

who are in receipt of annual premium pay for standby duty or administratively uncontrollable overtime work under section 5545(c) or availability pay for criminal investigators under section 5545a.”; and

(E) by adding at the end:

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

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

SECTION-BY-SECTION ANALYSIS

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

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

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

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

Subsection (a)(2) amends 5 U.S.C. 5547 to provide that an employee may be paid premium pay only to the extent that the payment does not cause the employee's aggregate rate of pay for any pay period to exceed the greater of (1) the maximum rate of basic pay payable for GS-15 (including locality pay and special rates) or (2) the rate payable for level V of the Executive Schedule. Under current law, two separate premium pay limitations cover most General Schedule (GS) employees. A GS law enforcement officer under 5 U.S.C. 5547(c) may be paid premium pay up to the lesser of 150 percent of the minimum rate of basic pay payable for GS-15 or the rate payable for level V of the Executive Schedule. In contrast, the premium pay limitation applicable to other GS employees (currently found at 5 U.S.C. 5547(a)) is the maximum rate payable for GS-15 (including locality pay and special rates). This amendment would create a uniform biweekly premium pay limitation. The calendar year premium pay limitation at 5 U.S.C. 5547(b)

EXTENSIONS OF REMARKS

(for work in connection with an emergency which involves a direct threat to life or property) is similarly amended as well as expanded to cover work in the aftermath of an emergency involving a threat to life or property. Provision is also made for Office of Personnel Management regulations to harmonize the application of overtime provisions with other forms of premium pay.

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

HONORING STEPHEN PETERSBURG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

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

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

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

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

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

September 27, 2000

INTRODUCTION OF THE VACCINE INJURY COMPENSATION PROGRAM CORRECTIVE AMENDMENTS OF 2000

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

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

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

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

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

The Vaccine Injury Compensation Program Corrective Amendments of 2000 would make a number of substantive and administrative changes to the VICP, in an attempt to restore this program to the user friendly, non-adversarial, remedial, compensation program that it should be and was intended to be. The bill amends the VICP provisions in the Public Health Service Act (PHS Act).

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

The bill also makes changes to the provisions relating to the burden of proof. Currently, the burden of proof is so high on the claimants