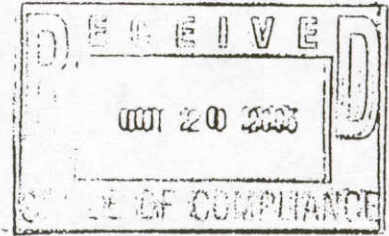


Office of the
Chief Administrative Officer
U.S. House of Representatives
Washington, DC 20515-6860



October 16, 2003

Bill Thompson
Executive Director
Office of Compliance
Room LA 200
John Adams Building
110 Second Street, S.E.
Washington, D.C. 20540

Re: Comments to the Proposed Amendments to the Rules of Procedure

Dear Mr. Thompson:

Please accept the following comments regarding the Office of Compliance's Proposed Amendments to the Rules of Procedures pursuant to 2 U.S.C. §1383(b).

1.05(a) Designation of Representative – The proposed amendment allows the Executive Director to determine whether a party's representative has a conflict of interest. I would request that the Office of Compliance consider the following suggestions as a way to enhance the proposed amendment.

First, the amendment does not provide any guidance as to what would constitute a conflict of interest. A listing of possible conflicts would allow a party to accurately assess whether to raise a conflict of interest question with the Executive Director.

Second, the amendment should provide an avenue of appeal for the disqualified representative or the party. This would help to ensure that a party has every opportunity to retain the representation of her or his choosing. This can be accomplished by providing for an appeal of the Executive Director's decision to disqualify a representative to the Board of Directors.

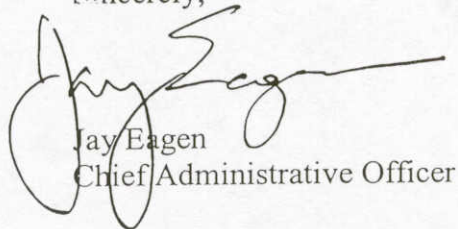
Third, the proposed amendment should provide a concrete time frame during which a party needs to make a claim of a conflict and for the Executive Director to make a disqualifying determination. The proposal states that any claim shall arise during the counseling and mediation period. However, those periods may vary depending upon scheduling. A more concrete time frame would help to provide consistency and protection against possible abuse of the conflict of interest mechanism. If a conflict is not raised in the specific period, the conflict should be considered waived.

4.16 Comments on Occupational Safety and Health Reports - The proposed amendment adding tight response requirements to reports for general distribution should be reexamined to insure that all parties, including the Office of Compliance, can fully examine certain issues. In re-examining this proposal, the Office of Compliance should take into account the following as I believe that they are beneficial to all parties:

- (i) The amendment states that it applies to “. . . any report issued for general distribution . . .” The Office of Compliance needs to clarify whether the proposed time frames apply to only the required biennial reports that the Office issues or reports issued in conjunction with a specific complaint or condition.
- (ii) The proposed amendment states that the Office of Compliance shall provide a minimum of seven days prior to the issuance of a report for a party to respond with comments. The Office of Compliance should expand the amount of time that a party will be given to respond to a report in order provide a party with the appropriate time to analyze a situation and identify possible solutions if necessary. This would help provide for a complete report.
- (iii) The proposed amendment states that “[I]f a responsible employing office wishes to have its written comments appended to the report, it shall submit such comments to the General Counsel no later than 48 hours prior to the scheduled issuance date.” The reference to “48 hours” provides no real guidance as to when the submission of comments is due. For example, the Office of Compliance may say that a report will be issued on “October 3, 2003” but not say when on that date the report will be issued, making it impossible to know specifically when the 48 hour period ends. It would be helpful for the Office of Compliance to negotiate with a party reasonable, specific response time so that there can be no disagreement regarding filing deadlines.
- (iv) The proposed amendment gives the General Counsel the authority to determine whether to include written comments. All comments should be included with a report. If the Office of Compliance retains this provision, the criteria the General Counsel will use in making this determination should be set forth in the amendment. If all comments are not going to be included, the General Counsel should be required to state with specificity why the comments were not included. This would provide the Board of Directors with a basis upon which to review the decision.
- (v) While the idea of an appeal process is welcome, I believe that there are additions to the proposed process that would benefit the parties. Specifically, the appeal process should provide for an automatic stay of the issuance of the General Counsel’s report upon the filing of an appeal. This stay should remain in effect until the Board issues a decision on the appeal. This would allow the Board time to render a well thought decision while at the same time, protecting the parties rights in the event that the Board overturns the General Counsel’s decision.

I would request that the Office of Compliance withdraw the proposed amendments pending redrafting and republication taking into account all comments to the proposed amendments.

Sincerely,



Jay Eagen
Chief Administrative Officer