

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

special rates). The head of the agency, in consultation with the Director of the Office of Management and Budget, is authorized to determine the existence and duration of such an emergency and its aftermath, and whether work is connected to it.

Subsection (a)(2) amends 5 U.S.C. 5547 to provide that an employee may be paid premium pay only to the extent that the payment does not cause the employee's aggregate rate of pay for any pay period to exceed the greater of (1) the maximum rate of basic pay payable for GS-15 (including locality pay and special rates) or (2) the rate payable for level V of the Executive Schedule. Under current law, two separate premium pay limitations cover most General Schedule (GS) employees. A GS law enforcement officer under 5 U.S.C. 5547(c) may be paid premium pay up to the lesser of 150 percent of the minimum rate of basic pay payable for GS-15 or the rate payable for level V of the Executive Schedule. In contrast, the premium pay limitation applicable to other GS employees (currently found at 5 U.S.C. 5547(a)) is the maximum rate payable for GS-15 (including locality pay and special rates). This amendment would create a uniform biweekly premium pay limitation. The calendar year premium pay limitation at 5 U.S.C. 5547(b) (for work in connection with an emergency which involves a direct threat to life or property) is similarly amended as well as expanded to cover work in the aftermath of an emergency involving a threat to life or property. Provision is also made for Office of Personnel Management regulations to harmonize the application of overtime provisions with other forms of premium pay.

Subsection (b) would set the effective date of the amendments made by subsection (a). The amendments would take effect in pay periods beginning on and after the 120th day following the date of enactment.

#### HONORING STEPHEN PETERSBURG

##### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 27, 2000*

Mr. McINNIS. Mr. Speaker, it is with great honor that I take this moment to congratulate Stephen Petersburg of Rangely, Colorado, on receiving the National Resource Management Award from the National Park Service. I would like to take this moment to thank Stephen for his diligent work to ensure that Dinosaur National Monument's resources are managed efficiently and effectively. At the same time, I would like to congratulate him on this distinguished award. Stephen's educational background laid the groundwork for what would become a truly accomplished career with the National Park Service, that has spanned almost three decades.

Stephen received his undergraduate degree in Forestry and a graduate degree in Wildlife Biology from Iowa State University. This education prepared him for his career in the National Park Service, which began in 1971 as a Park Ranger at Wind Cave National Park. After working for a little over two years at Wind Cave, Stephen shifted his professional talents to Dinosaur National Monument, where he began his illustrious tenure in 1973.

Stephen is considered a leader in fire management and training and is nationally known for his expertise. This past summer he worked with great care to protect our nation's forests, working on fire-fighting efforts in Colorado,

New Mexico and on the Clear Creek Fire in Idaho.

Beyond his work at Dinosaur National Monument, Stephen's desire to help his community is clearly a personal priority. Stephen is an active member of the Kiwanis and serves on the Board of Directors of the Rangely District Hospital. He is also a Deacon in his local church.

Stephen, you have earned the admiration of your friends, peers, neighbors and Nation. On behalf of the State of Colorado and the US Congress, I congratulate you on this prestigious and well-deserved award. Congratulations!

#### INTRODUCTION OF THE VACCINE INJURY COMPENSATION PROGRAM CORRECTIVE AMENDMENTS OF 2000

##### HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 27, 2000*

Mr. WELDON of Florida. Mr. Speaker, today I am introducing the Vaccine Injury Compensation Program Corrective Amendments of 2000 (NVICPCA). Over the past year, the Vaccine Injury Compensation Program (VICP) has been subject to several congressional hearings. I have met on several occasions with parents, doctors, and attorneys who have been involved in the current program seeking compensation for injuries that resulted from vaccines.

Vaccine injuries are, thankfully, very rare. However, some children have adverse reactions to vaccines. In a small number of cases these are very debilitating reactions. I am a strong proponent of vaccinations. It is important that children be vaccinated against otherwise devastating diseases. Widespread vaccination has and will continue to spare our nation from the scourge of disease. Our nation benefits from widespread vaccination. Those of us who are healthy are the beneficiaries of national vaccination efforts. As such, I believe very strongly that we as a nation have an obligation to meet the needs of those children who suffer adverse reactions.

I also believe that our federal public health officials should do more to ensure that we are doing all that we can to reduce the number of children who do have adverse reactions. I will continue to aggressively pursue this effort with the leaders of the Centers for Disease Control (CDC) and the National Institutes of Health (NIH).

I was pleased when the Congress and President Reagan established the VICP back in the 1980s. This program was established to ensure that our nation continues to have a strong vaccination program while compensating those families where a child suffers a serious adverse reaction. When this program was approved, there was a real concern that due to lawsuits brought against vaccine manufacturers, some manufacturers would stop making their vaccines available leaving the American public without important vaccines.

The Vaccine Injury Compensation Program Corrective Amendments of 2000 would make a number of substantive and administrative changes to the VICP, in an attempt to restore this program to the user friendly, non-adver-

sarial, remedial, compensation program that it should be and was intended to be. The bill amends the VICP provisions in the Public Health Service Act (PHS Act).

The bill clarifies that this program is to be a remedial, compensation program, which is consistent with the original intent expressed by Congress in the House Report accompanying the National Childhood Vaccine Injury Act of 1986. The program has become too litigious and adversarial in the eyes of many.

The bill also makes changes to the provisions relating to the burden of proof. Currently, the burden of proof is so high on the claimants that some children may not be receiving compensation that is due them. The intent of this program is to provide compensation for all claimants whose injuries may very well have been caused by the vaccine. Strict scientific proof is not always available. Serious side effects of vaccines are rare, and it is often difficult to prove causal relationships with the certainty that science and medicine often expect. Indeed there may be multiple factors that lead to an adverse reaction in some children and the program should recognize this. My bill will ensure that this is taken into account.

This bill will also make it easier to ensure that the costs associated with setting up a trust for the compensation award are permitted. This is important to ensure that these funds are available to provide a lifetime of care for this child. The bill also stops the practice of discounting to ensure that the value of an award for pain and suffering is fully met.

Often, the families of these children need counseling in order to help them deal with and care for a profoundly injured child and siblings. The impact of these injuries go well beyond the child who is injured. This bill will ensure that these expenses are covered.

The bill also ensures the payment of interim fees and costs. Under the current program, families and attorneys are often forced to bear these expenses for years while the claim is heard. Attorneys for the claimants are going to be paid for their fees and costs at the end of a claim, regardless of whether or not they prevail. Thus there is no logical reason why they should not be allowed to petition for interim fees and costs. This provision simply ensures a more fair process for the claimants, by ensuring that the injured child can have good representation while pursuing his or her claim. The current practice may hinder the ability of claimants to put their best case forward. This should not be the case in a program that was established to ensure provision for those children who have been injured.

Finally, the bill makes a number of changes to statutes of limitation. The program should serve the purpose of compensating those who were harmed. Thus, it is important to ensure that it is as inclusive as possible to ensure that injured parties are compensated.

#### INTRODUCTION OF THE "TEACHERS FOR TOMORROW" ACT

##### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 27, 2000*

Mr. INSLEE. Mr. Speaker, today I introduce Teachers for Tomorrow, a bill to address the serious teacher shortage in our nation's