

A quorum not being present,
The roll was called under clause 4,
rule XV, and the call was taken by
electronic device.

When there appeared { Yeas 348
 Nays 3

¶122.59 [Roll No. 505]
YEAS—348

Abercrombie	Evans	LaRocco
Allard	Everett	Lazio
Andrews (ME)	Ewing	Leach
Andrews (NJ)	Farr	Levin
Andrews (TX)	Fawell	Lewis (CA)
Bachus (AL)	Fazio	Lewis (GA)
Baessler	Fields (LA)	Lewis (KY)
Baker (CA)	Fields (TX)	Lightfoot
Ballenger	Filner	Linder
Barca	Fingerhut	Livingston
Barcia	Foley	Long
Barlow	Ford (MI)	Lowey
Barrett (NE)	Fowler	Lucas
Barrett (WI)	Frank (MA)	Machtley
Bartlett	Franks (CT)	Maloney
Becerra	Franks (NJ)	Mann
Beilenson	Frost	Manton
Bentley	Furse	Manzullo
Bereuter	Gallegly	Margolies-
Berman	Gejdenson	Mezvinsky
Bevill	Gekas	Markey
Bilbray	Gephardt	Martinez
Bishop	Geren	Matsui
Bilely	Gilchrest	Mazzoli
Blute	Gillmor	McCandless
Boehner	Gilman	McCloskey
Bonilla	Gingrich	McDermott
Bonior	Glickman	McHale
Borski	Gonzalez	McHugh
Boucher	Goodlatte	McInnis
Brewster	Gordon	McKeon
Brooks	Grams	McKinney
Browder	Greenwood	McNulty
Brown (FL)	Gunderson	Meek
Brown (OH)	Hall (OH)	Menendez
Bryant	Hamburg	Meyers
Burton	Hamilton	Mfume
Buyer	Hancock	Mica
Byrne	Hansen	Michel
Calvert	Harman	Miller (CA)
Camp	Hastert	Miller (FL)
Canady	Hastings	Mineta
Cantwell	Hayes	Minge
Cardin	Hefley	Mink
Carr	Hefner	Moakley
Castle	Herger	Mollohan
Clayton	Hilliard	Montgomery
Clement	Hinchey	Moorhead
Clinger	Hoagland	Moran
Clyburn	Hobson	Morella
Coble	Hochbrueckner	Myers
Coleman	Hoekstra	Nadler
Collins (GA)	Hoke	Neal (NC)
Collins (IL)	Holden	Nussle
Combest	Horn	Oberstar
Condit	Hoyer	Obey
Conyers	Huffington	Olver
Cooper	Hughes	Ortiz
Coppersmith	Hunter	Orton
Costello	Hyde	Owens
Cox	Inglis	Oxley
Coyne	Inslee	Pallone
Cramer	Jacobs	Pastor
Crapo	Jefferson	Paxon
Danner	Johnson (CT)	Pelosi
Darden	Johnson (GA)	Peterson (FL)
de la Garza	Johnson (SD)	Peterson (MN)
Deal	Johnson, E. B.	Petri
DeLauro	Johnson, Sam	Pickle
Dellums	Kanjorski	Pombo
Derrick	Kaptur	Pomeroy
Deutsch	Kasich	Portman
Diaz-Balart	Kennedy	Poshard
Dickey	Kennely	Price (NC)
Dicks	Kildee	Quinn
Dingell	Kim	Rahall
Dixon	King	Ramstad
Dooley	Kingston	Reed
Doolittle	Klecza	Regula
Dornan	Klein	Reynolds
Duncan	Klink	Richardson
Dunn	Klug	Ridge
Durbin	Knollenberg	Roberts
Edwards (TX)	Kolbe	Roemer
Ehlers	Kopetski	Rogers
Emerson	Kreidler	Rohrabacher
Engel	Lambert	Ros-Lehtinen
English	Lancaster	Rostenkowski
Eshoo	Lantos	Roth

Rowland	Smith (MI)	Traficant
Roybal-Allard	Smith (NJ)	Unsoeld
Royce	Smith (TX)	Upton
Rush	Snowe	Valentine
Sabo	Solomon	Velazquez
Sanders	Spence	Vento
Sangmeister	Stark	Visclosky
Santorum	Stearns	Volkmer
Sarpalatus	Stokes	Vucanovich
Sawyer	Strickland	Walker
Saxton	Stump	Waters
Schaefer	Stupak	Watt
Schenk	Swett	Weldon
Schiff	Swift	Wheat
Schroeder	Synar	Williams
Schumer	Talent	Wilson
Scott	Tanner	Wise
Sensenbrenner	Tauzin	Wolf
Serrano	Taylor (MS)	Woolsey
Sharp	Tejeda	Wyden
Shaw	Thomas (CA)	Wynn
Shays	Thomas (WY)	Yates
Shepherd	Thompson	Young (AK)
Shuster	Thornton	Young (FL)
Skaggs	Thurman	Zeliff
Skeen	Torkildsen	Zimmer
Slaughter	Torres	
Smith (IA)	Towns	

NAYS—3

Crane	Dreier	Goss
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NOT VOTING—84

Ackerman	Grandy	Packard
Applegate	Green	Parker
Archer	Gutierrez	Payne (NJ)
Armey	Hall (TX)	Payne (VA)
Bacchus (FL)	Houghton	Penny
Baker (LA)	Hutchinson	Pickett
Barton	Hutto	Porter
Bateman	Inhofe	Pryce (OH)
Bilirakis	Istook	Quillen
Blackwell	Johnston	Rangel
Boehlert	Kyl	Ravenel
Brown (CA)	LaFalce	Rose
Bunning	Laughlin	Roukema
Callahan	Lehman	Sisisky
Chapman	Levy	Skelton
Clay	Lewis (FL)	Slattery
Collins (MI)	Lipinski	Smith (OR)
Cunningham	Lloyd	Spratt
DeFazio	McCollum	Stenholm
DeLay	McCrery	Studds
Edwards (CA)	McCurdy	Sundquist
Fish	McDade	Taylor (NC)
Flake	McMillan	Torricelli
Foglietta	Meehan	Tucker
Ford (TN)	Molinari	Walsh
Gallo	Murphy	Washington
Gibbons	Murtha	Waxman
Goodling	Neal (MA)	Whitten

So the resolution was agreed to.
A motion to reconsider the vote
whereby said resolution was agreed to
was, by unanimous consent, laid on the
table.

Pursuant to House Resolution 579,
the following resolution (H. Res. 578)
was considered agreed to:

Resolved,
**SECTION 1. APPLICATION OF CERTAIN LAWS TO
THE HOUSE OF REPRESENTATIVES.**

The Rules of the House of Representatives
are amended by adding at the end the follow-
ing new rule:

“RULE LII.

“APPLICATION OF CERTAIN LAWS.

“1. There is established an Office of Com-
pliance which shall have a Board of Directors
consisting of 5 individuals appointed jointly
by the Speaker and the minority leader. Ap-
pointments of the first 5 members of the
Board of Directors shall be completed not
later than 120 days after the beginning of the
One Hundred Fourth Congress.

“2. (a) The Office of Compliance shall carry
out the duties and functions set forth in sec-
tions 2 through 16 of House Resolution ____.
One Hundred Third Congress, including the
issuance of regulations, to implement the re-
quirements of the following laws to the
House of Representatives:

“ (1) The Fair Labor Standards Act of 1938
(29 U.S.C. 201 et seq.), effective at the begin-

ning of the second session of the One Hun-
dred Fourth Congress.

“ (2) Title VII of the Civil Rights Act of 1964
(42 U.S.C. 2000e et seq.), effective at the be-
ginning of the second session of the One Hun-
dred Fourth Congress.

“ (3) The Americans With Disabilities Act
of 1990 (42 U.S.C. 12101 et seq.), effective at
the beginning of the second session of the
One Hundred Fourth Congress.

“ (4) The Age Discrimination in Employ-
ment Act of 1967 (29 U.S.C. 621 et seq.) (in-
cluding remedies available to private employ-
ees), effective at the beginning of the
second session of the One Hundred Fourth
Congress.

“ (5) Titles I and V of the Family and Medi-
cal Leave Act of 1993 (29 U.S.C. 2611 et seq.),
effective at the beginning of the second ses-
sion of the One Hundred Fourth Congress.

“ (6) The Occupational Safety and Health
Act of 1970 (other than section 19) (29 U.S.C.
651 et seq.) (subject to paragraph (c)), effec-
tive at the beginning of the One Hundred
Fifth Congress.

“ (7) Chapter 71 (relating to Federal labor
management relations) of title 5, United
States Code, effective at the beginning of the
One Hundred Fifth Congress.

“ (8) The Employee Polygraph Protection
Act of 1988 (29 U.S.C. 2001 et seq.), effective
at the beginning of the second session of the
One Hundred Fourth Congress, except that
this Act shall not apply to the United States
Capitol Police.

“ (9) The Worker Adjustment and Retraining
Notification Act (29 U.S.C. 2101 et seq.),
effective at the beginning of the second ses-
sion of the One Hundred Fourth Congress.

“ (10) The Rehabilitation Act of 1973 (29
U.S.C. 791), effective at the beginning of the
second session of the One Hundred Fourth
Congress.

“ (b) Any provision of Federal law shall, to
the extent that it relates to the terms and
conditions of employment (including hiring,
promotion or demotion, salary and wages,
overtime compensation, benefits, work as-
signments or reassignments, termination,
protection from discrimination in personnel
actions, health and safety of employees, and
family and medical leave) of employees
apply to the House in accordance with this
rule.

“ (c) The House shall comply with the Oc-
cupational Safety and Health Act of 1970 as
follows: If a citation of a violation of such
Act is received, action to abate the violation
shall take place as soon as possible, but no
later than the fiscal year following the fiscal
year in which the citation is issued, subject
to the availability of funds appropriated for
that purpose after the receipt of the citation.

“3. (a)(1) The Chairperson of the Board of
Directors of the Office shall appoint, may es-
tablish the compensation of, and may termi-
nate, subject to the approval of the Board of
Directors, an Executive Director (referred to
in this rule as the ‘executive director’). The
compensation of the executive director may
not exceed the compensation for level V of
the Executive Schedule under section 5316 of
title 5, United States Code. The executive di-
rector shall be an individual with training or
expertise in the application of the laws re-
ferred to in clause 2. The appointment of the
first executive director shall be completed
no later than 120 days after the initial ap-
pointment of the Board of Directors.

“ (2) The executive director may not be an
individual who holds or may have held the
position of Member of the House of Rep-
resentatives or Senator. The executive direc-
tor may not be an individual who holds the
position of employee of the House or the
Senate but the executive director may be an
individual who held such a position at least
4 years before appointment as executive di-

rector. The term of office of the executive director shall be a single term of 5 years.

“(b)(1)(A) No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Secretary of the Senate or the Clerk shall be considered eligible for appointment to, or service on, the Board of Directors.

“(B) No member of the Board of Directors may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House or Senate, or may have held such a position within 4 years of the date of appointment.

“(2) If during a term of office a member of the Board of Directors engages in an activity described in subparagraph (1)(A), such position shall be declared vacant and a successor shall be selected in accordance with paragraph (a)(1).

“(3) A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

“(c)(1) Except as provided in subparagraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

“(2) Of the members first appointed to the Board of Directors—

“(A) 1 shall have a term of office of 3 years,

“(B) 2 shall have a term of office of 4 years, and

“(C) 2 shall have a term of office of 5 years, as designated at the time of appointment by the persons specified in paragraph (a)(1).

“(3) Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in paragraph (a)(1) and only for—

“(A) disability that substantially prevents the member from carrying out the duties of the member,

“(B) incompetence,

“(C) neglect of duty,

“(D) malfeasance, or

“(E) a felony or conduct involving moral turpitude.

“(d) The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.”

SEC. 2. DEFINITIONS.

As used in sections 2 through 16:

(1) The term “employee of the House” means any individual (other than a Member) whose pay is disbursed by the Director of Non-legislative and Financial Services or any individual to whom supervision and all other employee-related matters were transferred to the Sergeant at Arms pursuant to direction of the Committee on Appropriations in House Report 103-517 of the One Hundred Third Congress, and such term includes an applicant for the position of employee and a former employee.

(2) The term “employing authority” means, with respect to an employee, the Member of the House of Representatives or elected officer of the House of Representatives, or the Director of the Congressional Budget Office, with the power to appoint the employee.

(3) The term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(4) The term “elected officer of the House of Representatives” means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).

(5) The term “Office” refers to the Office of Compliance established by rule LII of the Rules of the House of Representatives.

SEC. 3. APPLICATION OF LAWS.

(a) The laws set forth in clause 2 of rule LII of the Rules of the House of Representatives shall apply, as prescribed by that rule, to the House of Representatives.

(b) The laws referred to in rule LI of the Rules of the House of Representatives which apply on December 31, 1994, to House employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this resolution.

SEC. 4. ADMINISTRATIVE MATTERS RELATING TO THE OFFICE OF COMPLIANCE.

(a)(1) Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(b) The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this resolution.

(c) The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(d) The executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

SEC. 5. STUDY AND REGULATIONS.

(a) The Board of Directors shall conduct a study of the manner in which the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives. The Board of Directors shall complete such study and report the results to House of Representatives not later than 180 days after the date of the first appointment of the first executive director.

(b) On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in clause 2(b) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives and if it should, the manner in which it should be made applicable;

(2) shall study the application to the House of provisions of Federal law referred to in paragraphs (a) and (b) of clause 2 of rule LII of the Rules of the House of Representatives that are enacted after the date of adoption of this resolution;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c)(1)(A) Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives. The Board of Directors shall provide a period of

at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in clause 2(a) of rule LII of the Rules of the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2)(A) Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in clause 2(b) of rule LII of the Rules of the House of Representatives shall apply to the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the House of Representatives, including portions relating to remedies.

(4) If a regulation is disapproved by a resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) A final regulation issued under subsection (c) shall be transmitted to the House of Representatives for consideration under paragraph (e).

(e)(1) Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the House of Representatives by resolution.

(2) A resolution referred to in paragraph (1) may be introduced in the House of Representatives within 5 legislative days after the date on which the Board of Directors issues the final regulation to which the resolution applies. The matter after the resolving clause of the resolution shall be as follows: “That the House of Representatives disapproves the issuance of final regulations of

the Office of Compliance as issued on _____ (the blank space being appropriately filled in)."

(3) A resolution referred to in paragraph (1) shall be referred to the appropriate committee. If no resolution is reported within 15 legislative days after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the resolution was referred shall be discharged from further consideration of the first such resolution introduced and the resolution shall be placed on the appropriate calendar. Any meeting of a committee on a resolution shall be open to the public. Within 5 legislative days after the resolution is reported or discharged, it shall be in order as a privileged matter to move to proceed to its consideration and such motion shall not be debatable. The resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment.

(f) Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

SEC. 6. OTHER FUNCTIONS.

(a) The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States and the General Counsel of the House of Representatives on the adoption of rules.

(b) The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 7 through 10.

(c) The Office shall—

(1) carry out a program of education for Members of the House of Representatives and other employing authorities of the House of Representatives respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the House of Representatives and under sections 7 through 10,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 10, and any other information the executive director deems appropriate for distribution, distribute such information to Members and other employing authorities of the House in a manner suitable for posting, provide such information to new employees of the House, distribute such information to the residences of employees of the House, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by employees of the House, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 10 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk, develop a system for the collection of demographic data respecting the composition of employees of the House, including race, sex, and wages, and a system for the collection of information on

employment practices, including family leave and flexible work hours, in House offices.

(d) Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to the House of Representatives a report on the information collected under such system. Each report after the first report shall contain a comparison and evaluation of data contained in the previous report.

SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the House of Representatives under this rule consists of 3 steps as follows:

(1) Step I, counseling, as set forth in section 8.

(2) Step II, mediation, as set forth in section 9.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

SEC. 8. STEP I: COUNSELING.

(a) An employee of the House alleging a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 9. STEP II: MEDIATION.

(a) Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing authority, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing authority.

(b) The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing authority when the mediation period has ended.

SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) Not later than 30 days after receipt by the employee of the House of notice from the Office of the end of the mediation period under section 9, the employee of the House may file a formal complaint with the Office against the head of the employing authority involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) A board of 3 independent hearing officers (hereinafter in this resolution referred to as a "hearing board"), who are not Members, officers, or employees of the House, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from

candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing.

(e) Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f)(1) A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board under the seal of the House of Representatives for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may report the refusal to the Committee on Rules which may take any action it deems appropriate, which shall be authorized by the Chairman and ranking minority member acting jointly. Such action may include—

(A) a referral to the Committee on Standards of Official Conduct if the refusal is by a current Member of the House of Representatives or officer or employee of the House of Representatives, or

(B) a report to the House of Representatives of a resolution to certify a contempt pursuant to sections 102 and 104 of the Joint Resolution of June 22, 1938 (2 U.S.C. 192, 194) if the failure is by someone other than a current Member of the House of Representatives or officer or employee of the House of Representatives.

(3) The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee of the House and the employing authority. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the House of Representatives under this rule has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives, it shall order the remedies under such law as made applicable to the House of Representatives under

that rule, except that no Member of the House of Representatives or any other head of an employing authority, or agent of such a Member shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages.

(1) A House employee or an employing authority may request the Board of Directors to review a decision of the hearing board under subsection (g) (including a decision after a remand under paragraph (2)(A)). Such a request shall be made within 30 days of the date of the decision of the hearing board. Review by the Board of Directors shall be based on the record of the hearing board.

(2) The Board of Directors shall issue a decision not later than 60 days after the date of the request under paragraph (1). The decision of the Board of Directors may—

(A) remand to the hearing board the matter before the Board of Directors for the purpose of supplementing the record or for further consideration;

(B) reverse the decision of the hearing board and enter a new decision and order in accordance with subsection (h); or

(C) direct that the decision and order of the hearing board be considered as the final decision.

(j) There shall be established in the House of Representatives a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or (i). From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

SEC. 11. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the employing authority resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 12. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee of the House by any Member, officer, or employee of the House of Representatives because of the exercise of a right under this resolution constitutes an unlawful employment practice, which may be remedied in the same manner under this resolution as is a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives.

SEC. 13. CONFIDENTIALITY.

(a) All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing authority of the allegations.

(b) All mediation shall be strictly confidential.

(c) Except as provided in subsection (d), the hearings and deliberations of the hearing board shall be confidential.

(d) At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct access to the records of the hearings and decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(e) The executive director shall coordinate the proceedings with the Committee on Standards of Official Conduct to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in their respective proceedings.

SEC. 14. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) It shall not be a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives to consider the—

(1) party affiliation,
(2) domicile, or
(3) political compatibility with the employing authority,
of an employee of the House with respect to employment decisions.

(b) For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the House of Representatives leadership,

(2) an employee on the staff of a committee or subcommittee,

(3) an employee on the staff of a Member of the House of Representatives,

(4) an officer or employee of the House of Representatives elected by the House of Representatives or appointed by a Member of the House of Representatives, other than those described in paragraphs (1) through (3), or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 15. EXCLUSIVITY OF PROCEDURES AND REMEDIES.

The procedures and remedies under rule LII of the Rules of the House of Representatives are exclusive except to the extent that the Rules of the House of Representatives and the rules of the Committee on Standards of Official Conduct provide for additional procedures and remedies.

SEC. 16. STUDY.

(a) The Office shall conduct a study—

(1) of the ways that access by the public to information held by the House of Representatives may be improved and streamlined, and of the application of section 552 of title 5, United States Code to the House of Representatives; and

(2) of the application of the requirement of section 552a of title 5, United States Code, to the House of Representatives.

(b) The study conducted under subsection (a) shall examine—

(1) information that is currently made available under such section 552 by Federal agencies and not by the House of Representatives;

(2) information held by the nonlegislative offices of the House of Representatives, including—

(A) the Director of Non-legislative and Financial Services,

(B) the Clerk,

(C) the Inspector General,

(D) the Sergeant at Arms,

(E) the Doorkeeper,

(F) the United States Capitol Police, and

(G) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the House of Representatives; and

(4) provisions for judicial review of denial of access to information held by the House of Representatives.

(c) The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the House of Representatives not later than one year after the date of the initial appointment of the Board of Directors.

SEC. 17. EFFECTIVE DATE AND TRANSITION RULES.

(a) The amendments made by section 1 shall take effect on November 1, 1994.

(b) Effective at the beginning of the second session of the One Hundred Fourth Congress, rule LI of the Rules of the House of Representatives is repealed and rule LII of such Rules is redesignated as rule LI and all references to rule LII in sections 2 through 16 of this resolution are deemed to be references to rule LI of such Rules.

(c) Notwithstanding subsection (b), until the beginning of the second session of the One Hundred Fourth Congress, the functions under rule LI of the Rules of the House of Representatives that are the responsibility of the Office of Fair Employment Practices shall continue to be the responsibility of that Office.

(d) Any formal complaint filed under rule LI of the Rules of the House of Representatives before the close of the first session of the One Hundred Fourth Congress which has not been finally disposed of shall be transferred to the Office of Compliance for completion of all pending proceedings relating to that complaint. The Office of Compliance may make regulations to provide for the orderly transfer and disposition of such complaints.

(e) In appointing staff under section 4(b), the executive director should give full consideration to employees of the Office of Fair Employment Practices.

(f) Sections 1 through 16 and subsections (a) through (e) of this section shall have no force or effect upon the enactment by the One Hundred Third Congress of the Congressional Accountability Act, whether by enactment of the bill H.R. 4822, by incorporation of the text of that bill in another measure, or otherwise.

SEC. 18. The Chairman and ranking minority member of the Committee on House Administration, acting jointly, shall study and report recommendations to the Speaker and minority leader, no later than January 3, 1995, for changes in House Rule LII to be adopted by the House to reconcile such rule with the existing jurisdiction of the Committee on House Administration.

SEC. 19. The General Counsel of the House shall conduct a study to be submitted to the Speaker, Minority Leader, and the chairmen and ranking minority members of the Committees on House Administration and Rules no later than January 3, 1995 on further changes in House rules to provide to employees of the House (as defined in section 2) the ability to bring a civil action in Federal district court against an employing authority (as defined in section 2) for an alleged violation under Federal law to the extent that such violation relates to the terms and conditions of employment, until the statutory provisions contained in H.R. 4822, as passed by the House, are enacted.

122.60 CONGRESSIONAL GOLD MEDAL

On motion of Mr. KENNEDY, by unanimous consent, the Committee on Banking, Finance and Urban Affairs was discharged from further consideration of the bill (H.R. 4497) to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

122.61 RULES MANUAL PRINTING

Mr. GEPHARDT, by unanimous consent, submitted the following resolution (H. Res. 580):

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fourth Congress be printed as a House document, and that two thousand additional copies shall be printed and bound for the use of the House of