

ARMY SPECIALIST KYLE GRIFFIN:  
LOVED BY MANY, A HERO TO ALL

The SPEAKER pro tempore (Mr. TANCREDI). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I wish to simply begin by associating myself with the comments that the gentleman made earlier, along with those of the gentleman from Arizona (Mr. FRANKS) and the gentleman from California (Mr. HUNTER) with regard to the war in Iraq and specifically our brave men and women who are fighting our cause over there.

Specifically at this time, I just want to bring to the attention of this House and this body and also to Americans at home one particular soldier, Army Specialist Kyle Griffin, a man, a hero, who made the ultimate sacrifice on behalf of this Nation.

Some men will be remembered for heroic acts, others for the type of persons they were. Kyle Griffin will be remembered and treasured for both of these.

In a world that has become a place of hostilities and violence, of terror and fear, the brave men and women like Kyle Griffin are selflessly and tirelessly building and ensuring peace and liberty throughout the globe.

Back on May 30, 2003, one of our own was taken from us. Kyle was a young man that everyone of his Emerson community in New Jersey was proud of; and he will be surely missed by his mother, his father, his sister, and his brother. As an Army Specialist, Kyle was a dedicated soldier and a true patriot.

Since the tragic day of September 11, our country has been at war, it has been a war on terror. Kyle was one of the many heroic Americans who heard the call to defend this Nation and did so by donning our country's uniform.

Kyle made the ultimate sacrifice to preserve and defend the freedom and liberty that every American loves and cherishes. We must all vow now to never forget the price that has been paid in all of our names.

Army Specialist Griffin will always be remembered as a true hero and an American who forever we can be proud of. I pray that God may bless his family.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for June 14 and today on account of official business.

Mr. LAMPSON (at the request of Ms. PELOSI) for today before 3:00 p.m. on account of airline delays.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. DELAY) for today on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material):

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material):

Mr. TIAHRT, for 5 minutes, today.

Mr. TERRY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office".

H.R. 2130. An act to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office".

H.R. 2438. An act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major Henry A. Commiskey, Sr. Post Office Building".

H.R. 3029. An act to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

H.R. 3059. An act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office".

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

H.R. 3300. An act to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building".

H.R. 3353. An act to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building".

H.R. 3536. An act to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office".

H.R. 3537. An act to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office".

H.R. 3538. An act to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office".

H.R. 3690. An act to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

H.R. 3733. An act to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office".

H.R. 3740. An act to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

H.R. 3769. An act to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building".

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

H.R. 3939. An act to designate the facility of the United States Postal Service located at 14-24 Abbot Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

H.R. 3942. An act to designate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

H.R. 4176. An act to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

H.R. 4299. An act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

#### BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 10, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 1086. To encourage the development and promulgation of voluntary consensus standards by providing relief under the anti-trust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

## ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 16, 2004, at 10 a.m.

## NOTICE OF ADOPTION OF AMENDMENTS TO THE PROCEDURAL RULES

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,  
Washington, DC, June 15, 2004.

Hon. J. DENNIS HASTERT,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: According to Section 303(a) of the Congressional Accountability Act of 1995 ("Act"), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, "subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner."

The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See section 303(b) of the Act, 2 U.S.C. 1383(b).

These amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors effective on the date of publication of this Notice of Adoption of Amendments to Procedural Rules in the Congressional Record, and shall be in full force and effect as of that date.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250, TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFOGEL,  
Chair of the Board of Directors.  
WILLIAM W. THOMPSON II,  
Executive Director.

## NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

## INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 ("Act") at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a No-

tice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which states in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." See 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: [www.compliance.gov](http://www.compliance.gov).

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

## HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural

Rules as follows: [deletions within italicized brackets], and added text in italicized bold. Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (\*\*\*\*\* ) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at [www.compliance.gov](http://www.compliance.gov)

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

## DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, [www.compliance.gov](http://www.compliance.gov), which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9225; TDD: 202-426-1912; FAX: 202-426-1913.

## PART I—OFFICE OF COMPLIANCE

## RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June \_\_, 2004.

## TABLE OF CONTENTS

## Subpart A—General Provisions

- § 1.01 Scope and Policy
- § 1.02 Definitions
- § 1.03 Filing and Computation of Time
- § 1.04 Availability of Official Information
- § 1.05 Designation of Representative
- § 1.06 Maintenance of Confidentiality
- § 1.07 Breach of Confidentiality Provisions

## Subpart B—Pre-Complaint Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

- § 2.01 Matters Covered by Subpart B
- § 2.02 Requests for Advice and Information
- § 2.03 Counseling
- § 2.04 Mediation
- § 2.05 Election of Proceedings
- § 2.06 Filing of Civil Action

## Subpart C—[Reserved (Section 210—ADA Public Services)]

## Subpart D—Compliance, Investigation, Enforcement and Variance Procedures under Section 215 of the CAA (Occupational Safety and Health Act of 1970) Inspections, Citations, and Complaints

- § 4.01 Purpose and Scope
- § 4.02 Authority for Inspection
- § 4.03 Request for Inspections by Employees and Employing Offices
- § 4.04 Objection to Inspection
- § 4.05 Entry Not a Waiver
- § 4.06 Advance Notice of Inspection
- § 4.07 Conduct of Inspections
- § 4.08 Representatives of Employing Offices and Employees
- § 4.09 Consultation with Employees
- § 4.10 Inspection Not Warranted, Informal Review
- § 4.11 Citations
- § 4.12 Imminent Danger
- § 4.13 Posting of Citations
- § 4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint
- § 4.15 Informal Conferences