

I am confident that, as the new Executive Director Emeritus in charge of research and development, Dr. Itzkowitz will continue his rigorous pursuit of the public well being.

#### PERSONAL EXPLANATION

#### HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. SHOWS. Mr. Speaker, because of anticipated delays in my flight from Jackson, Mississippi, on Monday, September 25, 2000, I was unable to cast a recorded vote on Roll-call 487.

On Rollcall 487, I would have voted "yea" on the Motion to Suspend the Rules and Agree to H. Con. Res. 399, recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

AMNESTY INTERNATIONAL DENOUNCES ARREST OF WITNESS TO POLICE KIDNAPPING OF HUMAN RIGHTS ACTIVIST JASWANT SINGH KHALRA

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. TOWNS. Mr. Speaker, police tyranny in Punjab has reared its ugly head again. Rajiv Singh has been arrested in Amritsar on false charges of robbery and murder. At the time of his arrest, Mr. Randhawa was attempting to hand a petition to Jack Straw, the Home Secretary of the United Kingdom, in front of the holiest shrine of Sikhism, the Golden Temple, which was invaded and desecrated by the Indian military in June 1984. The petition asked for intervention of the British government in the matter of human rights in Punjab.

Mr. Randhawa was arrested once before on false charges. He has been a target of police harassment since he saw the Punjab police kidnap Mr. Khalra, who was General Secretary of the Human Rights Wing (SAD). Mr. Khalra was subsequently murdered in police custody and no one has ever been charged or otherwise held responsible in the Khalra case. In that light, there is reason to believe that Mr. Randhawa's life and his safety may be in danger.

September 6 was the fifth anniversary of the Khalra kidnapping. Mr. Khalra conducted an investigation which proved that the Indian government had kidnapped, tortured, and murdered thousands of Sikhs, then declared their bodies "unidentified" and cremated them. No one has been held accountable for these atrocities either.

This is merely the latest action by the police against anyone who speaks up for human rights in Punjab, Khalistan. It is clear from this action that General Narinder Singh, a human-rights leader in Punjab, was right when he said that "Punjab is a police state."

Amnesty International has issued a press release and an Urgent Action bulletin denouncing the lawless actions of the police. I will be introducing them at the end of my

statement, and I urge my colleagues to read these chilling documents.

Mr. Speaker, the Indian Prime Minister is visiting the United States to meet with the President and address Congress. Our government must press Prime Minister Vajpayee on the Randhawa case, on human-rights violations, on self-determination, on the release of political prisoners, on nuclear proliferation, and on the Indian government's efforts to construct a security alliance "to stop the U.S.," as the Indian Express reported last year. If the responses are not satisfactory, then we must take action to ensure freedom in South Asia. This Congress should put itself on record in support of a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in Nagalim, and everywhere that the people are seeking freedom. We must maintain our sanctions on India and cut off its aid. And we should declare India a terrorist state.

Mr. Speaker, I submit the Amnesty International press release and Urgent Action bulletin that I mentioned before into the RECORD for the information of my colleagues.

[From Amnesty International, Sept. 6, 2000]

#### URGENT ACTION

A key witness in the trial of police officers accused of abducting a human rights activist has been arrested by Punjab police. Amnesty International fears this is an attempt to prevent him testifying, and is extremely concerned for his safety in police custody.

Rajiv Singh was arrested as he attempted to hand a petition to UK Home Secretary Jack Straw in Amritsar, Punjab, on 5 September. The petition reportedly called on the UK government to persuade the Indian authorities to take action over human rights violations in Punjab.

He was held overnight and brought before a magistrate the next day and reportedly charged with the murder of two people who were killed in a bank robbery in Amritsar. He was remanded in police custody until 8 September.

This is the third time that Rajiv Singh has been arrested by Punjab police and charged with serious offences. Earlier this year the Punjab Human Rights Commission ruled that police had "concocted" previous charges to persuade him not to testify against them. He had been accused in July 1998 of setting up an organization to fight for a separate Sikh state of Khalistan, called Tigers of Sikh Land. The Commission recommended that the police officers involved should face criminal charges and that there should be further investigations. Rajiv Singh was awarded compensation for being illegally detained.

Today is the fifth anniversary of the "disappearance" of human rights activist Jaswant Singh Khalra, who unearthed evidence that Punjab police had illegally cremated the bodies of hundreds of people who had been arrested and then "disappeared". A number of Punjab police are now on trial for his abduction, and Rajiv Singh is a key eyewitness in the case.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language: expressing grave concern about the arrest and detention of Rajiv Singh on 5 September in Amritsar; expressing concern that since the Punjab police have unlawfully detained and charged Rajiv Singh before, to try to prevent him from testifying in the case of Jaswant Singh Khalra, the current charges against him may be false, and that he is at grave risk of further harassment or torture in police custody; calling for an immediate review of the charges against him by a judicial

body; and calling for commitments from the authorities in Punjab to ensure that he will not be ill-treated in custody.

#### APPEALS TO:

Mr. Prakash Singh Badal, Chief Minister of Punjab, Office of the Chief Minister, Chandigarh, Punjab, India.

Salutation: Dear Chief Minister

Fax: +91 172 740936

Telegrams: Chief Minister, Punjab, India

Mr. S. Sarabjit Singh, Director General of Police, Office of the Director General, Police Headquarters, Punjab, India.

Salutation: Dear Director General

Telegrams: Director General of Police, Punjab, India

#### COPIES TO:

Mr. L.K. Advani, Minister of Home Affairs, Ministry of Home Affairs, North Block, New Delhi 110 001, India.

Salutation: Dear Minister

Fax +91 11 301 5750

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 October 2000.

(Amnesty International Press Release Sept. 7, 2000)

#### INDIA: ARREST OF WITNESS POINTS TO CONTINUING POLICE HARASSMENT

A key eyewitness to the "disappearance" of a human rights activist has been arrested in Amritsar, India. Rajiv Singh Randhawa was attempting to hand a petition to UK Home Secretary Jack Straw in front of the Golden Temple when the arrest took place on 5 September. Amnesty International today expressed serious concern for his safety while in police custody.

The petition called on the UK government to intervene with the Indian government on the matter of human rights violations in Punjab.

Rajiv Singh Randhawa has since been charged with robbery and murder as well as offences under the Arms Act in connection with a robbery at a bank in Amritsar in which two people were killed. The magistrate remanded him to police custody until 8 September. Amnesty International has appealed to the authorities in Punjab for assurances that he will not be subjected to torture or ill-treatment while in police custody.

"This case highlights the continuing lawlessness of sections of the police in Punjab. Amnesty International is seriously concerned that these charges against Rajiv Singh Randhawa, like other charges brought in the past, are merely a means of harassing and intimidating him," the organization said.

Rajiv Singh Randhawa is a key eyewitness in the case of the "disappearance" of human rights activist Jaswant Singh Khalra. Yesterday, 6 September, was the fifth anniversary of the "disappearance" of Khalra who unearthed evidence that hundreds of bodies of individuals who had "disappeared" after arrest in the 1980s and early 1990s had been illegally cremated by Punjab police. Amnesty International has learned that a hearing in the case was scheduled for 21 September at which evidence, including that of Rajiv Singh, was due to be recorded.

This is the third time that Rajiv Singh Randhawa has been arrested by Punjab police and charged with serious offences. On the last occasion, he was accused of setting up an organization to fight for a separate Sikh state of Khalistan, the Tigers of Sikh land. In July this year the Punjab Human Rights Commission ruled that those charges against Rajiv Singh were "concocted" by police as a means of dissuading him from giving evidence against police in the Khalra

case. The Commission recommended that criminal cases be registered against the police officers and further investigations carried out. Rajiv Singh was awarded compensation for his illegal detention.

Amnesty International believes that the failure by the state to systematically investigate a pattern of grave human rights violations in Punjab during the 1980s and early 1990s has led to a climate of impunity within the police force and continuing illegal actions of police in this state. Attempts by human rights organizations in the state to seek justice for victims of human rights violations have been met with harassment, intimidation and official obstruction to redress.

"The silencing of Rajiv Singh Randhawa in front of a foreign dignitary shows how desperate sections of the Punjab police are to suppress evidence in this case. We call on the international community to intervene in this case," Amnesty International said.

# INTRODUCTION OF THE "FEDERAL EMPLOYEES' OVERTIME PAY LIMITATION AMENDMENTS ACT OF 2000"

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. CUMMINGS. Mr. Speaker, this legislation is needed to help address the challenges posed in responding to emergencies and disasters, in particular, the wildfires that besieged our Western States. The effects of our brave Federal wildland firefighters and other disaster relief personnel are being undercut by personnel administration problems relating to compensation for overtime work. The overtime pay rate for employees covered by the Fair Labor Standards Act (FLSA) is equal to one and one-half times their regular hourly rate of pay. For FLSA-exempt Federal employees, however, the overtime rate may not exceed one and one-half times the GS-10 step 1 rate.

This legislation would address this problem in two ways. First, it assures that no Federal employee receives less than his or her normal rate of pay for overtime work. Second, it recognizes the special demands and difficult circumstances involving emergencies that threaten life or property by increasing the hourly overtime pay rate limitation from GS-10, step 1, to GS 12, step 1, for FLSA-exempt employees who perform overtime work in connection with such an emergency. The higher rates of overtime pay resulting from these changes will effectively address the daunting challenges faced by our Federal land management agencies in containing extremely large, and dangerous wildfires. This legislation builds upon and includes changes proposed in H.R. 1770, the "Federal Employees' Overtime pay Limitation Amendments Act of 1999," which I introduced last session to correct longstanding FLSA-exempt overtime pay problems for Federal employees generally.

Please join me by cosponsoring this legislation for federal managers and supervisors, emergency personnel, and their families.

Text of bill follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Overtime Pay Limitation Amendments Act of 2000."*

SEC. 2. (a) Title 5, United States Code is amended—

(1) in section 5542(a)—

(A) by amending paragraph (2) to read as follows:

"(2) For an employee whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS-10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law), the overtime hourly rate of pay is an amendment equal to the greater of—

"(A) one and one-half times the minimum hourly rate of basic pay for GS-10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the hourly rate of basic pay of the employee (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law),

and all that amount is premium pay."; and

(B) by amending paragraph (4) to read as follows:

"(4) Notwithstanding paragraphs (1) and (2), for any pay period during which an employee is engaged in work in connection with an emergency (including a wildfire emergency) that involves a direct threat to life or property, including work performed in the aftermath of such an emergency, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, except that such overtime hourly rate of pay may not exceed the greater of—

"(A) one and one-half times the minimum hourly rate of basic pay for GS-12 (including any applicable locality-based comparability payment under section 5304 or similar provision of law but excluding any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the hourly rate of basic pay of the employee (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law),

and all that amount is premium pay. A determination as to the existence and duration of such an emergency and its aftermath, and whether work is connected to it, shall be made at the discretion of the head of the agency (or his or her designee) in consultation with the director of the Office of Management and Budget."; and

(2) in section 5547—

(A) by amending subsection (a) to read as follows:

"(a) An employee may be paid premium pay under sections 5542, 5545 (a), (b), and (c), 5545a, and 5546 (a) and (b) only to the extent that the payment does not cause the aggregate of basic pay and such premium pay for any pay period for such employee to exceed the greater of—

"(1) the maximum rate of basic pay payable for GS-15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(2) the rate payable for level V of the Executive Schedule.";

(B) by amending subsection (b)(1) to read:

"(1) Subject to regulations prescribed by the Office of Personnel Management, the first sentence of subsection (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency as specified under section 5542(a)(4).";

(C) by amending subsection (b)(2) to read as follows:

"(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) if, or to the extent that, the aggregate of the basic pay and premium pay under those provisions for such employee would, in any calendar year, exceed the greater of—

"(A) the maximum rate of basic pay payable for GS-15 in effect at the end of such calendar year (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the rate payable for level V of the Executive Schedule in effect at the end of such calendar year.";

(D) by amending subsection (c) to read as follows:

"(c) The Office of Personnel Management may prescribe regulations governing the applicability of subsection (b) to employees who are in receipt of annual premium pay for standby duty or administratively uncontrollable overtime work under section 5545(c) or availability pay for criminal investigators under section 5545a."; and

(E) by adding at the end:

"(d) This section shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a.".

(b) The amendments made by subsection (a) shall take effect on the first day of the first pay period beginning on or after 120 days following the date of enactment of this Act.

## SECTION-BY-SECTION ANALYSIS

The first section provides the bill's short title, the "Federal Employees' Overtime Pay Limitation Amendments Act of 2000."

Section 2 amends sections 5542 and 5547 of title 5, United States Code.

Subsection (a)(1) amends 5 U.S.C. 5542 to provide that an employee whose rate of basic pay exceeds the minimum rate of basic pay for GS-10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law, and any applicable special rate of pay under section 5305 or similar provision of law) will have an overtime hourly rate of pay in an amount equal to the greater of (1) one and one-half times the minimum hourly rate of basic pay for GS-10 (including locality pay and special rates), or (2) the employee's hourly rate of basic pay (including locality pay and special rates). All pay under this provision would be premium pay.

Subsection (a)(1) also amends 5 U.S.C. 5542 to provide that during a pay period in which an employee is engaged in work in connection with an emergency that involves a direct threat to life or property, including work performed in the aftermath of such an emergency, the employee will have an overtime hourly rate of pay in an amount equal to one and one-half times the hourly rate of basic pay of the employee, except that such overtime hourly rate of pay may not exceed the greater of (1) one and one-half times the minimum hourly rate of basic pay for GS-12 (including locality pay but excluding special rates) or (2) the hourly rate of basic pay of the employee (including locality pay and