laws. Knowing that what we pass will affect us directly will surely make us more vigilant, more pragmatic, and maybe more reluctant when making the laws.

I urge my colleagues to support this legislation.

□ 0100

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. ROSA DELAURO], one of our chief deputy whips.

Ms. DELAURO. Mr. Speaker, I rise today in support of H.R. 1, the Congressional Accountability Act and to commend my friend and colleague from Connecticut [CHRIS SHAYS] for his determination to see this important legislation come to pass. I also want to pay tribute to former Democratic Congressman Dick Swett of New Hampshire who worked tirelessly in the last Congress on behalf of this common sense legislation. I might add that it was a Democratic Congress which acted to advance this legislation, only to see it blocked by Republicans in the other body.

The Congressional Accountability Act simply requires that Congress abide by all the laws it passes. It's a proposal that is long overdue and one that will move Government closer to the people.

Politicians have set an unequal standard that put them above the people. That was wrong. And, it helps to account for the growing disaffection in the country. By passing this legislation, the people are one step closer to reclaiming this body, which has his-

torically been the people's House. Let's pass the Congressional Accountability Act.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON] who was president of the Republican freshman class last year and a technical cosponsor.

Mr. MCKEON. I thank the gentleman for yielding this time to me and for all his outstanding work in bringing this bill to this stage.

Mr. Speaker, at every meeting that I attend back home, the one question that always comes up is how can Congress pass laws and then exempt itself. We are supposed to be representative of the people, but we have consistently treated ourselves differently.

I will be the first to admit that I wish we were all exempt from some of the laws and regulations Congress has passed in the last few years. As a businessman, I have felt the burden of government regulation, but as a Congressman I am exempt from it. That must change.

The Shays amendment is based on a simple principle of fairness. This legislation will require the Congress to comply with the same rules it passes. Just as we back home cannot be above the law, Congress cannot be above the laws it passes by claiming special legislative privilege. The clock has run out on business as usual. Congress must regain the trust of the American people by living under the same laws it imposes on the private sector. I urge you to support the Shays amendment and return accountability to Congress.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BEILENSEN].

(Mr. BEILENSEN asked and was given permission to revise and extend his remarks.)

Mr. BEILENSEN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 1, the Congressional Accountability Act. This bill, which is substantially the same legislation that the House of Representatives passed last August, represents a long-overdue step toward ensuring both that legislative branch employees are treated fairly, and that Members of Congress, as employers, are held to the same standards that our laws demand of private-sector employees.

Mr. Speaker, the charge that Congress exempts itself from laws it passes for everyone else is one of the most frequently heard criticisms of Congress, and understandably so. It is simply wrong to deny to congressional employees the same kinds of employment protections we grant to other employees, and it is wrong to insulate ourselves from the effects of these laws.

Last year, the House of Representatives demonstrated that it was in overwhelming agreement that workplace laws should apply by passing H.R. 4822, the Congressional Accountability Act, by a vote of 427 to 4. Those of us who



are strong supporters of this legislation were hopeful—right up until the last moment of the 103d Congress—that the momentum generated by our strong showing on the vote would galvanize the other body to follow suit, and that we would complete action on this legislation before adjourning.

Unfortunately, that did not happen, and so we are back here today, on this first day of the new Congress, considering again a bill which rightly deserves the high priority it has been given by the new House leadership.

Mr. Speaker, to briefly review the background on this legislation: as Members are aware, in recent years, both the House of Representatives and the Senate have attempted to apply employment-related laws to Congress. It has been a difficult endeavor because we have had to construct a way to do so without breaching the separation of powers doctrine under the U.S. Constitution, which could occur if the executive branch enforced these laws.

For the last 7 years, the House has applied the Fair Labor Standards Act and other antidiscrimination measures to House employees through the Rules of the House. As Congress has passed new laws, such as the Family and Medical Leave Act, we have applied those new measures to the House as well.

However, neither the range of laws we have applied to the House, nor the manner in which they are applied, is comparable to the application of laws to the private sector. Not all the laws that apply elsewhere apply to Congress, and our internal enforcement process does not provide adequate recourse for aggrieved employees. In addition, there are wide variations in the coverage of laws among different groups of legislative branch employees.

Establishing a new system for applying and enforcing these laws, and expanding and making uniform the range of laws covering the legislative branch, was one of the key recommendations of the Joint Committee on the Organization of Congress, which reported those recommendations in November 1993. The Joint Committee, drawing from the original bill authored by the gentleman from Connecticut [Mr. SHAYS], and our former colleague from New Hampshire, Mr. Swett, recommended applying 5 laws to Congress, with the possibility of applying more, and establishing a new, more politically insulated entity, the Office of Compliance, which would be responsible for applying laws to the House, the Senate, and other legislative branch entities. It also recommended new procedures, rights, and remedies for aggrieved employees.

Following hearings on this legislation by the subcommittee on the Rules of the House last spring, and with further efforts by Representatives SHAYS, SWETT, and others, the Joint Committee's recommended legislation was revised in several respects. The result was that H.R. 4288 as considered (and further amended) by the House was a

much stronger, much improved version of the compliance legislation included the Joint Committee's bill. It applied twice as many laws; ensured full coverage of all employees of the legislative branch; made the Office of Compliance a more independent entity and gave it more authority in the promulgation of regulations; and ensured that employees would continue to be covered under the various laws we already apply here in the House until the new regulations developed by the Office of Compliance took effect.

As a result, the bill before us, which reflects those improvements, provides for the following:

First, there are 10 employment-related laws that will be applied to the House of Representatives. They are:

- The Fair Labor Standards Act;
- Title VII of the Civil Rights Act of 1964;
- The Americans With Disabilities Act;
- The Age Discrimination in Employment Act;
- The Family and Medical Leave Act;
- The Occupational Safety and Health Act;
- The Federal Labor Management Relations Act;
- The Employee Polygraph Protection Act;
- The Worker Adjustment and Retraining Act; and
- The Rehabilitation Act of 1973.

These laws will be administered by a new Office of Compliance, which would replace the Office of Fair Employment Practices. The Office of Compliance would be governed by a 8-member Board of Directors, all of whom would be appointed jointly by the Speaker and the minority leader of the House, and the majority and minority leaders of the Senate. The Office would consist of an Executive Director who is appointed by the Board, and other staff. To help ensure the independence of this new office, the bill prohibits appointing to the Board of Directors current and former Members, current and former House employees (unless their employment in the House was more than 4 years previous to their appointment), and lobbyists; the same restrictions, except for lobbyists, will also apply to the Executive Director.

The Board will conduct a study of the way in which the laws should be applied to the Legislative branch, and then follow that study with proposed regulations prescribing the application of the laws to the House of Representatives. Unless the House rejects the regulations by resolution of disapproval, those regulations will take effect. If they are rejected, the Board would re-issue new regulations. Eight laws will be applied at the beginning of 1996, and the remaining two (OSHA and the Federal Labor Relations Act) will be applied at the beginning of 1997, regardless of whether regulations are promulgated by that time.

The bill also establishes a process for resolving alleged violations of the law: first, counseling; then, mediation; and,

then, formal complaint and hearing. An independent hearing board will review employee complaints, and upon a finding of liability, prescribe remedies consistent with those that are available to private-sector employees under the relevant law. Parties dissatisfied with the outcome of the hearing would have the opportunity to have a decision reviewed by the Board of Directors.

Laws which currently apply to House employees shall continue to apply until the laws made applicable under this resolution are in effect.

This bill also requires the Office of Compliance to study and recommend additional laws to be applied on a continuing basis, and specifically to review the availability of information in the House and study the possible application of the Freedom of Information Act and the Privacy Act. The Office would also be responsible for educating Members, officers, and employees about their rights and responsibilities under the applicable laws. And, the Office would be required to compile and publish statistics on the use of the Office by House employees, and to develop a system for collecting information on demographic data of employees, and on employment in House offices.

Mr. Speaker, passage of this bill will make Members of the House significantly more accountable for our actions as employers. Perhaps just as importantly, it will give us a better understanding of the effects of laws every private-sector employer must live under and, hopefully, lead to more diligence and care and accountability for the laws we pass. I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], an original cosponsor of the bill.

Mr. UPTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is high time that Congress starts to do what it asks everyone else to do: Live under its own laws. When I walk into a restaurant in my home town in Michigan, the owners of that restaurant must abide by a litany of Federal laws. The kitchen is regulated by OSHA, the doors and tables and chairs must abide by the Americans with Disabilities Act, and the employees and managers are protected by the Fair Labor Standards Act, Age Discrimination in Employment Act, and the Civil Rights Act of 1964 to name just a few. Each year we pass more and more regulations on American businesses. It is time for us to start practicing what we preach, and walk the walk.

The House passed this bill before during the 103d Congress. Elements of this measure were approved by a whopping margin of 348 to 3. However, it was the last vote of the very last day of the 103d Congress. We have an opportunity to act again on the issue on the very first day of the 104th Congress. Let us

take advantage of this special time as all of America watches and send a message back home that we are willing to live under the laws that we make. On the day we perhaps cut Congress' budget by \$50 to \$100 million, let us do the same thing, impose the same rules on us as on everyone else, the same laws that we ought to live under.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, to paraphrase Yogi Berra, its déjà vu all over again. This bill ought to look familiar because this House overwhelmingly passed it last year. I am happy to vote for congressional compliance 25 times if need be.

Mr. Speaker I find it ironic that on the day we cut committee staff by a third and put thousands of people out of work we celebrate. Mr. Speaker, I also find it ironic that as we cut the committee staff by a third, the office budgets of the new Speaker and the new majority leader have increased by nearly 50 percent.

Mr. Speaker, it is important that we enact this legislation that protects employees.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Massachusetts, Mr. PETER BLUTE.

Mr. BLUTE. Mr. Speaker, I thank my good friend and neighbor from Connecticut for yielding this time to me.

Mr. Speaker, tonight this is a very important issue that we deal with. It is true that the Shays act is about accountability and the arguments about the particulars of the bill have been made ably by Members of the both parties. It is a true bipartisan effort that we deal with tonight.

But there is one more important aspect of the Shays act that I think we should focus on as we cast our votes. Tonight we have an opportunity to do something about the perception out there in the land that Members of Congress are somehow a privileged elite. We have an opportunity to do something about the view of our constituents that somehow we are above the law. We have an opportunity to show our constituents that we are not in a distant capital and not understanding of their real-world problems.

Worst of all is the perception that the Congress is an arrogant institution. We have an opportunity tonight to deal with that issue. Let us take the first step by passing the Shays act and begin to rehabilitate the reputation of our great institution.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank the gentleman for yielding this time to me.

Mr. Speaker, I want to reiterate my objection to the procedure by which we are dealing with this. Tom Foley, our

former Speaker, has been, it seems to me, unfairly maligned to some extent.

Let us contrast the way we passed this bill, and we passed this bill, as the gentleman from Connecticut has been very decent in pointing out, under Tom Foley's leadership; but we passed it not in the middle of the night. I understand we are here at 10 after 1 in the morning because we are in the midst of this revolution, we are going to work hard except we are taking off now, I gather, for about 10 days. So we stay up late at night, rush this bill through, no amendments are allowed, no discussion will come through. Members are aware, for instance, and I am in favor of this, but it says in here no Member of Congress will be personally liable for the payment of compensation. I think that makes sense.

□ 0110

I do not think all the Members have had a chance to talk about this. This bill does not apply the Freedom of Information Act to Congress. It says we will study it. I think that is a sensible thing, but those are things that ought to be talked about.

This bill, unlike the bill we had before, allows Members to use federally funded frequent flyer miles, and that is not easy to say for me. It allows those to be used for personal use. Now people in the private sector cannot do that. What we are doing with this is giving good intentions a bad name.

Yes, it is a good bill. It is a good bill when we worked it out last year. Typically the gentleman from Connecticut [Mr. SHAYS] tries very hard to be bipartisan, but sometimes, I guess, there are constraints. This is an all partisan sponsorship. This bill was bipartisan until now. What we have got is this silly insistence of rushing this bill through with no amendments at 1 o'clock in the morning when we are about to take 10 days off and do absolutely nothing so the Republicans can take something that was passed under Democratic leadership last year and claim authorship of it.

Mr. Speaker, they are lucky that one particular bill does not apply to Congress, the copyright laws, because if it did, this example of intellectual theft and attempted partisan piracy would be ruled illegal.

Mr. SHAYS. Mr. Speaker, I yield a minute and a half to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I think the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me.

Mr. Speaker, how interesting it is to note the tone of the debate for this last bill this evening. Most of it has been spoken in bipartisanship, and I say that it is music to the ears of most. I think even the old bulls, and the young freshmen, and the sophomores, and juniors—I look at for 4 years of floor action where the outcome, most of it was predetermined before it ever came

to the floor. In only 16 years, only one Republican motion to recommit passed in 16 years. That is a crime, and that should not happen from our side to the now-minority either.

I would say to my colleagues, Yes, fight. I did not vote for a single closed rule in 4 years unless it had been cleared by the majority and the minority, and I would fight for continued open rules in most cases. The king-of-the-hill rule in which not a single Republican win was recorded because the outcome was afforded before it ever got to the floor, and that is not in the best interests of the minority or the majority.

Most of the problems that I have seen in the last 4 years have come out of the leadership, not just the Democratic leadership, and I think the challenge is to the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Georgia [Mr. GINGRICH] to make sure that as much as possible the political rhetoric is taken out of these bills.

Mr. Speaker, I rise in strong support of this bill. It has bipartisan support, and, no, it is not perfect. But I would ask my colleagues to support it.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS], and I welcome him back to this Chamber.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me, and I realize the hour is getting late, colleagues. I can even hear some audible snoring, so I will take less than my minute and just point out tonight we are ending the double standard that has existed for more than 50 years in this institution and in the process that we are demonstrating to the people that we are willing to change in that Congress no longer considers itself above the law. The Congressional Accountability Act should be approved, and I am heartened to see the bipartisan support for this legislation.

I thank the gentleman for yielding and congratulate him on his leadership. House action on the Congressional Accountability Act is long overdue.

Mr. Speaker, in the 102d Congress, I had the privilege of serving as chairman of the congressional coverage coalition. We continually attempted to bring Congress under the same employment laws as the rest of the country, but we were stymied in our efforts.

We sought to cover Congress under the Family and Medical Leave Act, but were prevented by the Rules Committee from even offering the amendment. We wanted to bring staff under statutory civil rights protections, but were similarly rebuffed. Again, we weren't even given a chance to debate the merits and vote.

These amendments were offered at a time when Congress was being described by the media as "peak city;" as a place out of touch with the real world; and—most damning of all—was the "imperial Congress."

People reacted with boiling anger when stories such as the House bank and House dining room fiascos became public knowledge.

Many Members of Congress just couldn't understand why the public was so aroused. Congress was desensitized.

Americans who run businesses—great and small—must comply with burdensome regulations. It is unconscionable that Congress exempted itself from every major employment and civil rights law it passed.

Businesses have long complained about bureaucratic overregulation. One likely reason that Congress has not been responsive is that it has not been subject to these same demands.

Those who want to continue the status quo will say that employees have protections in the House. They will point to the Office of Fair Employment Practices.

It is true that such an office was created in response to earlier scandals. But House employees are denied the right given to other workers to appeal adverse decisions in Federal court.

We may also be told that Congress has treated itself differently "to preserve separation of powers." Isn't this the same argument that has been made by Members who tried to insulate themselves from criminal charges? And haven't the courts routinely rejected that argument?

Today we are ending a double standard that has existed for more than 50 years.

We are demonstrating to the people that we are willing to change, and that Congress no longer considers itself above the law. The Congressional Accountability Act should be approved.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD]. I point out to Members here that he was a member of the Joint Committee on the Organization of Congress that championed this legislation.

Mr. ALLARD. Mr. Speaker, change has been the key word the last couple months and today it truly began. The Congressional Accountability Act is the first big step! There are many reasons to support this legislation, but some still have their reservations about complying with the same laws as all other Americans, so I want to address some of the myths surrounding Congressional Accountability.

One argument concerns the constitutional separation of powers between the three branches of government. This is based on the concern over executive and judicial branch oversight of Congress. If this were a problem, then the executive branch would be exempt as well and the Supreme Court would have upheld this separation in precedent cases. However, the opposite is true, the executive must comply and the Supreme Court has never upheld this idea.

I have also heard the claim that elected officials, especially members of Congress, are uniquely vulnerable to charges against them and their jury would be an angry electorate. In my mind, political vulnerability is no different from economic vulnerability. This reaction is no different from the complaints of private sector employers facing complaints or suits from disgruntled employees, labor unions, or

unscrupulous competitors. We should be required to defend our actions in the same manner as the people in the private sector. Plus, members of Congress are not willing to grant similar exemptions from the laws to elected state and local officials or to their political challengers.

So what will Congressional compliance allow? First, this Congress would again become a citizens legislature. Why, because we would become true citizens again. We would have to live under the rules which we have imposed on everyone else. Congressional compliance makes Members of Congress become members of their community and see how government rules and regulations affect people's lives. Just maybe, this bill will make Congress stop and ask the question "If this law is too burdensome for the U.S. House, then maybe it is too burdensome for everybody else."

That is why I want to encourage all my colleagues to support H.R. 1. This bill will make us accountable to all the legislation we have passed.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX asked and was given permission to revise and extend his remarks.)

Mr. FOX. Mr. Speaker, I rise in support of the bill.

I stand in strong support of the Shays Act.

In the last 40 years, Congress has not been required to live under the laws it passes.

Passage of the congressional accountability law will change all that.

It is both fitting and proper that this fundamental reform be the first bill adopted by the 104th Congress which can and should receive unanimous bipartisan support.

#### PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EHLERS). What is the gentleman's parliamentary inquiry?

Mr. FRANK of Massachusetts. Mr. Speaker, the House just adopted a rule sponsored by the Republican Party which says that the CONGRESSIONAL RECORD will from hereon be a substantially verbatim transcript, so when the gentleman from Pennsylvania [Mr. FOX] asks unanimous consent to revise and extend, I do not know what he could revise.

As I understand the rule, it says one can make punctuation and grammatical corrections, so are we adding semicolons? I mean what will appear in the RECORD as a result of that request because we have a new rule now? I would like to know what would appear in the RECORD.

The SPEAKER pro tempore. In the opinion of the Chair the new standing rule of the House establishes a standard for the actual remarks to appear

only as spoken in debate. Absent a unanimous consent permission to extend and revise remarks, a Member may not include any additional portion of the remarks not actually uttered on the floor either by way of revision or extension. By obtaining unanimous consent to revise and extend, a Member will be in effect able to relax the otherwise strict prohibition contained in clause 9 of rule XIV, but only in two respects: No. 1, to revise and/or to make technical, grammatical and typographical corrections; and, 2, to extend remarks, and this is the key point.

Mr. FRANK of Massachusetts. Well, further parliamentary inquiry.

The SPEAKER pro tempore. Let me finish. Two, to extend remarks which have not been actually uttered in debate, which remarks would appear in distinctive type style and could not be confused with remarks actually uttered.

Thus the unanimous consent permission would not permit prepared or revised remarks not actually uttered in debate to be substituted for remarks actually uttered, but would only permit the supplementation in a distinctive type style to follow all the remarks actually uttered. In no event would the actually uttered remarks be removable. The Chair will direct the Committee on House Oversight to promulgate rules for printing of the CONGRESSIONAL RECORD consistent with this interpretation. The RECORD will carry a daily notice to all readers to this effect.

□ 0120

Mr. FRANK of Massachusetts. Mr. Speaker, continuing my parliamentary inquiry, if a Member then says "I ask unanimous consent to revise and extend and I oppose the bill," he cannot change that wording, is that correct, except to add punctuation, like an exclamation point? Is it correct that that wording would then appear? Then as I would understand it, if this is correct further, anything beyond that would appear in a distinctive typeface.

Mr. Speaker, would it indicate it was not uttered on the floor, or would it just be a distinctive typeface?

The SPEAKER pro tempore. The gentleman is correct. The distinctive typeface would pertain to the comments turned in to the Clerk.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry. The Chair explained anything uttered could not be changed, but something not uttered could be included in a separate typeface. So if one wanted to get a perfect set of remarks in, would one not be better advised not to utter anything because you could not change the utterance, but instead, put it in writing.

The SPEAKER pro tempore. That would generally be a wiser course of action.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry, and I think Members should be

aware of this, because this is a new rule for Members who have been here for a while. As I understand it, rising and asking for unanimous consent to revise and extend your remarks and saying you are in opposition, gives you the right to be in the RECORD to say only that and nothing further, except in a typeface that indicates you were not speaking. Is that correct?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GANSKE].

(Mr. GANSKE asked and was given permission to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, let me say, first, what a privilege it is for me to join this great body, and I want my children to be proud also. That is why we should pass this bill. It is the right thing to do. Congress should operate under the same laws everybody else does—it is only fair. But more importantly Congress will learn the practical consequences of these laws. Prior to November 8, I was a surgeon, essentially running a small business. When Congress has to deal with the same laws and regulations that small businesses do, I predict that we will modify many of the laws in a more commonsense way. I urge you to vote for this bill.

Mr. Speaker, it is very fitting that my first floor statement as the new Representative of the Fourth District of the State of Iowa is about congressional reform.

Congressional reform was a major concern to the voters in last November's elections, throughout the country and specifically in the Fourth District of Iowa. Citizens concerned about the future of this country insisted that Congress needed to reform itself and make the Federal Government responsive to the people. The voters demanded control of their government.

Today, on this first day of the 104th Congress, I am proud to say to the people of the Fourth District of Iowa, that the new Republican majority is doing just that.

Today, I will be voting for nine major reforms of this institution—reforms that are long overdue. Reforms that will forever change the way business is done in Washington. These reforms include: Applying all laws to Congress; cutting the number of committees and subcommittees; cutting committee staff by a third; opening committee meetings to the public; limiting the terms committee chairmen can serve; banning proxy voting in committees; requiring a three-fifths majority to increase income tax rates; ending phony accounting by restoring honest numbers and zero baselines to the Federal budget process; and announcing a comprehensive independent audit of the House books.

The House of Representatives will no longer exempt itself from the laws they write. The Congressional Accountability Act ensures Members of Congress must observe employment laws, occupational health and safety laws, as well as other laws. If the American people have to live under these laws, it is high time that Congress do the same.

In the last 25 years, the Democrats have increased the budget of the Congress by 700 percent and tripled the size of committee staff.

The last time the House dissolved a standing committee was 1947. That is going to change beginning today.

Three committees will be shut down—Merchant Marine and Fisheries, Post Office and Civil Service, and the District of Columbia committee. Committee chairs will be required to eliminate an additional 25 subcommittees, and committee staff will drop from nearly 2,000 this year to about 1,300.

Legislative Service Organizations are groups for like-minded members supported by congressional staff, housed in congressional buildings, and often spending the taxpayers' money with little or no accountability. This type of abuse is one reason the public distrusts our government. Well, no more. These organizations will be eliminated.

These reforms are just the beginning. Any institution that is not constantly reforming itself in the face of changing times will soon collapse. I say to my colleagues, Democrat and Republican, that these reforms are dramatic and historic, but they are just the beginning of a long journey to redeeming the reputation of the U.S. Congress.

I look forward to working with my colleagues to continue to bring new changes to this institution, today and well into the future.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYCE].

(Mr. ROYCE asked and was given permission to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, I rise in support for a longstanding Republican initiative that we have waited many years to see become law. It would put into permanent law section 108 of the rules changes which we just adopted. Simply put, it will subject Congress to the same laws that we apply to everyone else. I call it the golden rule. No American should be immune from the law or receive special treatment in its application, but that is what Congress has done by routinely exempting itself from the very laws it imposes upon others.

A double standard is a symbol of the arrogance of power which epitomizes Washington for so many citizens. It will also spur lawmakers to review more carefully the laws they pass.

In summary, if we pass it, we have to live by it. I urge an aye vote.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, I am going to congratulate Members on both sides of the aisle for the work they have put into this bill over the last several sessions. The gentleman from Connecticut [Mr. SHAYS] has been particularly active and has done a great job, along with the gentleman from New Hampshire, Mr. Swett, in the last session. It is about time this bill has come to the floor so we can actually get it implemented.

But I hope there will be two things that come as a result of this legislation actually being enacted. First is that Members will begin to realize when we are drafting bills and we are building bills here on the floor, that the full weight of these bills will in fact fall

upon us as Members of Congress. I think that with the passage of this bill, that Members will recognize that fact, that we are going to have to live under these. We might be a little more cautious.

Second, I would point out that we ought to, as we begin to live under these laws, we are going to realize that the Fair Labor Standards Act, the Civil Rights Act, and other laws we have exempted ourselves from, are rather weighty. They are weighty on the private sector, and they are going to be very difficult for all of the Members to comply with under our current structure. So we are going to have two choices, and we ought to have a debate about whether we should continue to live under the laws as they were drafted, or whether in fact we ought to go back and listen to what the American people said on November 8 when they said Government is too big, it spends too much, and is too intrusive, and maybe we ought to look at some of those laws and revise a lot of them.

Let me also say as we begin to close this debate tonight, that as this opening day comes to a close, we have lived up to the first part of our Contract with America. We have had real reform of the people's House. And just as important as that was, today we did that in a very bipartisan manner. And I hope that as we continue over the next 99 days, we will continue to pass the rest of the Contract with America in this same spirit of bipartisanship.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in November there were 435 contracts made in each of our districts, and we came here to represent as best we can the aspirations and the hopes of our constituents.

I would hope that as we proceed, that we together work to merit and properly explain this institution so that we can merit the respect of the American public.

I want to tell my new friends on both sides of the aisle who have come here that we spend a lot of time in this institution denigrating this institution. We have 435 campaigns that spend millions of dollars, and on both sides of the aisle we tell the American public how bad this institution is.

That is a disservice. It is a disservice to this institution, and it is a disservice to our democracy. It is no wonder that the American public has come to believe that this institution is not as good as I believe it to be, having served here for 14 years, and is peopled by individuals of integrity, patriotism, and commitment to the common good.

We have differences. But few of my colleagues on either side of the aisle I believe do not have their constituents' best interests at heart and want to serve the best interests of their country.

I say that in the context that many of these laws do in fact apply to the Congress. What they do not do, as has

been observed, is give the redress that is given in the private sector.

That has been done for some very legitimate reasons in terms of the separate but equal status of this body with the executive department which is called upon in other instances to enforce these statutes. And determination has been made that it would be inappropriate to subject one coequal body to regulation by another coequal body. In fact, this very legislation, which is bipartisan in nature, addresses that concern and sets up an Office of Compliance within the Congress.

So as we in a bipartisan fashion pass this piece of legislation, which some believe will show how onerous are the protections we have extended to employees, and some of us believe how appropriate it is to extend to our own employees the protections for their safety, for their health, and for non-discrimination that we have extended to employees throughout this country.

□ 0130

So I join my friend, the gentleman from Connecticut [Mr. SHAYS]. I regret, frankly, that my friend, the gentleman from New Hampshire, Mr. Swett, is not here.

I congratulate all those, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Indiana [Mr. HAMILTON], and others who have been involved in bringing to fruition this very difficult piece of legislation.

I want to reiterate the remarks of the gentleman from Massachusetts [Mr. FRANK]. Speaker Foley, knowing full well that this was a difficult piece of legislation, nevertheless said, "We are going to bring it to the floor. I want to see this legislation passed." In August we did and it was passed. Unfortunately, it did not pass into law, but fortunately for us, in a bipartisan fashion we can act tonight to do what is right.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would conclude and not use all of my time, but would thank the Members for their graciousness, and particularly thank the gentleman from Maryland [Mr. HOYER] for taking the place of the gentleman from New Hampshire, Dick Swett, in this important debate. I thank him from the bottom of my heart for treating it with such seriousness.

I say to my Members that behind the Speaker is the flag of the United States. The American people revere that flag, but that flag is a symbol. It is a piece of cloth that represents so much. Our Founding Fathers established in the Constitution this body, the people's body. My hope and prayer is that the American people will respect Congress as much as they respect the American flag.

Mr. DICKEY. Mr. Speaker, I rise in strong support of H.R. 1, and I am proud to have been an original cosponsor last Congress and again this Congress.

As we pass H.R. 1, we keep another promise to America—to end the double-standard congressional exemption regarding civil rights and employee protection laws. As a small businessperson and cosponsor of this legislation, I fully support the three principles behind the Congressional Accountability Act:

If a law is right for the private sector, it is right for Congress;

Congress will write better laws when it has to live by the same burdens it imposes on the private sector and local governments.

And we do so by respecting the separation of powers embodied in the Constitution and provide appeals to the courts.

Mr. Speaker, I have experienced first hand from a business standpoint the financial burdens imposed by excessive unfunded Federal mandates such the Family and Medical Leave Act, OSHA laws, and the Americans with Disabilities Act.

As we close this historic first day of the 104th Congress, having significantly reformed the rules by which this institution operates, it is appropriate that we bring these laws to bear on us as we have imposed them on others. Hopefully, this will provide the discipline we need to better scrutinize future bills in terms of costs and excessive Federal intervention in our lives.

I urge my colleagues to vote for passage of H.R. 1.

Ms. NORTON. Mr. Speaker, my thanks to Representative CHRIS SHAYS for not giving up on H.R. 1, the Congressional Accountability Act. The gentleman from Connecticut should feel doubly rewarded since this very bill passed the House once before—during the 103d Congress. Since the Senate chose to turn it down, we are doing the right thing in proceeding without hesitation to enact the Congressional Accountability Act again today.

As a member of the Joint Committee on the Organization of the Congress, I took a special interest in applying our laws to Members. I felt obligated to do so as a past chair of the Equal Employment Opportunity Commission, which has jurisdiction over many of the laws at issue today in this bill. Give the House credit, however, for having years ago applied these laws to itself. What has been missing was not the laws but an enforcement mechanism independent of the House. I am particularly proud that this mechanism is the central contribution of the Congressional Accountability Act.

This bill more than meets the standard set by those who sought passage of a law to apply congressional acts to the Congress itself. H.R. 1 sets a higher standard. For example, H.R. 1 allows employees to go immediately to court or to an administrative hearing to initiate a claim of discrimination. As a lawyer and former professional in the field, I have some reservations about eliminating the useful and ancient rule that claimants exhaust administrative remedies before proceeding to more costly and cumbersome court processes. The courts are already clogged. These days they should be reserved as much as possible for matters such as criminal trials. Cost-free administrative resolution of claims of the kind encompassed by H.R. 1 is always less expensive and often far more yielding of appropriate remedies in shorter periods of time.

Nevertheless, if this bill passes we must celebrate the choice to allow Members and employees to submit to an administrative process where hearing officers are selected from a ro-

tating list of professionals recommended by the Administrative Conference of the United States and the Federal Mediation and Conciliation Service. The independence of the fact-finding process from control of the House is extraordinary for a legislative body and does great honor to the House.

I hope that this time Members in the majority will insist that Republicans in the Senate take the lead of their Republican colleagues in the House and make the Congressional Accountability Act the law of the land.

I am pleased to support H.R. 1.

Mr. FRANKS of Connecticut. Mr. Speaker, today I rise in support of H.R. 1, the Congressional Accountability Act. This bill is the first step toward fulfilling the Republican pledge to the American people to demonstrate our sincerity about changing the way we conduct business in this body. For over 100 years, beginning with the first exemption from the Civil Service Act of 1883, Congress has absolved itself from laws which apply to private employers and other Government employees. The American people are not fooled—they recognize hypocrisy when they see it. It's no surprise that a majority of the American people consider us to be an elitist, privileged, out-of-touch group of individuals who can not recognize that it is wrong to require compliance from the entire Nation—except for ourselves. Thanks to the Republican leadership, we now have a chance to change our image—to show the American people that we too will accept the responsibility for complying with the laws that we pass for the rest of America.

The bill before us today applies 10 laws to this body—the Fair Labor Standards Act; title VII of the Civil Rights Act of 1964; Americans with Disabilities Act; Age Discrimination in Employment Act; Family and Medical Leave Act; Occupational Safety and Health Act; Federal Labor Management Relations Act; Employee Polygraph Protection Act; Worker Adjustment and Retraining Notification Act; and the Rehabilitation Act of 1973. The newly created Office of Compliance will develop regulations to apply these laws to Congress which are consistent with application in the private sector. A four-step process is established to address employee complaints. If, after the mediation process, the complaint is not resolved, the aggrieved employee may seek redress in U.S. District Court for alleged violations.

I am confident that the legislation before us today will strengthen our credibility with the American people. It is time for this body to accept that we can no longer treat ourselves as a privileged body unaccountable for actions which violate the laws of this Nation.

I look forward to passage and implementation of this bill.

Mr. FAWELL. Mr. Speaker, the concept of applying the laws of the land to Congress has been one which I have been fighting for since I first came to Congress. This is why I am pleased to see a bill on the floor of the House which attempts to achieve this goal. The bill before us today, H.R. 1, the Congressional Accountability Act, is a good step in the direction of true congressional coverage, and it is very similar to the bill of the same name which was passed by the House last August. Both measures have been a long time in coming.

The hypocrisy of Congress in exempting itself from the very laws it imposes on others is

so obvious, that one wonders how the practice so long managed to escape wide criticism. In the last few years, however, we have seen a change in the long-standing attitude that Congress is so unique and so different that it simply must be afforded special exemptions, even from employment laws, or it could not function; and those of us who once felt alone in the wilderness in urging Congressional coverage now have welcome company. The reality is that the public is fed up, and Congress has been reacting. I am very pleased that the Republican Leadership is bringing H.R. 1 to the floor today, as the first bill to be passed as part of the Contract With America.

In my years in the House, it has become increasingly clear that Congress, in its imperial wisdom, too cavalierly and too eagerly, continues to place layer upon layer of regulatory requirements on the private sector—without any deep understanding for what it is doing. Congressional coverage is vitally important because it will help Congress to adopt credible, effective and workable laws which affect everyone else in the United States and will allow Congress to truly feel the pain of the impact of these laws. If the statutes don't apply to us, how in the world are we supposed to know how they will work in the real world outside of the beltway?

Mr. Speaker, H.R. 1 sets up a Congressional Office of Compliance which would be required to issue regulations to implement the application of 10 laws to Congress. Although there is no committee report language accompanying this bill, it is my understanding that the bill's sponsor, my colleague, Mr. SHAYS, is looking to the August, 1994, report language which accompanied last year's legislation, to provide guidance to the Office of Compliance. This report language directs that the Compliance Office should implement the specific provisions of the laws listed in the act to the greatest extent possible, and that it is not the act's intent that existing law be reinterpreted. I very much agree with Mr. SHAYS on this point.

I am also heartened by the fact that the Occupational Safety and Health Act is one of the statutes which will be applied to Congress. In 1993, I introduced the Congressional Safety and Health Act (H.R. 3458) to extend OSHA protections to employees of the House and its instrumentalities. Last year's Report language suggests an approach which is modeled after my bill, to ensure that OSHA enforcement mechanisms are applied to Congress that mirror, as closely as possible, those found in the private sector.

With regard to remedies available to aggrieved employees, H.R. 1 copies the private sector process in allowing private law suits in court, with jury trials, where the underlying law allows for such law suits. In my view, this is a very important provision in the bill, because Congressional employees should be entitled to the same type of damages as private sector employees under the relevant laws.

I must emphasize that if Members of Congress and Senators are not subjected to the same employee remedies which exist under many of the laws of the land, especially in the area of "place-of-employment" labor law, then we will not have true Congressional coverage of these laws. This is not very well known, because Members are currently exempt from the most important aspect of many private sector laws, the right of employees to sue the em-

ployer in trial court for damages. In this day and age, these employee rights are what put the "teeth" into many of our private sector labor laws—and in ever increasing frequency, Congress is expanding these rights.

Mr. Speaker, with regard to one of the laws included in H.R. 1, the Family and Medical Leave Act, I am pleased today to see that Members will be supporting the correct position on its application to Congress—a position which was not accepted when I offered my motion to recommit the FMLA bill when it was considered by the House in 1993. My motion would have allowed Congressional employees to use judicial remedies in the FMLA's enforcement and would have allowed Members to be sued in Federal court for violations of the Act. H.R. 1 does, with the exception of allowing punitive damages and Member liability for wrongdoing, achieve the same result that I attempted to accomplish with my motion last year.

H.R. 1, however, although it provides major improvements in terms of employee rights, still is still very deficient in the area of employer accountability. Under this bill, all Members of Congress, Senators, and heads of employing offices are totally shielded from any financial liability resulting from wrongdoing, even in proven cases of egregious violations of the law. This is a step back from the current procedures of the existing House Office of Fair Employment Practices, which provide for award payments from Members' office accounts. The bill also sets up a separate fund and provides for government-paid attorney representation, no matter how outrageous the behavior or allegations in question. In addition, H.R. 1 expressly excludes awards of punitive damages. Where is the sting here? If only private sector companies were lucky enough to have this arrangement!

In the final analysis, the lack of employer accountability in this legislation will likely result in additional litigation against Congressional employers, because the "deep pocket" of the government—the taxpayers—will pay for any damages or attorney fees which are awarded.

Mr. Speaker, despite these defects in the bill, it is still an improvement over the current situation. I would also hope that the shortcomings I mentioned can be addressed in conference with the Senate. There are many members who should be thanked for their work on this issue, but I would like to specifically recognize several of my colleagues: Mr. SHAYS for his perseverance in promoting their legislation; Mr. DREIER and Mr. HAMILTON for their work in the Joint Committee on the Organization of Congress, on which H.R. 1 is based; Mr. GOODLING, the new Chairman of the Economic and Educational Opportunities Committee who introduced legislation in 1993 which guided the authors of H.R. 1 and ensured that we have a better product before us today; and finally, the new Republican Leadership—Speaker GINGRICH and Majority Leader ARMEY for having the wisdom and the foresight to include Congressional coverage as part of the Contract With America.

I only hope that the Senate will follow our lead and will pass similar legislation in the near future so that we may go to conference and send a bill to the President this year—one that provides a real and workable mechanism for making Congress subject to the same laws it mandates on the private sector.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of the Congressional Accountability Act and applaud those leaders on both sides of the aisle for bringing this legislation forward in the House. In the 103d Congress, Democrats and Republicans in the House acted responsibly and passed this important and long overdue legislation. I am pleased that it is one of the first orders of business in the 104th Congress.

One of the reasons I strongly support this legislation is that it will—for the first time—extend Federal labor law to the U.S. Capitol Police.

For the past 2 years, I have waged a lonely struggle to get the House leadership to address the serious morale problem which exists on the U.S. Capitol Police. Over the past 10 years, dramatic progress has been made in transforming the Capitol Police from a patronage club to one of the best trained and most professional law enforcement agencies in the country. Unfortunately, the upgrades in training and professional standards have not been matched by parallel advances in labor or management policies. I have found instances of age, sex, and racial discrimination. I have found that in all too many instances management is petty, unsympathetic, and incompetent. The Capitol Police Board has made some important changes, but has done nothing to address the fundamental structural problems that exist. For example, the ombudsman they established to hear complaints and grievances reports directly to management, and is perceived by the rank and file as a tool of management and not as an objective third party who can resolve problems.

The 3-day demonstration on the steps of the Capitol in February 1994 was proof positive that the morale problem is widespread, and not simply a matter of a few disgruntled officers making a lot of noise. There is a serious problem and Congress can't ignore it.

Many of the problems on the force could be effectively addressed simply by giving the rank and file what every other Federal law enforcement agency has: collective bargaining rights. As a Democrat, I am ashamed of the fact that the party of the working man and woman has turned its back on the brave officers who protect and serve them every day.

With passage of the Congressional Accountability Act, Congress has the opportunity to right this wrong. The act would afford the U.S. Capitol Police with the same labor rights as other Federal law enforcement officers.

The legislation would allow for a 2-year grace period before the Capitol Police would be permitted to collectively bargain. I intend to ask the Speaker and other congressional leaders to waive this provision and afford the rank and file the right to collectively bargain immediately. I would also strongly recommend that action be taken to fully professionalize the management of the force so that the officers are being led by experienced and competent managers.

By acting swiftly on this issue we will be sending a positive message to the rank and file that—at long last—those who run the House care about the men and women who protect the House.

In closing, Mr. Speaker, I urge my colleagues to support the Congressional Accountability Act.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EHLERS). Pursuant to section 108 of House Resolution 6, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 429, nays 0, not voting 5, as follows:

[Roll No. 15]

YEAS—429

Abercrombie	Coburn	Franks (CT)
Ackerman	Coleman	Franks (NJ)
Allard	Collins (GA)	Frelinghuysen
Andrews	Collins (IL)	Frisa
Archer	Collins (MI)	Frost
Army	Combust	Funderburk
Bachus	Condit	Furse
Baesler	Conyers	Galleghy
Baker (CA)	Cooley	Ganske
Baker (LA)	Costello	Gejdenson
Baldacci	Cox	Gekas
Ballenger	Coyne	Gephardt
Barcia	Cramer	Geren
Barr	Crane	Gibbons
Barrett (NE)	Crapo	Gilchrest
Barrett (WI)	Cremeans	Gillmor
Bartlett	Cubin	Gilman
Barton	Cunningham	Gonzalez
Bass	Danner	Goodlatte
Bateman	Davis	Goodling
Becerra	de la Garza	Gordon
Beilenson	Deal	Goss
Bentsen	DeFazio	Graham
Bereuter	DeLauro	Green
Berman	DeLay	Greenwood
Bevill	Dellums	Gunderson
Bilbray	Deutsch	Gutierrez
Billirakis	Diaz-Balart	Gutnecht
Bishop	Dickey	Hall (OH)
Bliley	Dicks	Hall (TX)
Blute	Dingell	Hamilton
Boehlert	Dixon	Hancock
Boehner	Doggett	Hansen
Bonilla	Dooley	Harman
Bonior	Doolittle	Hastert
Bono	Dornan	Hastings (FL)
Borski	Doyle	Hastings (WA)
Boucher	Dreier	Hayes
Brewster	Duncan	Hayworth
Browder	Dunn	Hefley
Brown (CA)	Durbin	Hefner
Brown (OH)	Edwards	Heineman
Brownback	Ehlers	Herger
Bryant (TN)	Ehrlich	Hilleary
Bryant (TX)	Emerson	Hilliard
Bunn	Engel	Hinchey
Bunning	English	Hobson
Burr	Ensign	Hoekstra
Burton	Eshoo	Hoke
Buyer	Evans	Holden
Callahan	Everett	Horn
Calvert	Ewing	Hostettler
Camp	Farr	Houghton
Canady	Fattah	Hoyer
Cardin	Fawell	Hunter
Castle	Fazio	Hutchinson
Chabot	Fields (LA)	Hyde
Chambliss	Fields (TX)	Inglis
Chapman	Filner	Istook
Chenoweth	Flake	Jackson-Lee
Christensen	Flanagan	Jacobs
Chrysler	Foglietta	Jefferson
Clay	Foley	Johnson (CT)
Clayton	Forbes	Johnson (SD)
Clement	Ford	Johnson, E.B.
Clinger	Fowler	Johnson, Sam
Clyburn	Fox	Johnston
Coble	Frank (MA)	Jones

Kanjorski	Moorhead	Serrano
Kaptur	Moran	Shadegg
Kasich	Morella	Shaw
Kelly	Murtha	Shays
Kennedy (MA)	Myers	Shuster
Kennedy (RI)	Myrick	Sisisky
Kennelly	Nadler	Skaggs
Kildee	Neal	Skeen
Kim	Nethercutt	Skelton
King	Neumann	Slaughter
Kingston	Ney	Smith (MI)
Klecza	Norwood	Smith (NJ)
Klink	Nussle	Smith (TX)
Klug	Oberstar	Smith (WA)
Knollenberg	Obey	Solomon
Kolbe	Olver	Souder
LaFalce	Ortiz	Spence
LaHood	Orton	Spratt
Lambert-Lincoln	Owens	Stearns
Lantos	Oxley	Stenholm
Largent	Packard	Stockman
Latham	Pallone	Stokes
LaTourette	Parker	Studds
Laughlin	Pastor	Stump
Lazio	Paxon	Stupak
Leach	Payne (NJ)	Talent
Levin	Payne (VA)	Tanner
Lewis (CA)	Pelosi	Tate
Lewis (GA)	Peterson (FL)	Tauzin
Lewis (KY)	Peterson (MN)	Taylor (MS)
Lightfoot	Petri	Taylor (NC)
Lightfoot	Pickett	Tejeda
Linder	Pombo	Thomas
Lipinski	Pomeroy	Thompson
Livingston	Porter	Thornberry
LoBiondo	Portman	Thornton
Lofgren	Poshard	Thurman
Longley	Pryce	Tiahrt
Lowe	Quillen	Torkildsen
Lucas	Quinn	Torres
Luther	Radanovich	Torricelli
Maloney	Rahall	Towns
Manton	Ramstad	Traficant
Manzullo	Rangel	Tucker
Markey	Reed	Upton
Martini	Regula	Velazquez
Mascara	Reynolds	Vento
Matsui	Richardson	Visclosky
McCarthy	Riggs	Volkmmer
McCollum	Rivers	Vucanovich
McCrery	Roberts	Waldholtz
McDade	Roemer	Walker
McDermott	McHale	Walsh
McHale	McHugh	Wamp
McHugh	Rohrabacher	Ward
Ros-Lehtinen	Ros-Lehtinen	Waters
Rose	Roth	Watt (NC)
Roth	Roukema	Waxman
Roukema	Royal-Allard	Weldon (FL)
Roybal-Allard	Royce	Weldon (PA)
Royce	Rush	Weller
Rush	Sabo	White
Sabo	Salmon	Whitfield
Salmon	Sanders	Wicker
Sanders	Sanford	Williams
Sanford	Sawyer	Wilson
Sawyer	Saxton	Wise
Saxton	Scarborough	Wolf
Scarborough	Schaefer	Woolsey
Schaefer	Schiff	Wyden
Schiff	Schroeder	Wynn
Schroeder	Schumer	Young (AK)
Schumer	Scott	Young (FL)
Scott	Seastrand	Zeliff
Seastrand	Sensenbrenner	Zimmer
Sensenbrenner		

NOT VOTING—4

□ 0146

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and

include therein extraneous material, on H.R. 1, the bill just passed.

#### POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, a point of order. I would think that that motion would be that Members would have 5 days to extend their remarks, but under the new rules I do not see how they could revise remarks unmade, so Members would be allowed to extend. But I think under the new rule giving Members the chance to review unmade remarks is out of order, and they could only extend in a different typeface.

Mr. SOLOMON. Mr. Speaker, might I be heard on the point of order?

The SPEAKER pro tempore (Mr. LAZIO of New York). The Chair would advise that Members' remarks can only be revised for technical reasons.

Mr. FRANK of Massachusetts. But my parliamentary inquiry, Mr. Speaker, is how can a Member make a technical correction to things they never said yet? If we are taking this request, it is Members who have not said anything yet, and it would let them put something into the RECORD as if they said something, and under the new rules all they can do, it seems to me, is to extend. I would hope this is not allowing someone to say something they already said, and I just do not want Members to have the wrong impression.

The SPEAKER pro tempore. The Chair advised the body earlier that the changes cannot be substantive, that they can only be technical in nature.

Is there objection to the request of the gentleman from Connecticut?

Mr. THOMAS. Mr. Speaker, reserving the right to object, as was stated from the Chair earlier, the Committee on House Oversight will promulgate rules and language to deal with this. The gentleman from Massachusetts is correct. We are in a slight conundrum right now because we are utilizing words that have been used historically, the classic revise and extend. More properly I think it should be correct and extend. And although we are in this situation now where we are still using the what would be archaic language, we will provide the appropriate language and the structure for dealing with that early tomorrow morning for the gentleman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and I gather revolutions would be confusing even to those who are trying to promulgate them so I appreciate that.

Mr. THOMAS. Order will come out of the structure, I assure the gentleman from Massachusetts. And I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.