

I am proud to be an original cosponsor of this important legislation and I urge all my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 309, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON FRIDAY, OCTOBER 9, 1998

Mr. MICA. Mr. Speaker, pursuant to House Resolution 575, I am pleased to announce the following suspensions to be considered Friday, October 9:

H.R. 4651

H.R. 1197 or S. 1072

H.R. 2431

House Concurrent Resolution 334

House Concurrent Resolution 320

S. 2094

S. 2505

House Concurrent Resolution 214

S. 2432

H.R. 2616

H.R. to be determined, bill entitled Veterans Programs Enhancement Act of 1998

S. 852

S. 1260

H.R. 4567

H.R. 4052

S. 2370

H.R. 2187

H.R. 2560

The list, Mr. Speaker, with the titles follows:

1. H.R. 4651—A Bill to Make Minor and Technical Amendments Relating to Federal Criminal Law and Procedure (McCollum—Judiciary)

2. H.R. 1197 or S. 1072—Plane Patent Amendments Act (Bob Smith—Judiciary)

3. H.R. 2431—Freedom From Religious Persecution Act (Wolf—IR)

4. H. Con. Res. 334—Taiwan World Health Organization (Solomon—IR)

5. H. Con. Res. 320—Supporting the Baltic People of Estonia, Latvia, and Lithuania, and Condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939 (Shimkus)—IR

6. S. 2094—A bill to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items (Allard—Resources)

7. S. 2505—A bill to direct the Secretary of the Interior to convey title to

the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho (Craig—Resources)

8. H. Con. Res. 214—A concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music (Jenkins—E&W)

9. S. 2432—Assistive Technology (Jeffords—E&W/SCI)

10. H.R. 2616—Charter Schools (E&W)

11. H.R. _____, Veterans Programs Enhancement Act of 1998 (VETS)

12. S. 852—National Salvage Motor Vehicle Consumer Protection Act (COM)

13. S. 1260—Securities Litigation Uniform Standards Act of 1998 (COM)

14. H.R. 4567—Medicare Home Health Care and Veterans Health Care Improvement Act of 1998 (Thomas—W&M/COM)

15. H.R. 4052—A bill to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida (Meek—GRO)

16. S. 2370—Designating the Lieutenant Henry O. Flipper Station (Moy-nihan—GRO)

17. H.R. 2187—Designating the United State Courthouse located at 40 Foley Square in New York, New York, as the Thurgood Marshall United States Courthouse

18. H.R. 2560—to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas

VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1021) 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.

The Clerk read as follows:

S. 1021

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 1998".

SEC. 2. ACCESS FOR VETERANS.

Section 3304 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) Preference eligibles or veterans who have been separated from the armed forces under honorable conditions after 3 years or more of active service may not be denied the opportunity to compete for vacant positions for which the agency making the announcement will accept applications from individuals outside its own workforce under merit promotion procedures.

"(2) This subsection shall not be construed to confer an entitlement to veterans' preference that is not otherwise required by law.

"(3) The area of consideration for all merit promotion announcements which include consideration of individuals of the Federal workforce shall indicate that preference eligibles and veterans who have been separated from the armed forces under honorable conditions after 3 years or more of active service are eligible to apply. The announcements shall be publicized in accordance with section 3327.

"(4) The Office of Personnel and Management shall establish an appointing authority to appoint such preference eligibles and veterans."

SEC. 3. IMPROVED REDRESS FOR PREFERENCE ELIGIBLES.

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

"§ 3330a. Preference eligibles; administrative redress

"(a)(1) A preference eligible who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference may file a complaint with the Secretary of Labor.

"(2)(A) A complaint under this subsection must be filed within 60 days after the date of the alleged violation.

"(B) Such complaint shall be in writing, be in such form as the Secretary may prescribe, specify the agency against which the complaint is filed, and contain a summary of the allegations that form the basis for the complaint.

"(3) The Secretary shall, upon request, provide technical assistance to a potential complainant with respect to a complaint under this subsection.

"(b)(1) The Secretary of Labor shall investigate each complaint under subsection (a).

"(2) In carrying out any investigation under this subsection, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or agency that the Secretary considers relevant to the investigation.

"(3) In carrying out any investigation under this subsection, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

"(4) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or agency to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this subsection and the district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"(c)(1)(A) If the Secretary of Labor determines as a result of an investigation under subsection (b) that the action alleged in a complaint under subsection (a) occurred, the Secretary shall attempt to resolve the complaint by making reasonable efforts to ensure that the agency specified in the complaint complies with applicable provisions of statute or regulation relating to veterans' preference.

"(B) The Secretary of Labor shall make determinations referred to in subparagraph (A) based on a preponderance of the evidence.

“(2) If the efforts of the Secretary under subsection (b) with respect to a complaint under subsection (a) do not result in the resolution of the complaint, the Secretary shall notify the person who submitted the complaint, in writing, of the results of the Secretary’s investigation under subsection (b).”

“(d)(1) If the Secretary of Labor is unable to resolve a complaint under subsection (a) 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; or

“(B) later than 15 days after the date on which the complainant receives written notification from the Secretary under subsection (c)(2).”

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

“(A) the complainant first provides written notification to the Secretary 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 shall not continue to investigate or further attempt to resolve the complaint to which the notification relates.

“(e)(1) 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.

“(2) A preference eligible may not pursue redress for an alleged violation described in subsection (a) under this section at the same time the preference eligible pursues redress for such violation under any other law, rule, or regulation.

“§3330b. Preference eligibles; judicial redress

“(a) In lieu of continuing the administrative redress procedure provided under section 3330a(d), a preference eligible 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(d); 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. Preference eligibles; 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 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. Preference eligibles; administrative redress.

“3330b. Preference eligibles; judicial redress.

“3330c. Preference eligibles; remedy.”

SEC. 4. 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 “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 appli-

cable 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) and (3), the Judicial Conference of the United States shall prescribe procedures 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 for alleged violations of any rights provided for under subparagraph (A).

(2) PROCEDURES.—Under the procedures, a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences in a manner and to the extent consistent with preferences afforded to preference eligibles in the executive branch.

(3) EXCLUSIONS.—Nothing in the procedures shall apply with respect to an applicant or employee—

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

(B) whose appointment is as a judicial officer;

(C) whose appointment is required by statute to be made by or with the approval of a court or judicial officer; or

(D) whose appointment is 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) DEFINITIONS.—For purposes of this subsection, 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.

(5) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

(A) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States shall submit a copy of the procedures 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 procedures prescribed under this subsection shall take effect 13 months after the date of enactment of this Act.

SEC. 5. 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—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) sections 3501-3504, as such sections relate to veterans' preference.”.

SEC. 6. 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) SECTION 1599c OF TITLE 10, UNITED STATES CODE.—

(A) REPEAL.—Section 1599c of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking out the item relating to section 1599c.

(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 enactment of this Act.

SEC. 7. EXPANSION AND IMPROVEMENT OF VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS.

(a) COVERED VETERANS.—Section 4212 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out “\$10,000” and inserting in lieu thereof “\$25,000”; and

(B) by striking out “special disabled veterans and veterans of the Vietnam era” and inserting in lieu thereof “special disabled veterans, veterans of the Vietnam era, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized”;

(2) in subsection (b), by striking out “special disabled veteran or veteran of the Vietnam era” and inserting in lieu thereof “veteran covered by the first sentence of subsection (a)”;

(3) in subsection (d)(1), by striking out “veterans of the Vietnam era or special disabled veterans” both places it appears and inserting in lieu thereof “special disabled veterans, veterans of the Vietnam era, or other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized”.

(b) PROHIBITION ON CONTRACTING WITH ENTITIES NOT MEETING REPORTING REQUIREMENTS.—(1) Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

“§1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements

“(a)(1) Subject to paragraph (2), no agency may obligate or expend funds appropriated for the agency for a fiscal year to enter into a contract described in section 4212(a) of title 38 with a contractor from which a report was required under section 4212(d) of that title with respect to the preceding fiscal year if such contractor did not submit such report.

“(2) Paragraph (1) shall cease to apply with respect to a contractor otherwise covered by that paragraph on the date on which the contractor submits the report required by such section 4212(d) for the fiscal year concerned.

“(b) The Secretary of Labor shall make available in a database a list of the contractors that have complied with the provisions of such section 4212(d).”.

(2) The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following:

“1354. Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements.”.

SEC. 8. REQUIREMENT FOR ADDITIONAL INFORMATION IN ANNUAL REPORTS FROM FEDERAL CONTRACTORS ON VETERANS EMPLOYMENT.

Section 4212(d)(1) of title 38, United States Code, as amended by section 7(a)(3) of this Act, is further amended—

(1) by striking out “and” at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof “; and”; and

(3) by adding at the end the following:

“(C) the maximum number and the minimum number of employees of such contractor during the period covered by the report.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1021, the Senate bill under consideration.

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

There was no objection.

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

My colleagues, I am very pleased to be here this evening. It has taken us two Congresses, but this House is finally in a position to legislate long overdue relief for the men and women who have defended our Nation.

This process began in the last Congress when I was pleased to introduce H.R. 3586, the Veterans Employment Opportunities Act of 1996. The House passed that bill twice, once as a stand-alone bill and once as an amendment to a Senate bill, S. 8668. Unfortunately, the other body did not act on either of those bills before that Congress adjourned.

On the first day of this Congress, Mr. Speaker, I introduced essentially the same bill, H.R. 240, the Veterans Employment Act of 1997. The House passed H.R. 240 on April 9, 1997. The Senate has passed the bill before us today, S. 1021, which was a companion bill to H.R. 240, introduced by Senators HAGEL and CLELAND, two very distinguished Vietnam veterans.

Mr. Speaker, there are many to thank for their hard work and leadership on this bipartisan issue. I want to particularly point out and thank for their strong support the current chairman of the committee, the gentleman from Indiana (Mr. DAN BURTON), and former chairman Bill Clinger, both of whom led the Committee on Government Reform and Oversight during this Congress and the last one.

I also want to take a moment to thank for their leadership the distinguished gentleman from Arizona (Mr.

STUMP), the chairman of the House Committee on Veterans' Affairs, and the distinguished gentleman from Indiana (Mr. STEVE BUYER), who chaired the Subcommittee on Education, Training, Employment and Housing, during the last Congress.

And I must give special appreciation to the gentleman from New York (Mr. SOLOMON), who has been a strong and tireless supporter of this legislation and a tremendous fighter for our veterans. I appreciate both his support and his leadership.

I also want to thank three gentlemen on the other side of the aisle who have served as ranking members of the Subcommittee on Civil Service during my tenure as chairman. First, unquestionably, we thank for his leadership the gentleman from Maryland (Mr. ELIJAH CUMMINGS), who has done a tremendous job working with me hand-in-hand during the past years. Also, I want to thank former ranking members, one from Pennsylvania, Mr. TIM HOLDEN, and the distinguished gentleman from Virginia (Mr. MORAN), both of whom have supported this legislation, and I thank them for their untiring leadership.

Mr. Speaker, this bill does not resolve all of the problems relating to veterans preference in our Federal workplace. It does not contain all the protections for veterans that were in the bill that the House passed. Nonetheless, Mr. Speaker, there are some very important protections in this legislation.

Foremost among them is the creation of an effective and user-friendly redress system for our veterans who believe their rights have been violated. This has been sought by our veterans for many, many years.

In addition, veterans entitled to preference and other veterans who have 3 years of honorable service in the military will receive expanded opportunities to compete for Federal jobs.

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Very often, Mr. Speaker, Federal agencies will only allow current civilian employees to apply for vacancies. Veterans who do not work for the Federal Government are barred from even competing on their merits for these jobs. That will change when this legislation is enacted. Under this bill whenever an agency opens the competition to civilian employees outside of its own workforce, it must also allow these qualified veterans to compete.

S. 1021 is a significant step forward for our veterans. It opens many jobs that were previously closed to them. It also advances the principle of open competition for Federal jobs. Most important, this provision recognizes that the men and women who served in our armed forces have indeed served as Federal employees and it honors and recognizes that service.

Like the House bill, S. 1021 also makes the violation of veterans' preference laws a prohibited personnel

practice. This means that bureaucrats who violate veterans' rights do so at their own peril. They can be subjected in fact to disciplinary action before the Merit Systems Protection Board under this legislation.

Mr. Speaker, this bill also expands veterans' employment opportunities with Federal contractors and it also prohibits Federal agencies from contracting with companies that have not complied with the Department of Labor reporting requirements with respect to hiring Vietnam-era, Persian Gulf and our disabled veterans. The House bill contained no similar provisions. These are welcome additions that certainly embody the spirit of the House bill. They will open new job opportunities for our veterans, particularly our Persian Gulf veterans. However, just today the Society for Human Resource Management and other employer organizations have raised certain questions about the potential burden that may be imposed on employers by section 8 of the bill, this provision that I said was included by the other body.

Mr. Speaker, this is a question that should carefully be examined by, among others, the Committee on Education and the Workforce which has jurisdiction over the office of Federal contract compliance programs.

Mr. Speaker, I include for the RECORD a letter I received today from the Society for Human Resource Management.

SOCIETY FOR
HUMAN RESOURCE MANAGEMENT,
Alexandria, VA, October 8, 1998.

U.S. House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the Society for Human Resource Management (SHRM), I am writing to express concerns regarding Section 8 of S. 1021, the Veterans Employment Opportunities Act, entitled, "Requirement for Additional Information in Annual Reports from Federal Contractors in Veterans Employment". This provision was not included in the House-passed bill or in the original Senate legislation. We understand that the full House is likely to consider S. 1021 by suspending the rules later today.

SHRM is the leading voice of the human resource profession, representing more than 104,000 human resource professionals and student members from across the country and around the globe.

Currently, a federal contractor is required to report the total number of veterans whom the contractor employs on a particular date. S. 1021, Section 8, would further require federal contractors to report the maximum and the minimum number of all employees during the entire one year period covered by the report. The bill would prohibit federal agencies from obligating or expending funds to enter into a contract with a contractor who has not complied with reporting requirements.

The reporting requirements proposed in Section 8 do not currently exist under any federal statute. Information for all employees in the entire workforce, from every payroll period would need to be captured, stored, analyzed and extrapolated to determine the minimum and maximum number of employees for the entire year.

Changes to the current reporting requirements for the VETS-100 report would rep-

resent a major effort and expense for federal contractors. New surveying of the current workforce would be required. Internal procedures and forms associated with the hiring process would have to be changed to reflect the new categories of veterans. Processes would need to be implemented to insure that each employee provides a response, even if that response is that he or she does not wish to self-identify. In addition, historical data that currently resides in computer systems would need to be altered.

This requirement raises a whole host of unanswered questions, including, how "employees" will be defined and what constitutes a reported work site. While it may be assumed that the same definition of what constitutes a reported work site would apply to this new mandate, the legislation does not specifically address that issue.

Employers are already confronting significant and costly changes to their Human Resource Information Systems (HRIS) because of a whole host of increased reporting requirements. For example, changes to the 2000 Census will require significant changes to employers' collection reporting processes for employee information. The Office of Federal Contract Compliance Programs (OFCCP) is also reportedly actively considering changes to its reporting requirements. The cumulative impact of these changes is unbearable.

We recognize the importance of protecting American Veterans and the underlying legislation, but hope that you will understand these practical concerns and the impact that Section 8 will have on reporting processes for all federal contractors in the private sector. Please contact Deanna Gelak, Director of Government Affairs if you would like to further discuss these issues and the need to further examine the employment implications of Section 8 of S. 1021 in the next Congressional session.

Sincerely,

SUSAN R. MEISINGER, SPHR,
Senior Vice President.

Mr. Speaker, in short and finally, S. 1021 is a good bill. It is a strong bipartisan measure that in fact will benefit our veterans. I urge all Members to support it.

Unfortunately our Federal workplace has become a barrier to employment opportunity where veterans sometimes are the very last hired and the first fired. This bill changes that practice. This is the most important and significant veterans legislation to pass Congress in nearly a decade. This effort in fact culminates years of efforts by numerous veterans service organizations to recognize Federal service as Federal employment by our veterans.

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

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

Mr. Speaker, I rise today to express my strong support for S. 1021, the Veterans Employment Opportunity Act. I would first like to congratulate the chairman of the Subcommittee on Civil Service the gentleman from Florida (Mr. MICA) for his leadership and his spirit of bipartisanship in an effort to expand and strengthen veterans' preference. I also want to thank the chairman of the committee the gentleman from Indiana (Mr. BURTON) and our ranking member of the Committee on Government Reform and Oversight the gentleman from California (Mr. WAXMAN) for their cooperation in making

this moment possible as we present this legislation tonight.

The spirit of cooperation on both sides of the aisle has been critical in bringing forward this important legislation. S. 1021 improves the ability of veterans to compete during the Federal hiring process, extends veterans' preference to all branches of the Federal Government, and instructs the Secretary of Labor to maintain a database of contractors who have filed reports on the number of veterans they have hired. 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 of veterans preference whenever they occur.

The Federal Government is the Nation's leader in veterans' employment, with 27 percent of the Federal workforce made up of veterans. 506,939 veterans were employed by the government as of September 30, 1996. Compared to the private sector, the Federal Government employs two times the percentage of veterans. Yet testimony in previous Civil Service Subcommittee hearings has revealed that veterans' preference in the Federal workforce is sometimes ignored or circumvented and that its continued viability in the workplace is threatened on several fronts.

For example, a 1992 General Accounting Office study of veterans' preference revealed that certificates, that is the list of candidates from which agencies may hire, headed by a veteran entitled to preference were returned unused at almost 1.4 times the return rate of certificates headed by nonveterans. According to another GAO study, one-quarter of selecting officials who returned a certificate unused to their personnel office in 1992 did so when they could not hire the candidate they wanted because a preference-eligible veteran was ranked higher.

Mr. Speaker, the Congress has repeatedly declared that our veterans deserve special consideration in Federal employment decisions because of their vital contributions to our Nation's security. This bill continues that tradition.

Mr. Speaker, S. 1021 is a good bipartisan bill that strengthens veterans' preference in the Federal Government. It will give our veterans the help they deserve in obtaining and retaining civilian employment within the Federal Government. Our veterans have given so much to allow us to live the wonderful lives that we live. They have given so much of their lives to make it possible for us to have the freedom that we have. Therefore, I urge all my colleagues to support this very important legislation.

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

Mr. MICA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a tireless worker and advocate on behalf of our veterans and our Federal employees.

Mrs. MORELLA. I thank the gentleman for yielding me this time, Mr. Speaker. I must say, I am so pleased to see this bill come back under suspension because, as was mentioned, this will be the fourth time around. Twice during the 104th Congress did we pass it in this House and last year in the 105th Congress, and now as we are in our waning days of the 105th Congress, it has come back from the Senate slightly changed but one that will indeed enhance veterans employment opportunities, something that is quite needed.

I want to commend the gentleman from Florida (Mr. MICA). He has been there from the very start. Really it has been his concept that he developed and he crafted, and he has kind of guided it through so many years where there have been tremendous difficulties. And so congratulations to the gentleman from Florida (Mr. MICA) on a great job. He has already indicated our commendation to the chairman of the committee and the ranking member and also the ranking member of the subcommittee the gentleman from Maryland (Mr. CUMMINGS) who is here and the others who have cared about this particular issue.

Basically what it does is it simply, I guess I would call it a bill that enhances and enforces employment opportunities for veterans. It does not do anything about special, I will not say efforts but special privileges for them, but it gives them what they deserve, to make sure that they are getting equal access, a kind of a fair, level playing field and fairness in employment. I like the fact that it sets up also an accountability concept where, for instance, Federal agencies will notify OPM, the Office of Personnel Management and U.S. employment offices of each vacant position for which competition would include those individuals having competitive service which means our veterans. So that is the kind of accountability. And the fact that violations of veterans' preferences would be prohibited under personnel policies and especially the redress mechanism, to ensure that veterans' rights are protected.

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So I am pleased, Mr. Speaker, that this bill is finally getting through under suspension, and it is important because it makes us remember the veterans who have given so much to us and so much to this country. They deserve no less. And so I support S. 1021.

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

I just want to say we have no speakers, Mr. Speaker, but I just wanted to pause to again express my appreciation to our entire subcommittee and our committee for all that has been done for our veterans. They are very, very important people, and I know in my State of Maryland when I visit with veterans and they come to visit me, I am constantly reminded of the role that they play in making our lives the best that they can be. So, Mr. Speaker,

since we have no further speakers, again I want to thank the gentleman from Florida (Mr. MICA) him for his cooperation.

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

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

I have no further speakers, but I would like to take this opportunity to close. Mr. Speaker, this legislation indeed is a significant step forward for all of America's veterans. That is why all of the major veterans service organizations in the United States support this bill. They and the 12 million veterans they represent know how much veterans will benefit when we pass this legislation this evening. I thank these organizations and the many, many veterans who have contacted me and other Members for their very strong support, active participation and hard work to make this legislation possible. Their efforts were indispensable.

Mr. Speaker, America owes a very great and deep debt of gratitude to the men and women who have kept our Nation free and strong and who fought our battles and served in lonely and harsh outposts around the world to preserve the peace. This bill will not repay that debt. No measure this Congress can enact will ever fully repay that debt. But S. 1021 is a down payment and, in fact, a good one.

The gentleman from Arizona (Mr. STUMP) has called my bill the most significant advance in veterans' preference in 50 years. That can also be said of this legislation, S. 1021. The relief and benefit it will bring to those who have served our Nation under arms is long overdue. This bill commands the support of every Member of the House.

So in closing I urge my colleagues to pass this legislation this evening so it can be made the law of the land. We can do no less for those who have done so much.

Mr. SESSIONS. Mr. Speaker, I am proud to give my support for S. 1021, the Veterans Employment Act of 1998. As a member of the Government Reform and Oversight Committee, I actively supported and voted for passage of H.R. 240, the Veterans Employment Opportunities Act of 1997. I am pleased to see the successful negotiations between the House and Senate have allowed a vote on this important reform of the federal employment hiring system.

This legislation equalizes the treatment of military and civilian employees when seeking employment within the federal government. The bill provides preference to our veterans—the same preference that civilian employees currently receive in the federal employment system. I supported this effort to instill fairness in the employment process and reward those veterans who provided us with our most sacred principle—freedom.

I am very pleased that we are going to pass this bill today and encourage all of my colleagues to vote for its passage.

Mr. STUMP. Mr. Speaker, I rise today to voice my support for S. 1021, the Veterans Employment Opportunities Act of 1998. This

bill originated in the House as H.R. 240 under the guidance of Representative JOHN MICA, Chairman of the Subcommittee on Civil Service, and passed the House on April 9, 1997. S. 1021 provides improvements to veterans' preference and employment opportunities and strengthens veterans' employment rights with federal contractors.

Mr. Speaker, through veterans' preference, wartime and disabled veterans get a small advantage competing for federal jobs, along with promotion and retention protection. To date, veterans comprise 27.6 percent of the federal workforce. The bill in its entirety demonstrates the commitment of the Congress to America's 26 million veterans that preference for federal jobs is an important way to share the sacrifices of war.

I'd like to thank Chairman SPECTER of the Senate Veterans Affairs Committee for two provisions in particular. Section 6 expands and improves veterans' employment under federal contracts, and expands the definition of who is a 'covered veteran' by including veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been awarded. Section 7 requires federal contractors to include the maximum number and the minimum number of employees in their annual reports on veteran's employment. Both of these provisions are designed to afford additional protection to preference eligible veterans employed by Federal contractors.

This bill is the most significant improvement in veterans' preference in my memory and it deserves the strong support of the House. I urge my colleagues to support S. 1021.

Finally, Mr. Speaker, on behalf of all veterans, I'd like to express my thanks and sincere appreciation to Chairman JOHN MICA as well as the Ranking Member, ELIJAH CUMMINGS, and all of their staff for the commitment that they continue to show to our men and women who have proudly served our country in the U.S. Armed Forces.

Mr. PAPPAS. Mr. Speaker, I rise today to support our veterans by calling for the passage of the S. 1021, the Veterans Employment Opportunity Act of 1998. Last year, the House did the right thing by passing H.R. 240 introduced by Representative MICA. This legislation is the Senate's long awaited companion bill and, while I wish it had gone further in its protection of veterans from Reductions In Force, nonetheless it also deserves our passage today.

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 federal employment. All they simply desire is the opportunity to continue serving their nation.

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

This is a bipartisan bill and one that reflects the interests of the people who have served our country so courageously. I am proud that this legislation has the support of the American Legion. I commend Mr. MICA for his work and urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, H.R. S. 1021.

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

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES LIFE INSURANCE IMPROVEMENT ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2675) to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Life Insurance Improvement Act".

SEC. 2. STUDY AND REPORT ON CERTAIN LIFE INSURANCE OPTIONS OFFERED TO FEDERAL EMPLOYEES.

(a) *IN GENERAL.*—Not later than July 31, 1998, the Office of Personnel Management shall conduct a study on life insurance options for Federal employees described under subsection (b) and submit a report to Congress.

(b) *STUDY AND REPORT.*—The study and report referred to under subsection (a) shall—

(1) survey and ascertain the interest of Federal employees in an offering under chapter 87 of title 5, United States Code, of insurance coverage options relating to—

(A) group universal life insurance; and
(B) group variable universal life insurance; and

(C) additional voluntary accidental death and dismemberment insurance; and

(2) include any comments, analysis, and recommendations of the Office of Personnel Management relating to such options.

SEC. 3. REPEAL OF MAXIMUM LIMITATION ON EMPLOYEE INSURANCE.

Chapter 87 of title 5, United States Code, is amended—

(1) in section 8701(c), in the first sentence, by striking the comma immediately following "\$10,000" and all that follows and inserting a period; and

(2) in section 8714b(b), in the first sentence, by striking "except" and all that follows and inserting a period.

SEC. 4. FOSTER CHILD COVERAGE.

Section 8701(d)(1)(B) of title 5, United States Code, is amended by inserting "or foster child" after "stepchild" both places it appears.

SEC. 5. INCONTESTABILITY OF ERRONEOUS COVERAGE.

Section 8706 of title 5, United States Code, as amended by section 5(2), is further amended by adding at the end the following new subsection:

"(g) The insurance of an employee under a policy purchased under section 8709 shall not be invalidated based on a finding that the employee erroneously became insured, or erroneously continued insurance upon retirement or entitlement to compensation under subchapter I of chapter 81 of this title, if such finding occurs after the erroneous insurance and applicable

withholdings have been in force for 2 years during the employee's lifetime."

SEC. 6. DIRECT PAYMENT OF INSURANCE CONTRIBUTIONS.

Chapter 87 of title 5, United States Code, is amended—

(1) in section 8707—

(A) in subsection (a), by striking "(a) During" and inserting "(a) Subject to subsection (c)(2), during";

(B) in subsection (b), by striking "(b)(1) Whenever" and inserting "(b)(1) Subject to subsection (c)(2), whenever"; and

(C) in subsection (c), by inserting "(1)" immediately after "(c)" and by adding at the end the following new paragraph:

"(2) An employee who is subject to withholdings under this section and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system that administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this section.";

(2) in section 8714a(d), by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue optional insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system which administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.";

(3) in section 8714b(d), by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue additional optional insurance if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system which administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.";

(4) in section 8714c(d), by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), an employee who is subject to withholdings under this subsection and whose pay, annuity, or compensation is insufficient to cover such withholdings may nevertheless continue optional life insurance on family members if the employee arranges to pay currently into the Employees' Life Insurance Fund, through the agency or retirement system that administers pay, annuity, or compensation, an amount equal to the withholdings that would otherwise be required under this subsection.";

SEC. 7. ADDITIONAL OPTIONAL LIFE INSURANCE CONTINUATION AND PORTABILITY.

(a) *IN GENERAL.*—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

"(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

"(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

"(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the