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Livingston
LoBiondo
Lucas
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McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
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Pappas
Parker
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Schaefer, Dan
Schaffer, Bob
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Shadegg
Shaw
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Shimkus
Shuster
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Solomon
Souder
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Stump
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Brown (CA)
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Condit
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Dellums
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Eshoo
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Hooley
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
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Johnson, E. B.
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Lampson
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Lipinski
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McCarthy (NY)
Peterson (MN)
Porter
Ryun
Schiff
Stark
Watts (OK)
Young (AK)

□ 1315

Ms. RIVERS changed her vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Thursday, April 10, 1997.

VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1997

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 240) to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes, as amended.

The Clerk read as follows:

H. 240

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 ''Veterans Employment Opportunities Act of 1997''.

SEC. 2. EQUAL ACCESS FOR VETERANS.

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

''(A) not having acquired competitive status; or

''(B) not being an employee of such agency.

''(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency due to a reduction in force and surplus employees (as defined under regulations prescribed by the Office).''.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3327(b) of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

''(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position under paragraph (1), and''.

(2) ADDITIONAL INFORMATION.—Section 3327 of title 5, United States Code, is amended by adding at the end the following:

''(c) Any notification provided under this section shall, for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

''(d) In consultation with the Secretary of Labor, the Office shall submit to Congress and the President, no less frequently than every 2 years, a report detailing, with respect to the period covered by such report—

''(1) the number of positions listed under this section during such period;

''(2) the number of preference eligibles and other individuals described in section 3304(f)(1) referred to such positions during such period; and

''(3) the number of preference eligibles and other individuals described in section 3304(f)(1) appointed to such positions during such period.''.

(c) GOVERNMENTWIDE LISTS.—

(1) VACANT POSITIONS.—Section 3330(b) of title 5, United States Code, is amended to read as follows:

''(b) The Office of Personnel Management shall cause to be established and kept current—

''(1) a comprehensive list of all announcements of vacant positions (in the competitive service and the excepted service, respectively) within each agency that are to be filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency's work force; and

''(2) a comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position required to be listed under paragraph (1).''.

(2) ADDITIONAL INFORMATION.—Section 3330(c) of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

''(3) for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), a notation as to the applicability of section 3304(f) with respect thereto; and''.

(3) CONFORMING AMENDMENT.—Section 3330(d) of title 5, United States Code, is amended by striking ''The list'' and inserting ''Each list under subsection (b)''.

(d) PROVISIONS RELATING TO THE UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—Subsection (a) of section 1005 of title 39, United States Code, is amended by adding at the end the following:

''(5)(A) The provisions of section 3304(f) of title 5 shall apply with respect to the Postal Service in the same manner and under the same

conditions as if the Postal Service were an agency within the meaning of such provisions.

''(B) Nothing in this subsection shall be considered to require the application of section 3304(f) of title 5 in the case of any individual who is not an employee of the Postal Service if—

''(i) the vacant position involved is to be filled pursuant to a collective-bargaining agreement;

''(ii) the collective-bargaining agreement restricts competition for such position to individuals employed in a bargaining unit or installation within the Postal Service in which the position is located;

''(iii) the collective-bargaining agreement provides that the successful applicant shall be selected on the basis of seniority or qualifications; and

''(iv) the position to be filled is within a bargaining unit.

''(C) The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1005(a)(2) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title, subject to paragraph (5) of this subsection.''.

SEC. 3. SPECIAL PROTECTIONS FOR PREFERENCE ELIGIBLES IN REDUCTIONS IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 430), is amended by adding at the end the following:

''(g)(1) A position occupied by a preference eligible shall not be placed in a single-position competitive level if the preference eligible is qualified to perform the essential functions of any other position at the same grade (or occupational level) in the competitive area. In such cases, the preference eligible shall be entitled to be placed in another competitive level for which such preference eligible is qualified. If the preference eligible is qualified for more than one competitive level, such preference eligible shall be placed in the competitive level containing the most positions.

''(2) For purposes of paragraph (1)—

''(A) a preference eligible shall be considered qualified to perform the essential functions of a position if, by reason of experience, training, or education (and, in the case of a disabled veteran, with reasonable accommodation), a reasonable person could conclude that the preference eligible would be able to perform those functions successfully within a period of 150 days; and

''(B) a preference eligible shall not be considered unqualified solely because such preference eligible does not meet the minimum qualification requirements relating to previous experience in a specified grade (or occupational level), if any, that are established for such position by the Office of Personnel Management or the agency.

''(h) In connection with any reduction in force, a preference eligible whose current or most recent performance rating is at least fully successful (or the equivalent) shall have, in addition to such assignment rights as are prescribed by regulation, the right, in lieu of separation, to be assigned to any position within the agency conducting the reduction in force—

''(1) for which such preference eligible is qualified under subsection (g)(2)—

''(A) that is within the preference eligible's commuting area and at the same grade (or occupational level) as the position from which the preference eligible was released, and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force if, within 12 months prior to the date on which such individual was so placed in such position, such individual had been employed in the same competitive area as the preference eligible; or

''(B) that is within the preference eligible's competitive area and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force; or

''(2) for which such preference eligible is qualified that is within the preference eligible's competitive area and that is not more than 3 grades (or pay levels) below that of the position from which the preference eligible was released, except that, in the case of a preference eligible with a compensable service-connected disability of 30 percent or more, this paragraph shall be applied by substituting '5 grades' for '3 grades'.

In the event that a preference eligible is entitled to assignment to more than 1 position under this subsection, the agency shall assign the preference eligible to any such position requiring no reduction (or, if there is no such position, the least reduction) in basic pay. A position shall not, with respect to a preference eligible, be considered to satisfy the requirements of paragraph (1) or (2), as applicable, if it does not last for at least 12 months following the date on which such preference eligible is assigned to such position under this subsection.

''(i) A preference eligible may challenge the classification of any position to which the preference eligible asserts assignment rights (as provided by, or prescribed by regulations described in, subsection (h)) in an action before the Merit Systems Protection Board.

''(j)(1) Not later than 90 days after the date of the enactment of the Veterans Employment Opportunities Act of 1997, each Executive agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

''(A)(i) are scheduled to be separated from service due to a reduction in force under—

''(I) regulations prescribed under this section; or

''(II) procedures established under section 3595; or

''(ii) are separated from service due to such a reduction in force; and

''(B)(i) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes; or

''(ii) occupy positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management.

''(2)(A) Each agencywide priority placement program under this subsection shall include provisions under which a vacant position shall not (except as provided in this paragraph or any other statute providing the right of reemployment to any individual) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in subparagraph (B)) if—

''(i) there is then available any individual described in subparagraph (B) who is qualified for the position; and

''(ii) the position—

''(I) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

''(II) is within the same commuting area as the individual's last-held position (as referred to in subclause (I)) or residence; and

''(III) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

''(B) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this subparagraph if such individual—

''(i)(I) is an employee of such agency who is scheduled to be separated, as described in paragraph (1)(A)(i); or

''(II) is an individual who became a former employee of such agency as a result of a separation, as described in paragraph (1)(A)(ii), excluding any individual who separated voluntarily under subsection (f); and

''(ii) satisfies clause (i) or (ii) of paragraph (1)(B).

''(3)(A) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this subsection, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this subsection. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

''(B) At its option, an agency may administratively extend reemployment rights under this subsection to include other local commuting areas.

''(4)(A) In selecting employees for positions under this subsection, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

''(B) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

''(C) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

''(5) An individual is eligible for reemployment priority under this subsection for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under this section or section 3595, as the case may be.

''(6) An individual loses eligibility for reemployment priority under this subsection when the individual—

''(A) requests removal in writing;

''(B) accepts or declines a bona fide offer under this subsection or fails to accept such an offer within the period of time allowed for such acceptance, or

''(C) separates from the agency before being separated under this section or section 3595, as the case may be.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under this section retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

''(7) Whenever more than one individual is qualified for a position under this subsection, the agency shall select the most highly qualified individual, subject to paragraph (4).

''(8) The Office of Personnel Management shall issue regulations to implement this subsection.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply with respect to—

(A) reductions in force taking effect after the end of the 90-day period beginning on the date of the enactment of this Act; or

(B) in the case of the Department of Defense, reductions in force taking effect after the end of the 1-year period beginning on the date of the enactment of this Act.

(2) ONGOING REDUCTIONS IN FORCE.—If an agency has given written notice of a reduction in force to any of its employees within a competitive area, in accordance with section 3502(d)(1)(A) of title 5, United States Code, before the effective date under subparagraph (A) or (B) of paragraph (1), as applicable, then, for purposes of determining the rights of any employee within such area in connection with such

reduction in force, the amendments made by this section shall be treated as if they had never been enacted. Nothing in the preceding sentence shall affect any rights under a priority placement program under section 3502(j) of title 5, United States Code, as amended by this section.

SEC. 4. IMPROVED REDRESS FOR VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3330a. Administrative redress

''(a)(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f), may file a complaint with the Secretary of Labor.

''(2) A complaint under this subsection must be filed within 60 days after the date of the alleged violation, and the Secretary shall process such complaint in accordance with sections 4322 (a) through (e)(1) and 4326 of title 38.

''(b)(1) If the Secretary of Labor is unable to resolve the complaint within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought—

''(A) before the 61st day after the date on which the complaint is filed under subsection (a); or

''(B) later than 15 days after the date on which the complainant receives notification from the Secretary of Labor under section 4322(e)(1) of title 38.

''(2) An appeal under this subsection may not be brought unless—

''(A) the complainant first provides written notification to the Secretary of Labor of such complainant's intention to bring such appeal; and

''(B) appropriate evidence of compliance with subparagraph (A) is included (in such form and manner as the Merit Systems Protection Board may prescribe) with the notice of appeal under this subsection.

''(3) Upon receiving notification under paragraph (2)(A), the Secretary of Labor shall not continue to investigate or further attempt to resolve the complaint to which such notification relates.

''(c) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

"§ 3330b. Judicial redress

''(a) In lieu of continuing the administrative redress procedure provided under section 3330a(b), a preference eligible or other individual described in section 3304(f)(1) may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

''(b) An election under this section may not be made—

''(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(b); or

''(2) after the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

''(c) An election under this section shall be made, in writing, in such form and manner as the Merit Systems Protection Board shall by regulation prescribe. The election shall be effective as of the date on which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

"§ 3330c. Remedy

''(a) If the Merit Systems Protection Board (in a proceeding under section 3330a) or a court (in a proceeding under section 3330b) determines that an agency has violated a right described in section 3330a, the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as liquidated damages.

''(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330 the following:

''3330a. Administrative redress.
''3330b. Judicial redress.
''3330c. Remedy.''.

SEC. 5. EXTENSION OF VETERANS' PREFERENCE.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Paragraph (3) of section 2108 of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or the General Accounting Office;'' and inserting ''or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;''.

(b) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 2 of title 3, United States Code, is amended by adding at the end the following:

"§ 115. Veterans' preference

''(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

''(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

''(1) that such position is—

''(A) a confidential or policy-making position; or

''(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

''(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''115. Veterans' preference.''.

(c) LEGISLATIVE BRANCH APPOINTMENTS.—

(1) DEFINITIONS.—For the purposes of this subsection, the terms ''employing office'', ''covered employee'', and ''Board'' shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) RIGHTS AND PROTECTIONS.—The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code, shall apply to covered employees.

(3) REMEDIES.—

(A) IN GENERAL.—The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5, United States Code, in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) PROCEDURE.—The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act.

(4) REGULATIONS TO IMPLEMENT SUBSECTION.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

(C) COORDINATION.—The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) APPLICABILITY.—Notwithstanding any other provision of this subsection, the term ''covered employee'' shall not, for purposes of this subsection, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(6) EFFECTIVE DATE.—Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(d) JUDICIAL BRANCH APPOINTMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Judicial Conference of the United States shall prescribe regulations to provide for—

(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

(B) redress procedures for alleged violations of any rights provided for under subparagraph (A).

(2) REGULATIONS TO BE BASED ON EXISTING PROVISIONS.—Under the regulations—

(A) a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences similar to those under sections 3309 through 3312, and subchapter I of chapter 35, of such title 5; and

(B) the redress procedures provided for shall be similar to those under the amendments made by section 4.

(3) EXCLUSIONS.—Nothing in the regulations shall apply with respect to—

(A) an appointment made by the President, with the advice and consent of the Senate;

(B) an appointment as a judicial officer;

(C) an appointment as a law clerk or secretary to a justice or judge of the United States; or

(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(4) CONSULTATION.—The regulations under this subsection shall be prescribed by the Judicial Conference of the United States, in consultation with—

(A) the largest congressionally chartered veterans' service organization;

(B) 2 congressionally chartered veterans' service organizations that represent former noncommissioned officers;

(C) a congressionally chartered veterans' service organization that represents veterans who have fought in foreign wars;

(D) a congressionally chartered veterans' service organization that represents veterans with service-connected disabilities;

(E) a congressionally chartered veterans' service organization that represents veterans of the Vietnam era; and

(F) a congressionally chartered veterans' service organization that represents veterans of World War II, the Korean conflict, the Vietnam era, and the Persian Gulf War.

(5) DEFINITIONS.—For purposes of this subsection—

(A) the term ''judicial officer'' means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code; and

(B) the term ''justice or judge of the United States'' has the meaning given such term by section 451 of such title 28.

(6) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

(A) SUBMISSION TO CONGRESS.—Within 5 months after the date of the enactment of this Act, the Judicial Conference of the United States shall submit a copy of the regulations prescribed under this subsection to the Committee on Government Reform and Oversight and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.

(B) EFFECTIVE DATE.—The regulations prescribed under this subsection shall take effect 6 months after the date of the enactment of this Act.

SEC. 6. VETERANS' PREFERENCE REQUIRED FOR REDUCTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following:

''(8) sections 3501–3504, as such sections relate to veterans' preference.''.

SEC. 7. DEFINITIONAL AMENDMENT.

Subparagraph (A) of section 2108(1) of title 5, United States Code, is amended by inserting ''during a military operation in a qualified hazardous duty area (within the meaning of the first 2 sentences of section 1(b) of Public Law 104–117) and in accordance with requirements that may be prescribed in regulations of the Secretary of Defense,'' after ''for which a campaign badge has been authorized,''.

SEC. 8. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 2302 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

''(11)(A) knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

''(B) knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or''.

(b) DEFINITION; LIMITATION.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1) For the purpose of this section, the term 'veterans' preference requirement' means any of the following provisions of law:

''(A) Sections 2108, 3305(b), 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317(b), 3318, 3320, 3351, 3352, 3363, 3501, 3502(b), 3504, and 4303(e) and (with respect to a preference eligible referred to in section 7511(a)(1)(B)) subchapter II of chapter 75 and section 7701.

''(B) Sections 943(c)(2) and 1784(c) of title 10.

''(C) Section 1308(b) of the Alaska National Interest Lands Conservation Act.

''(D) Section 301(c) of the Foreign Service Act of 1980.

''(E) Sections 106(f), 7281(e), and 7802(5) of title 38.

''(F) Section 1005(a) of title 39.

''(G) Any other provision of law that the Director of the Office of Personnel Management designates in regulations as being a veterans' preference requirement for the purposes of this subsection.

''(H) Any regulation prescribed under subsection (b) or (c) of section 1302 and any other regulation that implements a provision of law referred to in any of the preceding subparagraphs.

''(2) Notwithstanding any other provision of this title, no authority to order corrective action shall be available in connection with a prohibited personnel practice described in subsection (b)(11). Nothing in this paragraph shall be considered to affect any authority under section 1215 (relating to disciplinary action).''.

(c) REPEALS.—

(1) PROVISIONS OF TITLE 10, UNITED STATES CODE.—Section 1599c of title 10, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 81 of such title are repealed.

(2) SECTION 2302(a)(1) OF TITLE 5, UNITED STATES CODE.—Subsection (a)(1) of section 2302 of title 5, United States Code, is amended to read as follows:

''(a)(1) For the purpose of this title, 'prohibited personnel practice' means any action described in subsection (b).''.

(d) SAVINGS PROVISION.—This section shall be treated as if it had never been enacted for purposes of any personnel action (within the meaning of section 2302 of title 5, United States Code) preceding the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Pennsylvania [Mr. HOLDEN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Speaker, I am pleased to come to the floor this afternoon to present H.R. 240, the Veterans' Employment Opportunity Act of 1997, as reported.

This legislation contains many vital features of importance to our Nation's veterans. This bill is the product of hard work by a number of Members on both sides of the aisle, Mr. Speaker.

I want to take just a moment to pay particular thanks to several individuals who have helped make this historic legislation possible. First, the gentleman from Arizona [Mr. STUMP], who chairs the Committee on Veterans' Affairs, the gentleman from Indiana [Mr. BUYER], who is chair of one of the subcommittees and last year worked with us on a nonstop basis. Both of those gentlemen deserve great credit.

In addition, of course, the chairman of the Committee on Rules, who has been an untiring advocate on behalf of our veterans interests, the gentleman from New York [Mr. SOLOMON], also the gentleman from Indiana [Mr. BURTON], chair of our committee, and the gentleman from New Jersey [Mr. FRELINGHUYSEN].

I also want to pay a particular debt of gratitude to the new ranking member of our subcommittee, the Civil Service Subcommittee, which I chair and which produced this legislation, to the gentleman from Pennsylvania [Mr. HOLDEN], again, the current ranking member of our subcommittee, and also to the gentleman for Virginia [Mr. MORAN], who was the ranking member of the subcommittee last year, and his untiring efforts helped make this legislation possible, and also to the many Members who served and acted as cosponsors of this legislation.

Mr. Speaker, last year the House passed a very similar bill, H.R. 3586, with overwhelming support. However, the other body failed to act on this legislation before we adjourned. In order to strengthen that proposal that we had last year, that bill, and in order to facilitate its consideration as it moves through the Congress, we have consulted with the major veterans service organizations, Federal employee organizations, and other interested parties before bringing the legislation back to the House. I want to thank each of these organizations also for their assistance.

Mr. Speaker, there are two important differences that I would like to explain between the bill before the House today and the bill we passed last year. First, H.R. 240 makes the knowing violation of veterans preference a prohibited personnel practice.

Second, as a result of our consultations, we made it clear that the bill would not interfere with job bidding and assignment under selective bargaining agreements in the Postal Service.

Mr. Speaker, I will not attempt to detail here all of the benefits in this bill for our veterans, but I would like to emphasize what I believe are the three most important provisions of this legislation:

First, H.R. 240 establishes for the first time an effective user-friendly redress mechanism for our veterans whose rights have been violated. The second major provisions of H.R. 240 protects veterans against reductions in force using techniques that we have seen such as single person competition that in fact undermine veterans preference.

The third major provisions in the equal access section of the bill. Mr. Speaker, this provision has been included to ensure fair treatment for the men and women we employ in the Armed Forces. Just because these Federal employees have worn uniforms should not bar them from competing for Federal jobs. Yet that is the practice in the Federal civilian work force that we see today.

This bill tears down those artificial barriers for those who have served honorably in the Armed Forces for 3 years. We have made clear, however, that the equal access provisions do not interfere with certain transfers, promotions and assignments of employees under collective bargaining agreements between the Postal Service and its unions. The language in the bill has been carefully crafted.

Mr. Speaker, this bill does not interfere with the reassignment or transfer of rights of postal employees, and it does not diminish the rights of injured postal employees to what is called limited or light duty positions.

Finally, the bill has also been revised to permit the Judicial Conference to develop its own program for implementing veterans preference in our judicial branch. We recognize that personnel practices in the judicial branch may differ and do differ markedly in many instances from civil service processes in the executive branch.

Finally, Mr. Speaker, we have honored the request of the Office of Personnel Management that in fact when there are changes in reduction in force procedures, that we do not disrupt ongoing RIF's and that at least 90 days will be allowed in which to implement those changes.

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

Mr. HOLDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN], who was the subcommittee ranking member in the last Congress and worked very hard on this legislation.

Mr. MORAN. Mr. Speaker, I thank my friend and colleague from Pennsylvania for yielding me the time.

Let me just congratulate the gentleman from Florida [Mr. MICA], the chairman, and staff director, Mr. Nesterczuk, for bringing this bill forward and my good friend and colleague, the gentleman from Pennsylvania [Mr. HOLDEN], the ranking Democrat on the subcommittee, and his ace staff Cedric did such a great job last year. I know what a great job he did this year as well. I know it is a good bill and will be overwhelmingly approved. They did a good job.

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

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

Mr. Speaker, I rise today to express my strong support for H.R. 240, the Veterans' Employment Opportunity Act. I would first like to congratulate the Civil Service Subcommittee chairman, the gentleman from Florida [Mr. MICA], for his leadership and bipartisan efforts on behalf of America's veterans to strengthen the veterans preference policies and programs.

The spirit of cooperation on both sides of the aisle has been critical in bringing forward this important legislation. Last year Chairman MICA and the gentleman from Virginia [Mr. MORAN], the ranking member, did a great job working on this issue, a great deal of work on this issue. H.R. 240 continues our efforts to strengthen veterans preference. It builds on the progress made by last year's bill by improving the ability of veterans to compete during the Federal hiring process, providing adequate protection for preference eligibles and reductions in force, extending veterans preference to all branches of the Federal Government and providing veterans preference for service in Bosnia, Croatia, and the former Yugoslav Republic of Macedonia.

The bill also makes knowing violations of veterans preference laws a prohibited personnel practice. Finally, it makes improvements in the system for investigating and redressing violations whenever they occur.

Testimony in previous Civil Service Subcommittee hearings has revealed that veterans preference in the Federal work force is often ignored or circumvented and that its continued viability in the workplace is threatened on several fronts.

This legislation addresses these problems by making it more difficult for agencies to place preference eligibles in single-position competitive levels. Under this bill, preference eligibles cannot be placed in such a competitive level if by reason of their education, training or experience, a reasonable person could conclude that they would be able to successfully perform another job at the same grade and in the same competitive level within 150 days. In such cases, the preference eligible is to be placed in another competitive level for which he or she qualifies.

We have always agreed that our veterans deserve special consideration in employment decisions because of their special contributions to our country, and this bill continues that tradition.

Our veterans answered their call to duty and were always there for our country in times of need. This legislation honors our obligation to our veterans, who make up 28 percent of the Federal Government employees, and protects their rights in the Federal work force.

H.R. 240 is a good bipartisan framework for strengthening veterans preference. I know that some concerns remain about specific provisions of the bill, and I look forward to working with the chairman and all interested parties to address these concerns.

With the leadership of the Civil Service Subcommittee in the House and the cooperation of the Senate, we have an opportunity with H.R. 240 to pass an effective bill which will give our veterans help in obtaining and retaining civilian employment within the Federal Government based upon their military service.

□ 1330

I urge all my colleagues to support this important legislation.

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

Mr. MICA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS] the vice chairman of the Subcommittee on Civil Service.

Mr. PAPPAS. Mr. Speaker, I rise today to support our veterans by calling for the passage of the Veterans Employment Opportunities Act, introduced by the distinguished gentleman from Florida [Mr. MICA].

For too long many of our Nation's veterans have been neglected by our own Government when it comes to obtaining Federal employment. Our Nation's veterans, who served so selflessly and risked their lives, face unnecessary restrictions that preclude them from employment. All they simply desire is the opportunity to continue serving their Nation.

As a result of this legislation, veterans can apply for Federal jobs on a more competitive basis at a time when their employment within the Federal work force is declining and approaching a historically low level.

This is a bipartisan bill that reflects the interests of the people who served our country so courageously. I commend Mr. MICA for his work and urge my colleagues to support it.

Mr. HOLDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS] who is the ranking member of the Committee on Veterans' Affairs.

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

I rise in strong support of the Veterans Employment Opportunities Act. For the first time, wartime veterans and service-connected-disabled veterans will have access to an effective appellate process if they believe their rights under veterans' preference laws have been violated. Additionally, the bill will provide meaningful protection during a reduction in force for all preference eligibles.

I want to thank the gentleman from Florida [Mr. MICA], the gentleman from Virginia, [Mr. MORAN], and the gentleman from New York [Mr. HOUGHTON] for their bipartisan efforts on behalf of our Nation's veterans.

I also want to mention the good advice and hard work the representatives of the veterans' service organizations have contributed to the development of this legislation. Their assistance and cooperation was invaluable.

H.R. 240 is an excellent bill, and I urge my colleagues to support this measure.

Mr. MICA. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN] who is the very distinguished Member who has been a very strong advocate on behalf of our veterans.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and let me salute the gentleman from Florida, Chairman MICA, and the ranking member for their hard work and effort on this piece of legislation.

As a veteran, I am proud to support the Veterans Employment Opportunities Act, which addresses some very serious concerns I have regarding personnel decisions being made at Federal facilities in my congressional district and around the Nation. Those men and women who have sacrificed years of their lives securing the blessings of liberty for all Americans deserve to be credited for that service in the Federal workplace.

My chief concern is that veterans' preference is being circumvented by many Federal agencies while they are downsizing through what is known as the designer reduction in force, or designer RIF. Many RIF's are carried out by Federal agencies artificially tailoring job categories to make them uncompetitive, thereby negating the employment of veterans' preference in the first place.

The bill Mr. MICA has brought to the floor today would make it more difficult for agencies to use these types of RIF's and provide veterans who are RIF'd with enhanced rights to other jobs. More importantly, this legislation would finally give veterans who believe their rights have been violated a user-friendly redress system, while also making violation of veterans' preference a prohibited personnel practice to be enforced with disciplinary action.

Finally, Mr. Speaker, I would be remiss if I did not thank the chairman, Mr. MICA, and his staff for inviting me to help in crafting this bill to strengthen and expand veterans' preference. The chairman and his staff have done a wonderful job, and I am very proud to join with them.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX] for the purpose of a colloquy.

The gentleman from Pennsylvania [Mr. FOX] has worked with the subcommittee both last year and this year. He has some very specific concerns about the application of this legislation, and we were not able to meet all of the requirements he would like in this legislation, but he is going to state in his colloquy his goal.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank the distinguished chairman of the Subcommittee on Civil Service, Mr. MICA, for bringing this important issue before the House today. I would like to commend him for his leadership on this important matter of veterans' employment opportunities. I also want to indicate my support for H.R. 240 that is before us today.

I believe there is another related issue that needs to be addressed as well, Mr. Speaker. Reservists from all branches that were called to active duty during Desert Storm and Desert Shield but did not serve in the actual theater of combat were not awarded veterans' preference points. I would like to point out that these fine men and women were an integral part of supporting these important operations by making them so successful.

There is precedent from the Vietnam era for giving preference points to reservists who were not in the theater of operation but still called to active duty. In this case, many of them went overseas as well but not to the theater.

I have introduced H.R. 1006, which would correct this injustice. It is a related bill and seems to go hand in hand with this bill brought by Congressman MICA. I would very much like to work together with Mr. MICA, as the chairman, and other representatives of the House and Senate to see both these important measures pass the Chambers and are signed into law in this Congress and in this session.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume to tell the gentleman from Pennsylvania that it is my intention to work with the gentleman on the matters he has raised, and the gentleman has my commitment to do so.

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

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume for the purpose of entering into a colloquy with the subcommittee chairman, Mr. MICA.

Mr. Speaker, as I indicated during my earlier statement, I am aware there are still some groups with concerns about certain provisions of this bill. Though we expect to pass this bill in the House today, I would like the gentleman's commitment to continue working with me, our colleagues in the Senate, and all interested parties to address these concerns and further improve the bill.

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

Mr. MICA. Mr. Speaker, might I inquire as to how much time we have left on each side?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida [Mr. MICA] has 10 minutes remaining; the gentleman from Pennsylvania [Mr. HOLDEN] has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SESSIONS] another distinguished member of our subcommittee.

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

It is a privilege to come before the American people in support of this bill, and it is never inappropriate, I believe, to stand up for the rights of veterans, men and women of this country who have fought for us not only in peacetime but also in war. It is easy to take for granted the freedom that we experience every day, but we must not and cannot ever forget the contributions that the men and women of this country of our Armed Forces have made for America.

The Veterans Employment Opportunities Act of 1997 gives to those who have served our country needed appeals and avenues in cases where they may have been denied the opportunity to work in a position for which they were qualified. When veterans are not given the chance to prove their ability, I believe justice must prevail.

H.R. 240 strengthens the veterans' preference in place today and increases economic and employment opportunity for veterans. This bill would create for the first time an effective, user-friendly redress system for veterans who believe that their rights may have been violated. It would make any violation of veterans' preferences a prohibited personnel practice and provide severe disciplinary actions for those who violate those preferences.

Perhaps the most important element of this legislation is the fact that it will remove artificial barriers that often bar service men and women from competing for Federal jobs. These individuals should be able to compete for jobs for which they are qualified just like other Federal employees.

Government downsizing has not been good for veterans of this country. In 1984, veterans accounted for 38 percent of the Federal work force. Today, sadly, that number hovers at just 28 percent.

James King, Director of the Office of Personnel Management, testified before the chairman's subcommittee that as recently as 1992 the percentage of veterans among Federal civilian full-time permanent new hires averaged just 18.5 percent. This is a crisis. The talent and drive that our veterans possess could be just the thing that could turn our bloated bureaucracy around.

One element of this legislation that was particularly important to me was the fact that it ensures that only the most qualified candidates could receive employment under a veteran's preference. Some say that this legislation will place unqualified people in positions of importance, but as my good friend, the gentleman from Florida [Mr. MICA] assures me, this artful bill makes certain that those veterans with the most experience and the greater qualifications get a fair treatment when they are applying for a Federal job.

Mr. Speaker, I urge enactment of this bill and, thus, I stand for the good people, men and women, who have represented America in peacetime and in war.

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

In following up to my prior inquiry, Mr. Speaker, I want to have a commitment from the gentleman from Florida [Mr. MICA] that I received privately, off the record, that we would continue to work with interested parties who have some concerns about the bill and do our best to address those concerns as we move forward with the process.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume to assure the gentleman from Pennsylvania and the distinguished ranking member that he has my commitment to work with him and the subcommittee in working out any further details or

problems with this legislation as it moves through both the House and the other body.

Mr. HOLDEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, when the Veterans Preference Act was passed in 1944, veterans had a reasonable expectation that service to our Nation would be recognized and rewarded. Veterans, many of whom risked their lives and livelihood, could expect, with all other factors being equal, to be given a preference when seeking Federal employment.

As our country has moved from the threat of international conflict, rewarding those who in fact have served our military has become more an illusion than a reality, unfortunately. While hiring preferences for others, for various reasons, has actively been encouraged, veterans' preference in securing Federal employment has, unfortunately, withered on the vine.

□ 1345

Lacking any enforcement or redress capability, veterans have watched the value of their so-called preference decline as others usurp their rightful place at the front of the Federal employment line. How ironic it is that those whose Federal service often put them at the most peril in an armed conflict now become more often the last hired and the first fired in a time of downsizing.

In closing, Mr. Speaker, I believe that the Veterans Employment Opportunities Act of 1997 provides much-needed protection to our veterans. It provides an effective redress system, and it expands job opportunities for those who in fact have served our Nation honorably in its armed forces.

Mr. Speaker, this bill is strongly supported by 19 major veterans service organizations representing 12 million veterans. I urge my colleagues to support and pass this bill.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H.R. 240, the Veterans Employment Opportunities Act of 1997. As chairman of the Government Reform and Oversight Committee, I am pleased that one of the committee's first bills on the floor in the 105th Congress is one which will help our Nation's veterans. Chairman JOHN MICA is to be commended for his hard work on this issue and for introducing this bipartisan measure and bringing it to the floor. Last year the House passed similar legislation not once, but twice. Unfortunately, the other body failed to act on this legislation. I was an original cosponsor of H.R. 3586, which Congressman MICA introduced last year, and as chairman of the full committee I have worked very hard for passage of H.R. 240 this year.

Mr. Speaker, Congress intended for veterans' preference rules to help veterans compete for jobs in the Federal Government and to protect veterans' rights during reductions-in-force, or RIF's. Unfortunately, the Civil Service Subcommittee has found that the benefits of the original veterans' preference laws have been eroded. Agencies often ignore or find ways to circumvent veterans' preference directives. One way that agencies do this to conduct special RIF's that are narrowly targeted to specific individuals, leaving those individuals with no opportunity to benefit from the veterans' preference or other rules that would enable them to compete to keep their jobs. This is not right.

I served on the Veterans' Affairs Committee before joining the Committee on Government Reform and Oversight. Many of our Nation's veterans have made tremendous sacrifices for the peace and freedom that all Americans enjoy today. I think it is only fair that Congress take steps to help them compete for Federal jobs for which they are qualified and to protect their rights during RIF's. All veterans have earned those rights.

Clearly, veterans' preference laws need to be strengthened in order for them to remain effective. H.R. 240 would do this by establishing an effective, straightforward redress system for veterans. Federal officials who knowingly violate veterans' rights could be brought before the Merit Systems Protection Board and fined $1,000, suspended, or fired. Federal agencies would be prevented from conducting designer RIFs which unfairly remove veterans' rights. Agencies will be required to establish priority placement programs for veterans who are affected by RIF's, and agencies must give veterans a preference when they rehire employees.

Anyone who is eligible for veterans' preference or has served in the Armed Forces honorably for 3 years would be eligible to compete for Federal jobs which agencies currently restrict to their own work forces or to current Federal employees. The bill specifies that members of our Armed Forces who are serving in Bosnia, Croatia, and Macedonia also will qualify for veterans' preference.

The honorable treatment of our veterans through such legislation is the least we can do to show our appreciation for the tremendous sacrifices so many veterans have made to protect the liberties of this great democracy for all American citizens.

I urge my colleagues to support H.R. 240.

Mr. QUINN. Mr. Speaker, I rise in strong support for H.R. 240 because it is the biggest improvement to veterans' preference in many years.

To me, the most important aspect is that veterans, for the first time, will be able to seek justice through the courts when they feel their preference rights have been violated—that is a landmark in veterans' preference law.

H.R. 240 prevents agencies from building artificial barriers to hiring veterans. Veterans will now be able to compete for jobs currently restricted to people with civil service status or employed by the agency. Eligible veterans will be able to have priority placement if they lose their jobs in a reduction-in-force. To discourage agencies from designing elaborate processes to avoid hiring veterans, the bill makes violation of veterans' preference a prohibited personnel practice and authorizes damages if the violation was deemed willful. Also, for the first time, veterans' preference will apply to nonpolitical jobs in the legislative branch, the White House, and certain jobs in the judicial branch. The bill will also apply veterans' preference in any reduction-in-force at the Federal Aviation Administration and make those serving in Bosnia, Croatia, and Macedonia eligible for veterans' preference.

H.R. 240 will actually improve the employment opportunities for women and minority veterans. Women now comprise about 12 percent of the Active Duty Force and minority members now make up nearly 20 percent. These groups will now have a small advantage over similar nonveterans and that is the way it should be.

Mr. Speaker, I congratulate Chairman JOHN MICA and Ranking Member TIM HOLDEN for their persistence and the way they have developed this legislation. Because they have listened to, and worked with the major unions on this bill, the unions have expressed their support. OPM, in testimony before the Civil Service Subcommittee has expressed its support. The Veterans Service Organizations enthusiastically support the bill. I thank all the groups who have helped build this landmark legislation for their efforts.

Mr. Speaker, this bill is a winner for veterans, women, and minorities and I urge my colleagues to vote in favor of H.R. 240.

Mr. STUMP. Mr. Speaker, today I rise to voice my strong support for H.R. 240, the Veterans Employment Act of 1997. This is the most important improvement to veterans' preference laws in decades and I congratulate Civil Service Subcommittee Chairman JOHN MICA and his ranking member TIM HOLDEN for the excellent work they have done on this bill. H.R. 240 is a testament to Chairman MICA's persistence on this issue and I commend him.

Mr. Speaker, I believe it is important that Members understand the significance of this bill and how it affects veterans' preference. As you know veterans' preference was first passed in 1944. Through veterans' preference, wartime and disabled veterans got a small advantage competing for Federal jobs, and in promotion and retention. As a result, veterans comprise 27.6 percent of the Federal work force. But a law does not mean automatic compliance, and there are those who resent the small advantage given to wartime and disabled veterans.

Over the years, some Federal agencies have become very inventive when trying to avoid veterans' preference laws and regulations. Recently, with the pressure to downsize, agencies and hiring managers have found new ways to circumvent veterans' preference. A major reason agencies and hiring managers have felt free to pursue such tactics is that there was no real consequence for their illegal actions.

Today, the House has an opportunity to demonstrate to America's 26 million veterans that veterans' preference for Federal jobs is an important way to share the sacrifices of war. General Omar Bradley once said, ''Veterans benefits are one means by which society attempts to ameliorate the tragedy of war and distribute its burdens.'' I concur in that assessment.

H.R. 240 has several important provisions. First, under current law, Federal agencies are able to shut veterans out by restricting hiring to those with civil service status or those already employed by the agency. With downsizing, it is routine to shut out many otherwise qualified veterans through these restrictions. H.R. 240 would change that by opening those vacancies to preference-eligible veterans and those with 3 years of honorable service.

The bill will also make it more difficult for agencies to design reductions in force, or

RIF's to circumvent veterans' preference. Section two of the bill will make it more difficult to design RIF's in this way and will improve a veterans' right to transfer to another position through priority placement within the downsizing agency or at another Federal organization.

The most important provision, in my opinion, is the creation of a redress mechanism for those who feel their rights under veterans' preference have been violated. The bill provides that a veteran may file a complaint with the Secretary of Labor within 60 days of the alleged violation. The Department of Labor's Veterans Employment and Training Service [VETS] will have the responsibility to investigate the complaint within 60 days. If VETS is unable to resolve the complaint or has not completed action within 60 days, the veteran may file a complaint with the Merit Systems Protection Board [MSPB]. The Board has 120 days to complete its work. At any time after that, the veteran may file a complaint in Federal district court.

Equally important, the veteran may seek ''make whole'' relief for back pay and liquidated damages equal to back pay if the violation is found to be willful. The bill also makes violation of veterans' preference a ''prohibited personnel practice'' and makes any individual guilty of such violations subject to disciplinary action.

For many years, large parts of the Federal Government have been exempt from veterans' preference. The bill will extend this preference to nonpolitical and non-senior executive service jobs at the White House, Congress, and much of the judicial branch. It is long past the time when Congress, the White House, and the judiciary do their part in hiring veterans.

Next, the bill will require the Federal Aviation Administration [FAA] to implement veterans' preference in any RIF. Currently, the FAA is only required to follow veterans' preference in hiring.

Finally, the bill extends veterans' preference to the troops serving in Bosnia, Croatia, and Macedonia. These fine young American men and women are on the front line in a very dangerous area and they deserve the advantages of veterans' preference.

Mr. Speaker, this bill is the most significant improvement in veterans' preference in my memory and it deserves the strong support of this House. I urge my colleagues to support H.R. 240.

Mr. BUYER. Mr. Speaker, I want to thank my colleague from Florida for working as hard as he has on this legislation. I also appreciate the cooperation we've had from our colleagues on the other side of the aisle on H.R. 240.

Veterans' preference and its implementation in the Federal work force are issues that cause me great concern. We need effective and comprehensive enforcement of preference laws and regulations.

Federal agencies have long abused veterans preference in hiring, promotion, and retention. I view the entrenched bureaucracy as the main source of the problem. There are many hiring managers that would like to see veterans go away.

They resent a veteran's presence in an organization for any number of reasons. Maybe it's because these managers didn't serve and are embarrassed by the presence of those who did. Maybe it's because they have other diversity goals which they believe take precedence over veterans.

Our career civil servants must be made to follow the law, and their political bosses should be educated to watch closely for these unacceptable personnel practices.

The American people understand the nature of the sacrifices made for them by their veterans, and understand why veterans deserve preference—especially those disabled in the performance of their duties.

The Nation has a history of helping veterans returning to the work force and working successfully to place them in jobs, dating back to at least the post-Revolutionary War era when land grants were given in return for military service.

Veterans' preference must remain the cornerstone in hiring, promotion, and retention. Veterans' status is blind as to race, gender, age, religion, and other differences that make this Nation a melting pot. We are not arguing against diversity, but we do believe that veterans' preference must remain first among the priorities of Federal managers.

There is no excuse for hiring managers to develop ways around the hiring or retention of veterans in their employ.

Currently, there is no effective means by which a veteran may air a preference grievance, especially if the veteran is not hired. How then, are we to hold managers accountable for the provisions of law giving preference to qualified veterans?

The redress issue is at the core of the Veterans Employment Opportunity Act of 1997 and will help our veterans without harming other Federal workers.

As long as we continue to have conscientious lawmakers willing to address veterans' preference, we remain confident that we can take the corrective actions necessary to ensure its future health as a viable program for veterans who have faithfully served. I urge my colleagues to support the measure.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 240, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 240.

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

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. MICA. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 108) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 108

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform and Oversight: Mr. Portman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BIENNIAL REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

A passion for discovery and a sense of adventure have always driven this Nation forward. These deeply rooted American qualities spur our determination to explore new scientific frontiers and spark our can-do spirit of technological innovation. Continued American leadership depends on our enduring commitment to science, to technology, to learning, to research.

Science and technology are transforming our world, providing an age of possibility and a time of change as profound as we have seen in a century. We are well-prepared to shape this change and seize the opportunities so as to enable every American to make the most of their God-given promise. One of the most important ways to realize this vision is through thoughtful investments in science and technology. Such investments drive economic growth, generate new knowledge, create new jobs, build new industries, ensure our national security, protect the environment, and improve the health and quality of life of our people.

This biennial report to the Congress brings together numerous elements of our integrated investment agenda to promote scientific research, catalyze technological innovation, sustain a sound business environment for research and development, strengthen national security, build global stability, and advance educational quality and equality from grade school to graduate school. Many achievements are presented in the report, together with scientific and technological opportunities deserving greater emphasis in the coming years.

Most of the Federal research and education investment portfolio enjoyed bipartisan support during my first Administration. With the start of a new Administration, I hope to extend this partnership with the Congress across the entire science and technology portfolio. Such a partnership to stimulate