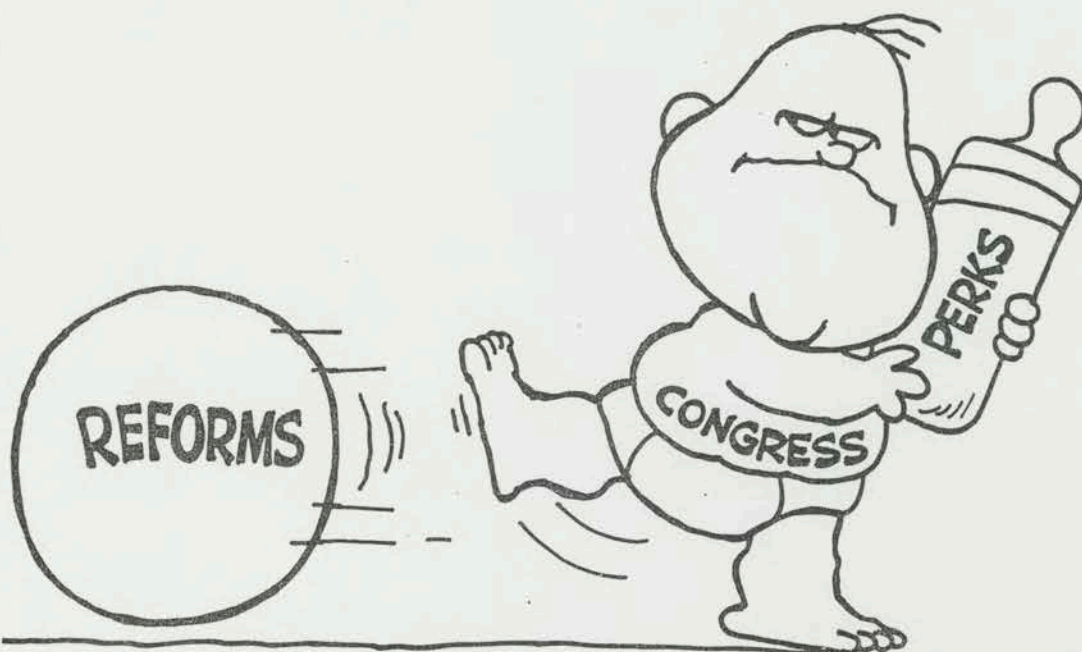


JOSEPH PERKINS



McCarthy AMARIHO GLOBE-NEWS
CREATORS SYNDICATE

With all the sound and fury emanating from Capitol Hill over the crime bill and health care reform, little notice has been given to another piece of legislation that is at least as important.

That is: a bill that would require members of Congress to abide by the same laws that they expect the rest of us to follow.

The measure, formally titled the Congressional Accountability Act, passed the House before the Labor Day recess by an overwhelming 427 to 4 margin. The remaining question is whether the Senate will approve the bill before it adjourns for the year.

Senate opponents of the measure may try to thwart its passage by claiming that the Upper Chamber doesn't have time to deal with it, what with continuing debate on health care.

But that's a subterfuge. The reality is that some members of Congress — particularly senior members — simply believe they should not be held to the same laws as hoi polloi.

Congress began the practice of exempting itself from the nation's laws back in 1935, when members decided that maybe they ought not be covered by the National Labor Relations Act.

The NLRA would have given congressional employees the right to create and join unions, to collectively bargain and to engage in other "concerted activities."

In the ensuing six decades, the

Putting Congress to the test of laws

workers who put in more than 40 hours.

- Title VII of the Civil Rights Act (as amended by the Civil Rights Act, 1991), which outlaws workplace discrimination on the basis of race, color, religion, sex or national origin.

- The Age Discrimination in Employment Act, which prohibits discrimination in the employment, discharge, promotion or treatment of persons age 40 or older. A 1986 amendment banned mandatory retirement.

- The Occupational Safety and Health Act, which assures safe and healthy working conditions.

- The Rehabilitation Act, which establishes civil rights protection for persons with disabilities.

- The Federal Labor-Management Relations Statute, which protects the right of federal employees

- The Family and Medical Leave Act, which requires that employer grant eligible workers up to three months leave for a new child or family health problem.

Until very recently, when lawmakers became sensitive to increasing criticism that they operated as caretakers of America's "last plantation," they saw nothing particularly hypocritical about their exemptions from assorted labor, health and safety, and civil rights laws.

Indeed, they sanctimoniously defended themselves against accusations of operating above the law by claiming constitutional privilege. Somehow, they figured that they were exempt from certain laws by virtue of the Constitution's "speech or debate" clause and its "separation of powers" doctrine.

But these defenses ring hollow. It is clear that the Framers of the Constitution intended for Congress to conform to the laws of the land just like everyone else.

James Madison was explicit about this in Federalist No. 57: "Congress can make no law," he wrote, "which will not have its full operation on themselves and their friends, as well as on the great mass of society."

"This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together."

By following the lower chamber's lead, and approving the Congressional Accountability Act, the Sen

number of laws from which Congress has exempted itself, either wholly or partially, has grown exponentially. The list includes the following laws (all of which are covered by the Congressional Accountability Act):

- The Fair Labor Standards Act, which prohibits employers from paying less than minimum wages and requires overtime pay for

organization, or, <http://dolearchives.ksu.edu> otherwise, to refrain from such activity.

- The Worker Adjustment and Retraining Notification Act, which requires employers to give 60 days notice of a plant closing.

- The Americans with Disabilities Act, which prohibits job discrimination against disabled individuals.

ing the bond about which Madison wrote.

By refusing to act on the legislation this year, the Senate simply will confirm the suspicions of the American people that they are governed by an imperial Congress.

Joseph Perkins is a columnist for The San Diego Union-Tribune.

NEOMI RAO

Choking on the 'greenies' diet

When was the last time you hugged a tree? If you don't remember, you obviously haven't been on a college campus recently.

Since the first Earth Day in 1970, campus "greenies" have tried their best to raise eco-awareness. From carrying trash to eating it, environmentalists make their point in strange ways.

As a senior at Yale, I finally have resigned myself to sorting my newspapers, aluminum cans and plastic containers — not because the greenies have convinced me this will save the environment, but because recycling is university policy (not to mention Connecticut state law). In addition to sorting and recycling, I even accept environmental crusaders rummaging through my trash in search of "misplaced" recyclables, which are then used to rate my hall on an eco-scale of 1 through 10. But as compliant as I am, some environmental activities are just too much.

Late one night, I was in the student lounge at the Yale library sipping my Diet Coke and studying. Suddenly, 30 half-naked eco-warriors stormed in. They were covered with mud, camouflage paint, leaves and branches. They didn't "say" anything. Instead, they rushed around the tables imitating rain and tropical animals and birds. One "monkey" jumped on my table; a winged woman screeched in my ear. I sat there holding back my laughter, lest any of these unwashed animals come any closer.

I have found that many student environmentalists will raise awareness at incredible costs to their bodies and dignity. For example, when I was younger, my parents encouraged me to eat everything on my plate since children in Ethiopia were starving. My parents didn't mean it literally, of course. At Reed College, a small liberal arts school in Portland, Ore., students have taken this advice to the extreme. A prospective student visiting Reed told me about his experience eating

in the school's cafeteria. When he went to return his tray, a group of eco-scroungers grabbed his scraps and made it their dinner. These greenies had made the environmentally correct decision to eat only food that was headed for the garbage pail. Noble? Maybe. Disgusting? Definitely.

Other students want people to know just how much trash we, as a wasteful consumer society, produce daily. One weekend, hundreds of Yale students carried around all of their trash in transparent plastic bags. This included all food and



paper and excluded only bodily waste. At James Madison University, Harrisonburg, Va., students sat outside their student union at lunch time in huge piles of trash to protest solid waste disposal.

College administrators also want to get into the act. For example, Tufts University, near Boston, has begun an Environmental Literacy Institute (ELI), which encourages faculty of all disciplines to incorporate environmental themes into their courses. How courses like

"Calculus 101" or "Poets of 19th Century England" bear any direct relationship to environmentalism is a mystery. But rest assured, says Tufts Dean of Environmental Studies Anthony Cortese, all Tufts graduates will be "environmentally responsible people."

Some eco-friendly acts are case studies in good intentions missing the mark. At Brown University, members of the Brown Environmental Action Network (BEAN) persuaded the administration to produce and sell plastic mugs at university snack stands so students would use fewer paper cups. What the Beanies failed to realize is that producing plastic mugs consumes more resources, and has more environmentally damaging side effects, than producing paper cups. When presented with these facts, BEAN members were undaunted, and continued to defend the cups and their "benefit" to the environment.

These are just a few examples of eco-insanity on college campuses. But funny as they may be, environmental hysteria in the university has dangerous implications for the real world. After leaving college many student activists — eco-warriors among them — immediately gravitate to Washington, where they can pursue their ideas for forcing Americans to live up to their standards of environmental purity. The scary part is that, despite their college educations, they seem perfectly comfortable discarding scientific evidence and common sense in their crusade to "save" the Earth.

I too want clean air and water, and environmental harmony with all the furry woodland creatures. But unlike some campus environmentalists, I won't eat your trash.

Neomi M. Rao, a senior at Yale University, is the Lawrence Wade journalism fellow at the Heritage Foundation.

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ROLL CALL



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House Approves, 427-4, Compliance With Sweeping Private-Sector Laws

By Karen Foerstel

Promising to change the way Congress treats its workers, the House yesterday overwhelmingly passed legislation that would for the first time in history apply all private-

sector workplace laws to Congress. House Members voted 427 to 4 for passage of the Congressional Accountability Act, which must now go to the Senate for consideration. All Republicans voted for pas-

sage with only Democratic Reps. Bill Clay (Mo), Barbara-Rose Collins (Mich), Bill Ford (Mich), and Henry Gonzalez (Texas) voting nay.

The Senate Governmental Af-

fairs Committee is slated to mark up separate but similar compliance language this month with a bill expected to hit the floor in September.

The House's action yesterday culminates years of work by various

Members from both sides of the aisle who have fought to bring Congress into compliance with the worker safety and fair labor laws from which it has historically ex-

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Page 26 ROLL CALL Thursday, August 11, 1994

After Years of Trying, House Finally Approves Bill to Include Congress in Private-Sector Laws

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empted itself. "We are daring today to do the right thing," Rep. Barney Frank (D-Mass) said on the floor. "We are changing hundreds of years of tradition."

The measure passed yesterday directly applies ten laws to Congress and calls for a study of application for all other private-sector laws.

The ten laws specifically applied are the Fair Labor Standards Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Occupational Safety and Health Act, the Federal Labor Management Relations provision, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, and the Rehabilitation Act.

The bill also establishes a new bicameral Office of Compliance to enforce those laws, and staffers will be able to take employment complaints to the courts if they feel they have been discriminated against. The bill calls for the Office of Compliance to submit regulations on applying the laws to Congress within ten months after enactment of the

'We are daring today to do the right thing,' said Frank.

the Joint Committee. "There is no way the Democratic leadership will allow an effective reform bill on this floor."

Along with their opposition to splitting the package, Republicans yesterday opposed the rule under which the compliance language was considered, saying it prohibited debate on amendments that would have applied the Freedom of Information Act to Congress and held Members personally liable for up to \$50,000. Those amendments were drafted by Reps. John Boehner (R-Ohio) and Bill Goodling (R-Pa), respectively.

During a Rules Committee meeting last week, more than a dozen Members asked for floor consideration of 33 different amendments. Thirteen of those amendments were Republican.

But the rule which was issued by the committee, and subsequently adopted yesterday by voice vote, allowed 14 amendments to be considered on the floor, only one of which was a GOP amendment.

Among the amendments that were passed yesterday by voice vote was a requirement for annual reports to Congress reflecting the demographics of staffers, a five-year term limit for the new Director of the Office of Compliance, and a prohibition on personal use by Members and staff of frequent-flyer mileage accrued on official travel.

tially to House and Senate workers. The biggest change Congress will likely see under the Accountability Act is the right of House and Senate workers to take claims to the courts and receive compensation for their complaints.

Even without the new legislation, staffers in both chambers are covered by protections in the Ameri-

Among amendments that passed: a ban on personal use of frequent-flyer miles and a five-year term limit for new Director of compliance office.

cans with Disabilities Act and the Civil Rights Act. Senate workers, but not House staffers, are covered by the Age Discrimination Act. The House, however, has a rule which prohibits age discrimination.

And Senate workers are covered by the Rehabilitation Act, while the House is not. That act provides

worker protections for the disabled.

Under the Accountability Act passed yesterday, the House and Senate, as well as all Congressional instrumentalities, will be prohibited from discriminating on the basis of age, race, religion, sex, or disability, and staffers will also now be able to go to the courts and be eligible to receive compensatory damages.

The Family and Medical Leave Act covers House and Senate workers, although neither chamber is required to maintain the same record-keeping requirements as the private sector.

But if that act is applied to Congress in the same manner as the private sector, Congressional offices will also be required to make, keep, and maintain records pertaining to their compliance with the act.

The Accountability Act would also apply to Congress the Fair Labor Standards Act, which now only applies to the House. In its coverage of the House, however, offices are not required to maintain the same records on overtime as the private sector, and, unlike the private sector, staffers can be compensated with time off in lieu of overtime pay.

Under the House-passed Con-

gressional compliance bill, exact regulations on how staffers in both chambers would be compensated for overtime under the FLSA were left open to study.

The Federal Labor Management Relations Act would also be applied to Congress, which is now fully exempt from that provision. The FLMRA allows federal workers to join labor unions and bargain collectively on certain personnel practices and policies. The Office of Compliance could, therefore, allow Architect workers and other laborers to unionize.

The Employee Polygraph Protection Act, if applied to Congress, would prohibit staffers from being forced to take a lie detector test. The act, however, exempts some workers for coverage, including those working on national security issues.

And while OSHA currently does not apply to Congress, the Architect of the Capitol has said that his office complies voluntarily with most of the act's provisions.

Because OSHA primarily applies to industrial work areas and would most greatly affect the Architect's office, only minimal alterations would be needed to fully comply with the act.

Gingrich Asks \$3M for Races

changing hundreds of years of tradition.'

act. Those regulations would then go into effect within nine months after that.

While the Congressional Accountability Act, crafted by Reps. Dick Swett (D-NH) and Chris Shays (R-Conn), received bipartisan support in its final passage, Republicans yesterday spoke out against the House's consideration of the bill, saying broader internal reform proposals relating to the operations of the House should also be considered on the floor.

The compliance language had been part of a more far-reaching package of Hill reforms drafted last year by the Joint Committee on the Organization of Congress. That package not only called for the application of laws to the Hill, but also recommended biennial appropriations, limits on committee assignments, a reduction of subcommittees, and other changes.

House leaders, however, decided to split the package into two parts — one covering compliance of laws and one covering internal House rules. Leaders have promised floor consideration on the second half of the reforms in September.

Republicans argued that by separating the popular compliance language from the rest of the package, the internal reform recommendations will never be enacted.

"Adoption of this rule will mark the death of Congressional reform," said Rep. David Dreier (R-Calif), who served as the co-vice chair of

Another amendment passed yesterday by a vote of 374 to 57, offered by Rep. Leslie Byrne (D-Va), requires Members to comply with any standard benefits package approved by Congress as part of health care reform.

Rep. Richard Zimmer (R-NJ), the only Republican allowed to offer an amendment yesterday, won passage of language that requires any meeting of the Office of Compliance's board of directors to be open to the public.

Defeated on the floor yesterday was an amendment offered by DC Del. Eleanor Holmes Norton (D) that would have prohibited staffers from bypassing the grievance process of the Office of Compliance and instead going directly to the courts. The way the package now stands staffers can resort to legal action before exhausting the Hill's internal complaint process.

Also defeated was an amendment by Rep. Eric Fingerhut (D-Ohio) that would have prohibited the Director of the Office of Compliance from being a former Member, staffer, or lobbyist.

After narrowly killing that amendment, 216 to 220, the House then immediately agreed to an amendment offered by Rep. Tony Beilenson (D-Calif) that, among other things, allows the office's board of directors to include former staffers.

While yesterday's passage of the Accountability Act calls for the application of all private-sector laws to the House and Senate, exact regulations as to how these laws will apply to staffers will be left up to the Office of Compliance.

Already, many of the provisions included in the act apply substan-

Continued from page 1
ways to make their contributions to candidates and the National Republican Congressional Committee.

"Option A" for Members: raise \$50,000 for the NRCC, contribute \$5,000 to challenger and open-seat candidates, pay incumbent "dues" of between \$5,000 and \$15,000 to the NRCC, participate in a revamped "buddy system" to help out candidates in virtually every facet of their campaigns, and "help reshape the political environment with business leaders, political action committees, trade associations, and successful people."

"Option B" is much simpler — at least for those Members with a surplus of campaign cash or a non-competitive race of their own: "Commit \$148,000 to challenger and open seats."

"Option C" allows Members the flexibility to "Do both Option A & B."

It's unclear how many Republican Members have so far ponied up in the weeks since the memo was first circulated. But Gingrich's memo indicates the fundraising effort from incumbents is on an unprecedented scale.

In 1992, for example, only 12 GOP Members gave contributions to the NRCC, totaling about \$50,000, according to NRCC Chairman Bill Paxon (NY). Paxon instituted the incumbent-giving program at the beginning of the 1994 cycle, asking all GOP incumbents to give \$5,000 to \$15,000 to the committee, an idea he credits to Democratic Congressional Campaign Committee Chairman Vic Fazio (Calif).

So far in this election year, Paxon said yesterday, "we're well on

our way to 20 times" the \$50,000 given by incumbents in 1992.

Gingrich's new call for funds, Paxon said, is being made since "we need to raise millions more because of the growth in opportunities."

The \$3 million Gingrich hopes to bring in from Members for Republican House candidates is no small change. Through the first quarter of 1994, GOP non-incumbent candidates for House had raised \$27.2 million.

Members and NRCC staffers will be assigned to every GOP incumbent to ensure they are exhorted to participate, according to the memo. Eventually, the memo says, "Newt

'Option B' is simple: give \$148,000 to challenger and open-seat races.

meets with each Member and key political advisor regarding the individual Member's commitment; each Member is asked to sign a commitment pledge."

Earlier this year, Gingrich told a meeting of the Republican Conference that Members would all have to continually earn their committee ranking memberships and even the committee seats themselves. The "14 weeks" initiative is expected to be a factor in whether ranking members are viewed as team players.

Asked what the Conference would do in the event a Member declined to participate, Paxon said only that "we hope and pray that they do."

He said some Members are obviously not in a position to give sub-

stantial sums of money — perhaps because they face particularly difficult re-elections of their own.

But Paxon insisted that the Conference has seen increased peer pressure on Members to help because of a "unity of purpose and the sense that this is a historic opportunity."

Gingrich's memo also emphasizes that point, inviting colleagues "to join me in an extraordinary opportunity for House Republicans."

Wrote Gingrich, "The simple fact is that Clinton's unpopularity creates the chance to end the 40 years Democrats have controlled the House."

Included with the plea for fundraising help was a section titled "Who do you know?" A Member Matrix," a chart designed to help Members target individuals in various sectors of society who might be able to provide campaign help for Republicans.

It also spells out the plans for the "buddy system," in which incumbent Republicans will be assigned to GOP candidates and will be required to make certain that those candidates participate in the GOP's much-ballyhooed Sept. 27 event on the Capitol steps.

At this event, GOP House Members and candidates will present an agenda for Congressional reform and passage of ten specific legislative proposals.

Among the reasons Republicans have to be optimistic, Gingrich wrote, is that the party has a shot at beating Democrats like House Speaker Tom Foley (Wash) and Reps. Marjorie Margolies-Mezvinsky (Pa), Peter Hoagland (Neb), Leslie Byrne (Va), Larry LaRocco (Idaho), and Neal Smith (Iowa).