

for introducing this important legislation. I would also like to thank the Civil Service Subcommittee and Chairman JOE SCARBOROUGH for acting on this legislation in such a timely manner. It is a fair bill and is sorely needed. With the recent passage of legislation to grant virtually all Federal civilian and military employees a 4.8 percent pay raise, this bill would finally permit a small number of administrative law judges, also career employees, the right to have their pay adjustment determined by the President on an annual basis.

At the present time, ALJs are on the Executive Pay Schedule which includes Members of Congress, Cabinet Secretaries, and Federal District Court Judges. As a result of this classification, ALJs have received only two cost-of-living-adjustments in the past 8 years. Unfortunately, ALJs have been caught in the middle of the controversial political debate surrounding pay raises for Members of Congress and have not received a pay increase. This is despite the fact that their salaries are commensurate with that of the Senior Executive Service (SES), or General Schedule employees. Clearly, it is appropriate to decouple ALJ pay raises from congressional pay raises and not freeze their salaries.

These career employees are among the very few career Federal employees who pay is still tied to congressional salaries. H.R. 915 will place them on the same level as the Senior Executive Service. This change is supported by the Office of Personnel Management (OPM) and was included in the President's FY 2000 budget request. The President will make the final decision each year as to what, if any pay adjustment these employees will have. This change is critically important to encouraging qualified individuals to serve as ALJs and to begin to adequately compensate those who are currently working as ALJs.

Mr. Speaker, many ALJs live in my congressional district in Northern Virginia. I am glad to see that we are taking action on this legislation before the end of the year. ALJs have had to wait too many years for the appropriate level of compensation. This bill is good public policy and will encourage the best and the brightest to serve their government. I urge all of my colleagues to support H.R. 915 today. Again, I would like to thank my colleague from Pennsylvania, Mr. GEKAS for introducing this legislation and working tirelessly to shepherd it through the legislative process.

Mr. GEKAS. Mr. Speaker, I rise in strong support for H.R. 915, a bill that will change the manner in which the approximately 1,300 administrative law judges (ALJs) in Federal agencies receive annual cost of living adjustments. I want to thank Chairman BURTON for his leadership in steering the bill through the Government Reform Committee, along with both the current and former Civil Service Subcommittee Chairmen SCARBOROUGH and MICA for their help in bringing this bill forward, and for their continued efforts to correct the injustice done to ALJ compensation. I would also like to thank OPM for their time and technical expertise in helping to put this bill together.

H.R. 915 is a bipartisan and noncontroversial bill that passed through both the Judiciary Subcommittee on Commercial and Administrative Law and the Civil Service Subcommittee and the full government Reform Committees

by unanimous consent on voice votes without objection. The bipartisan cosponsorship of H.R. 915, as well as the support of the administration, expressed in a May, 1999 hearing in my Judiciary Subcommittee on Commercial and Administrative Law, are a testament to the strong support for this legislation.

Administrative law judges serve a vital role as an administrative judiciary to insure agency compliance with the Administrative Procedure Act. In fact, the average citizen is far more likely to appeal to these judges for redress of claims against the government than to the Federal courts.

The ALJ position demands commitment and a high degree of professional legal competence as a senior trial attorney. Therefore, it is important that Federal agencies maintain the ability to attract high quality lawyers to serve as ALJs.

In 1990 in recognition of the ALJ's unique role as independent decision makers, Congress and the Office of Personnel Management (OPM) created a judicial pay classification for the ALJs, at 60 percent to 90 percent of level four of the Executive Schedule. The new classification is above the General Schedule 16 classification, and was to compensate ALJs at a level similar to Senior Executive Service (SES) employees.

Unfortunately, according to OPM, ALJ pay has fallen to the level of GS 15 pay and has not maintained the level of SES pay. As a result, OPM, the American Bar Association, and the Federal Bar Association have all expressed concerns that the high quality of ALJ candidates will be diminished if ALJ compensation is not competitive with other senior level Federal employees.

I have sought to correct this erosion in the ALJ pay since the last Congress, when I introduced H.R. 1240 last session to provide ALJs a cost of living adjustment (COLA) when the General Schedule received a COLA. H.R. 1240 passed the full House Judiciary Committee last year by voice vote without any objection, and was included in the draft Civil Service Subcommittee reform package.

OPM proposed some changes to that approach, and I have embodied those changes in the text for H.R. 915 this year, which would treat ALJs the same as SES for COLA purposes. It does not grant an automatic COLA, but instead gives the President the discretion and authority to grant a COLA and the rate.

Additionally, I would like to point out that H.R. 915 would for the first time allow ALJs to have access to the COLA funds already contained in the budgets of the agencies where they sit, requiring no new appropriation of funds. Currently, these already appropriated ALJ COLA funds go to pay additional bonuses for SES personnel.

Enactment of H.R. 915 is a modest step to maintain a competent and independent Federal ALJ corps, and I urge its passage by the House.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 915, legislation to authorize a cost of living adjustment in the pay of administrative law judges. Furthermore, I want to thank the sponsor of this H.R. 915, my friend and colleague the gentleman from Pennsylvania, GEORGE GEKAS and Civil Service Subcommittee chair, JOE SCARBOROUGH for all of

their hard work on this important legislation. H.R. 915 will adjust the basic pay for the more than 1,300 administrative law judges employed by the Federal Government and will authorize to the President the same authority to provide annual pay adjustments to ALJs who now serve in the Senior Executive Service.

The pay for ALJs has not kept pace over the years with those in other Federal employee positions, making it extremely difficult to attract and retain qualified and experienced attorneys to serve as ALJs.

Throughout my tenure in Congress I have had the opportunity to work with many of our ALJs and have always found their abilities and commitment to public service second to none. The bill before us today will not only reward our ALJs for their tireless dedicated years of public service, but will insure that the Federal Government will continue to maintain an exceptional ALJ roster.

Accordingly, I urge all of my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 915, 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 6 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approving the Journal and on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal, de novo;
H.R. 754, by the yeas and nays;
H.R. 2303, by the yeas and nays; and
House Concurrent Resolution 194, by the yeas and nays.