

H.R. 306: Mr. LAMPSON, Ms. DEGETTE, and Mr. PORTER.

H.R. 366: Mr. YATES.

H.R. 367: Mr. JONES and Mr. KLINK.

H.R. 383: Mr. LAMPSON.

H.R. 400: Mr. FROST, Mr. CHAMBLISS, Mr. DELLUMS, and Mrs. LOWEY.

H.R. 407: Mr. PASTOR, Mr. ENSIGN, and Mr. TIERNEY.

H.R. 414: Mr. CAMPBELL, Mrs. CLAYTON, Mr. SCOTT, Mrs. KELLY, Mr. SAWYER, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. ACKERMAN, and Mr. SMITH of Texas.

H.R. 446: Mr. CHAMBLISS, Mr. PAUL, Ms. GRANGER, Mr. WICKER, Mr. MALONEY of Connecticut, Mr. HILL, and Mr. NUSSLE.

H.R. 450: Mr. HOUGHTON, Mr. BURR of North Carolina, and Mr. SAXTON.

H.R. 493: Mr. YATES.

H.R. 538: Mr. ACKERMAN.

H.R. 586: Mr. BAESLER, Mr. BROWN of California, Mr. CONYERS, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. RYUN, and Mr. SCHIFF.

H.R. 598: Mr. STUMP and Mrs. KELLY.

H.R. 633: Mr. MCGOVERN, Mr. BERMAN, Mr. HORN, and Mr. ACKERMAN.

H.R. 636: Mr. WELDON of Pennsylvania and Mr. HAYWORTH.

H.R. 669: Mr. LINDER.

H.R. 685: Ms. NORTON and Mr. DAVIS of Illinois.

H.R. 695: Mr. DEFAZIO.

H.R. 715: Mr. SOLOMON, Mr. CLEMENT, and Mr. ACKERMAN.

H.R. 716: Mr. HILLEARY.

H.R. 723: Mr. GOODE.

H.R. 724: Mr. POMEROY.

H.R. 755: Mr. PICKERING and Ms. JACKSON-LEE.

H.R. 760: Mr. FALEOMAVAEGA.

H.R. 774: Mr. CLEMENT, Mr. VENTO, Ms. SANCHEZ, and Ms. STABENOW.

H.R. 816: Mr. GOSS, Mr. BEREUTER, and Mr. HILLEARY.

H.R. 855: Mr. FOGLIETTA, Mr. VENTO, Mr. OBERSTAR, Mr. FROST, Mr. DELLUMS, Ms. NORTON, Mr. FATTAH, Mr. FOX of Pennsylvania, Mr. PASTOR, and Ms. LOFGREN.

H.R. 875: Mr. SHAYS and Mr. SCHIFF.

H.R. 879: Mr. STARK and Mr. ABERCROMBIE.

H.R. 899: Mr. CONYERS, Mr. FROST, Mr. ACKERMAN, Ms. LOFGREN, Mr. MEEHAN, Mr. BALDACCIO, and Mr. MARTINEZ.

H.R. 901: Mr. JOHN, Mr. JONES, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. CANNON, Mr. ISTOOK, and Mrs. MYRICK.

H.R. 919: Mr. DELAHUNT and Mr. CONYERS.

H.R. 955: Ms. CHRISTIAN-GREEN, Mrs. MYRICK, Mr. CANADY of Florida, and Mr. PETERSON of Pennsylvania.

H.R. 956: Mr. FILNER, Mr. BONIOR, Ms. STABENOW, and Mr. FORBES.

H.R. 972: Mr. BLAGOJEVICH.

H.R. 977: Mr. DOOLEY of California and Mr. MATSUI.

H.R. 983: Mr. MARTINEZ and Mr. JEFFERSON.

H.R. 991: Mr. METCALF and Mr. NEY.

H.R. 1012: Mr. HUTCHINSON.

H.R. 1040: Mr. HEFLEY, Mr. NORWOOD, Mr. SANFORD, and Mr. SMITH of Michigan.

H.R. 1042: Mr. WELLER, Mr. FAWELL, Mr. DAVIS of Illinois, and Mr. EVANS.

H.R. 1057: Mr. BUYER, Mrs. CARSON, Mr. HAMILTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. PEASE, Mr. ROEMER, Mr. SOUDER, and Mr. VISCLOSKEY.

H.R. 1058: Mr. BUYER, Mrs. CARSON, Mr. HAMILTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. ROEMER, Mr. SOUDER, and Mr. VISCLOSKEY.

H.R. 1064: Mr. EVANS.

H.R. 1080: Mr. SMITH of New Jersey.

H.J. Res. 17: Mr. ROTHMAN.

H.J. Res. 40: Mr. PICKERING.

H. Con. Res. 13: Ms. DEGETTE, Mr. FOX of Pennsylvania, Mr. CRAMER, Mr. GOSS, Mr.

ANDREWS, Mr. CARDIN, Mr. HILL, Mr. RUSH, Mr. TAYLOR of North Carolina, Mr. BAESLER, and Ms. SANCHEZ.

H. Con. Res. 23: Mr. VENTO.

H. Res. 20: Mr. PETERSON of Minnesota.

H. Res. 26: Mr. FROST, Mr. JACKSON, Mr. CONYERS, Mr. SCHUMER, Mr. CLYBURN, Ms. WATERS, Mr. LEVIN, Mr. ABERCROMBIE, and Mr. ACKERMAN.

H. Res. 39: Mr. DELAHUNT, Mr. VENTO, Ms. DEGETTE, Mr. WAXMAN, and Mr. ACKERMAN.

H. Res. 48: Mrs. MYRICK, Mr. GILMAN, and Mr. ACKERMAN.

H. Res. 98: Mr. WATTS of Oklahoma, Mr. RYUN, Mr. SKEEN, Mr. MILLER of Florida, Mr. KNOLLENBERG, Mr. HASTINGS of Washington, and Mr. BURR of North Carolina.

¶24.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 789: Mr. MCDERMOTT.

H.R. 993: Mr. DAN SCHAEFER of Colorado.

WEDNESDAY, MARCH 19, 1997 (25)

¶25.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TAYLOR of North Carolina, who laid before the House the following communication:

WASHINGTON, DC,

March 19, 1997.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

¶25.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, announced he had examined and approved the Journal of the proceedings of Tuesday, March 18, 1997.

Pursuant to clause 1, rule I, the Journal was approved.

¶25.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

2326. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revised Procedures for Commission Review and Approval of Applications for Contract Market Designation and of Exchange Rules Relating to Contract Terms and Conditions [17 CFR Parts 1 and 5] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2327. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification of the Department's intent to conduct a multifunction cost comparison of the supply, maintenance, and transportation functions at Hickam Air Force Base [AFB], HI, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2328. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification of the Department's intent to conduct a cost comparison study of the cadet food services waiters and sanitation function at the U.S. Air Force Academy, CO, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2329. A letter from the Secretary of Defense, transmitting notification that the Secretary has approved the retirement of Lt. Gen. Steven L. Arnold, U.S. Army, and his advancement to the grade of lieutenant general on the retired list, and certification that General Arnold has served satisfactorily on active duty in his current grade; to the Committee on National Security.

2330. A letter from the Secretary of Defense, transmitting a report on the Joint Demilitarization Technology Program, pursuant to Public Law 104-201, section 227 (110 Stat. 2460); to the Committee on National Security.

2331. A letter from the Maritime Administrator, U.S. Maritime Administration, transmitting a copy of the Voluntary Intermodal Sealift Agreement, developed in accordance with the provisions of section 708 of the Defense Production Act, pursuant to 50 U.S.C. App. 2158(f)(1)(A); to the Committee on Banking and Financial Services.

2332. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Assessment of Penalties for Failure to Provide Required Information—received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2333. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency; to the Committee on Commerce.

2334. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—National Vaccine Injury Compensation Program: Revisions and Additions to the Vaccine Injury Table—II [42 CFR Part 100] (RIN: 0906-AA36) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2335. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Information Agency, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

2336. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch; Exception for Gifts from a Political Organization (RIN: 3209-AA04) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2337. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Consolidation, Elimination, and Clarification of Various Regulations (Drug Enforcement Administration) [DEA Number 139F] (RIN: 1117-AA33) received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2338. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102-240, section 6016(e) (105 Stat. 2183); to the Committee on Transportation and Infrastructure.

2339. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Response Plans for Facilities Located Seaward of the Coast Line (Minerals Management Service) (RIN: 1010-

AB81) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2340. Secretary of Veterans Affairs, transmitting the fiscal year 1996 annual report of the Secretary of Veterans Affairs, pursuant to 38 U.S.C. 214, 221(c), and 664; to the Committee on Veterans' Affairs.

2341. A letter from the Acting Secretary of Labor, transmitting the quarterly report on the expediture and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2342. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1997 Calendar Year Resident Population Estimates [Notice 97-14] received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2343. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfers to Foreign Entities Under Section 1491 Through 1494 [Notice 97-18] received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2344. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance for Expatriates Under sections 877, 2501, 2107 and 6039F [Notice 97-19] received March 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2345. A letter from the Deputy Under Secretary for International and Commercial Programs, Department of Defense, transmitting the preliminary report on the investment strategy for the Dual Use Technology Program, pursuant to Public Law 104-201, section 203(g) (110 Stat. 2451); jointly, to the Committees on National Security and Science.

2346. A letter from the Director, Office of Management and Budget, transmitting the administration's legislative proposal regarding the allowability of executive compensation costs on covered Government contracts, pursuant to Public Law 104-201, section 809(e) (110 Stat. 2608); jointly, to the Committees on National Security and Government Reform and Oversight.

25.4 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 1997.

Hon. NEWT GINGRICH,
Speaker,
Washington, DC.

DEAR MR. SPEAKER: I am writing to confirm I am going to take a leave of absence from the Government Reform and Oversight Committee this session of Congress.

This letter follows my earlier request made on January 23, 1997. Thank you in advance for honoring this request.

Sincerely,

ROBERT L. EHRLICH, Jr.,
Member of Congress.

By unanimous consent, the resignation was accepted.

25.5 PROVIDING FOR THE CONSIDERATION OF H. R. 1

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 99):

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. An amendment designated to be offered by the chairman of the Committee on Education and the Workforce or his designee may be offered en bloc with one or more other such amendments. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, announced that the yeas had it.

Mr. MOAKLEY objected to the vote on the ground that a quorum was not present and not voting.

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 229
Nays 195

25.6 [Roll No. 54] YEAS—229

Aderholt	Bass	Bono
Archer	Bateman	Boyd
Armey	Bereuter	Brady
Bachus	Bilbray	Bryant
Baker	Bilirakis	Bunning
Ballenger	Bliley	Burr
Barr	Blunt	Burton
Barrett (NE)	Boehlert	Buyer
Bartlett	Boehner	Callahan
Barton	Bonilla	Camp

Campbell	Hoekstra	Pombo
Canady	Horn	Porter
Cannon	Hostettler	Portman
Castle	Houghton	Pryce (OH)
Chabot	Hulshof	Quinn
Chambliss	Hunter	Radanovich
Chenoweth	Hutchinson	Ramstad
Christensen	Hyde	Regula
Coble	Inglis	Riggs
Coburn	Istook	Riley
Collins	Jenkins	Rogan
Combest	John	Rogers
Cook	Johnson (CT)	Rohrabacher
Cooksey	Johnson, Sam	Ros-Lehtinen
Cox	Jones	Roukema
Crane	Kasich	Royce
Crapo	Kelly	Ryun
Cubin	Kim	Salmon
Cunningham	King (NY)	Sanford
Davis (VA)	Kingston	Saxton
Deal	Klug	Scarborough
DeLay	Knollenberg	Schaefer, Dan
Diaz-Balart	Kolbe	Schaffer, Bob
Dickey	LaHood	Schiff
Dooley	Largent	Sensenbrenner
Doolittle	Latham	Sessions
Dreier	LaTourette	Shadegg
Duncan	Leach	Shaw
Dunn	Lewis (CA)	Shays
Ehlers	Lewis (KY)	Shimkus
Ehrlich	Linder	Skeen
Emerson	Livingston	Smith (MI)
English	LoBiondo	Smith (NJ)
Ensign	Lucas	Smith (OR)
Everett	Manzullo	Smith (TX)
Ewing	McCollum	Smith, Linda
Fawell	McCrery	Snowbarger
Foley	McDade	Solomon
Forbes	McHugh	Souder
Fowler	McInnis	Spence
Fox	McIntosh	Stearns
Frelinghuysen	McKeon	Stenholm
Galleghy	Metcalfe	Stump
Ganske	Mica	Sununu
Gekas	Miller (FL)	Talent
Gibbons	Molinar	Tauzin
Gilchrest	Moran (KS)	Taylor (NC)
Gillmor	Morella	Thomas
Gilman	Myrick	Thornberry
Goode	Nethercutt	Thune
Goodlatte	Neumann	Tiahrt
Goodling	Ney	Upton
Goss	Northup	Walsh
Graham	Norwood	Wamp
Granger	Nussle	Watkins
Greenwood	Oxley	Watts (OK)
Gutknecht	Packard	Weldon (FL)
Hall (TX)	Pappas	Weldon (PA)
Hansen	Parker	Weller
Hastert	Paul	White
Hastings (WA)	Paxon	Whitfield
Hayworth	Pease	Wicker
Hefley	Peterson (MN)	Wolf
Herger	Peterson (PA)	Young (AK)
Hill	Petri	Young (FL)
Hilleary	Pickering	
Hobson	Pitts	

NAYS—195

Abercrombie	Coyne	Frost
Ackerman	Cramer	Furse
Allen	Cummings	Gejdenson
Andrews	Danner	Gephardt
Baessler	Davis (FL)	Gonzalez
Baldacci	Davis (IL)	Gordon
Barrett (WI)	DeFazio	Green
Becerra	DeGette	Gutierrez
Bentsen	Delahunt	Hall (OH)
Berman	DeLauro	Hamilton
Berry	Dellums	Harman
Bishop	Deutsch	Hastings (FL)
Blagojevich	Dicks	Hefner
Blumenauer	Dingell	Hilliard
Bonior	Dixon	Hincheey
Borski	Doggett	Hinojosa
Boswell	Doyle	Holden
Boucher	Edwards	Hooley
Brown (CA)	Engel	Hoyer
Brown (FL)	Eshoo	Jackson (IL)
Brown (OH)	Etheridge	Jackson-Lee
Capps	Evans	(TX)
Cardin	Farr	Jefferson
Carson	Fattah	Johnson (WI)
Clay	Fazio	Johnson, E. B.
Clayton	Filner	Kanjorski
Clement	Flake	Kennedy (MA)
Clyburn	Foglietta	Kennedy (RI)
Condit	Ford	Kennelly
Conyers	Frank (MA)	Kildee
Costello	Franks (NJ)	Kilpatrick

Kind (WI)	Minge	Scott
Klecza	Mink	Serrano
Klink	Moakley	Sherman
Kucinich	Mollohan	Sisisky
LaFalce	Moran (VA)	Skelton
Lampson	Murtha	Slaughter
Lantos	Nadler	Smith, Adam
Lazio	Neal	Snyder
Levin	Oberstar	Spratt
Lewis (GA)	Obey	Stabenow
Lipinski	Olver	Stokes
Lofgren	Ortiz	Strickland
Lowey	Owens	Stupak
Luther	Pallone	Tanner
Maloney (CT)	Pascrell	Tauscher
Maloney (NY)	Pastor	Taylor (MS)
Manton	Payne	Thompson
Markey	Pelosi	Thurman
Martinez	Pickett	Tierney
Mascara	Pomeroy	Towns
Matsui	Poshard	Traficant
McCarthy (MO)	Price (NC)	Turner
McCarthy (NY)	Rahall	Velazquez
McDermott	Rangel	Vento
McGovern	Reyes	Visclosky
McHale	Rivers	Waters
McIntyre	Roemer	Watt (NC)
McKinney	Rothman	Waxman
McNulty	Roybal-Allard	Wexler
Meehan	Rush	Weygand
Meek	Sabo	Wise
Menendez	Sanders	Woolsey
Millender-	Sandlin	Wynn
McDonald	Sawyer	Yates
Miller (CA)	Schumer	

NOT VOTING—8

Barcia	Sanchez	Stark
Calvert	Shuster	Torres
Kaptur	Skaggs	

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.

25.7 FAIR LABOR STANDARDS

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, pursuant to House Resolution 99 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, by unanimous consent, designated Mr. COMBEST as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. GIBBONS, assumed the Chair.

25.8 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 924. An Act to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested.

S.J. Res. 22. Joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to in-

vestigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The message also announced that pursuant to Public Law 104-264, the Chair, on behalf of the majority leader, appointed the following individuals to the National Civil Aviation Review Commission:

The Honorable LARRY PRESSLER, of Washington, DC; and Richard E. Smith, Jr., of Mississippi.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586, the Chair, on behalf of the Democratic leader, announced the appointment of Dr. Larry K. Brendtro, of South Dakota, to serve a 2-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

The Committee resumed its sitting; and after some further time spent therein,

25.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en bloc submitted by Mr. GOODLING:

Page 4, insert after line 10 the following:

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1000 hours for the employee's employer during a period of continuous employment with the employer in the 12 month period before the date of agreement or receipt of compensatory time off.

Page 4, line 13, strike "240" and insert "160".

It was decided in the	{	Yeas	408
affirmative	Nays	19

25.10 [Roll No. 55] AYES—408

Abercrombie	Brown (FL)	Deal
Ackerman	Brown (OH)	DeFazio
Aderholt	Bryant	DeGette
Allen	Bunning	DeLauro
Andrews	Burr	DeLay
Archer	Burton	Dellums
Armey	Buyer	Deutsch
Bachus	Callahan	Diaz-Balart
Baesler	Calvert	Dickey
Baker	Camp	Dicks
Baldacci	Canady	Dingell
Ballenger	Cannon	Dixon
Barcia	Capps	Doggett
Barr	Cardin	Dooley
Barrett (NE)	Castle	Doolittle
Barrett (WI)	Chabot	Doyle
Bartlett	Chambliss	Dreier
Barton	Chenoweth	Duncan
Bass	Christensen	Dunn
Bateman	Clay	Edwards
Becerra	Clayton	Ehlers
Bentsen	Clement	Ehrlich
Bereuter	Clyburn	Emerson
Berman	Coble	Engel
Berry	Coburn	English
Bilbray	Collins	Ensign
Bilirakis	Combest	Eshoo
Bishop	Condit	Etheridge
Blagojevich	Conyers	Evans
Bliley	Cook	Everett
Blumenauer	Cooksey	Ewing
Blunt	Costello	Farr
Boehlert	Cox	Fattah
Boehner	Coyne	Fawell
Bonilla	Cramer	Fazio
Bonior	Crane	Filner
Bono	Crapo	Flake
Borski	Cubin	Foglietta
Boswell	Cummings	Foley
Boucher	Cunningham	Ford
Boyd	Danner	Fowler
Brady	Davis (FL)	Fox
Brown (CA)	Davis (VA)	Frank (MA)

Franks (NJ)	Lipinski	Rogers
Frelinghuysen	Livingston	Rohrabacher
Frost	LoBiondo	Ros-Lehtinen
Furse	Lofgren	Rothman
Gallegly	Lowey	Roukema
Ganske	Lucas	Roybal-Allard
Gejdenson	Luther	Royce
Gekas	Maloney (CT)	Ryun
Gephardt	Maloney (NY)	Sabo
Gibbons	Manton	Salmon
Gilchrest	Manzullo	Sanchez
Gillmor	Markey	Sanders
Gilman	Martinez	Sandlin
Gonzalez	Mascara	Sanford
Goode	Matsui	Sawyer
Goodlatte	McCarthy (MO)	Saxton
Goodling	McCarthy (NY)	Scarborough
Gordon	McCollum	Schaefer, Dan
Goss	McCrery	Schiff
Graham	McDade	Schumer
Granger	McDermott	Scott
Green	McGovern	Sensenbrenner
Greenwood	McHale	Serrano
Gutierrez	McHugh	Sessions
Gutknecht	McInnis	Shadegg
Hall (OH)	McIntosh	Shaw
Hall (TX)	McIntyre	Shays
Hamilton	McKeon	Sherman
Hansen	McNulty	Shimkus
Harman	Meehan	Shuster
Hastert	Meek	Sisisky
Hastings (FL)	Menendez	Skaggs
Hastings (WA)	Metcalf	Skeen
Hayworth	Mica	Skelton
Hefner	Millender-	Slaughter
Hill	McDonald	Smith (MI)
Hilleary	Miller (CA)	Smith (NJ)
Hilliard	Miller (FL)	Smith (OR)
Hinchee	Minge	Smith (TX)
Hinojosa	Mink	Smith, Adam
Hobson	Moakley	Smith, Linda
Hoekstra	Molinari	Snowbarger
Holden	Mollohan	Snyder
Hoolley	Moran (KS)	Solomon
Horn	Moran (VA)	Souder
Hostettler	Morella	Spence
Houghton	Murtha	Stabenow
Hoyer	Myrick	Stark
Hulshof	Nadler	Stearns
Hutchinson	Nethercutt	Stenholm
Hyde	Neumann	Stokes
Inglis	Ney	Stump
Istook	Northup	Stupak
Jackson (IL)	Norwood	Sununu
Jackson-Lee	Nussle	Talent
(TX)	Oberstar	Tanner
Jefferson	Obey	Tauscher
Jenkins	Olver	Tauzin
John	Ortiz	Taylor (MS)
Johnson (CT)	Oxley	Thomas
Johnson (WI)	Packard	Thompson
Johnson, E.B.	Pallone	Thornberry
Johnson, Sam	Pappas	Thune
Jones	Parker	Thurman
Kanjorski	Pascrell	Tiahrt
Kasich	Pastor	Tierney
Kelly	Paxon	Torres
Kennedy (MA)	Payne	Traficant
Kennedy (RI)	Pease	Turner
Kennelly	Pelosi	Upton
Kildee	Peterson (MN)	Vento
Kilpatrick	Peterson (PA)	Visclosky
Kim	Petri	Walsh
Kind (WI)	Pickering	Wamp
King (NY)	Pickett	Waters
Kingston	Pitts	Watkins
Klecza	Pombo	Watts (OK)
Klug	Pomeroy	Waxman
Knollenberg	Porter	Weldon (FL)
Kolbe	Portman	Weldon (PA)
LaFalce	Poshard	Weller
LaHood	Price (NC)	Wexler
Lampson	Pryce (OH)	Weygand
Lantos	Quinn	White
Largent	Radanovich	Whitfield
Latham	Rahall	Wicker
LaTourette	Ramstad	Wise
Lazio	Rangel	Wolf
Leach	Regula	Woolsey
Levin	Reyes	Wynn
Lewis (CA)	Riggs	Yates
Lewis (GA)	Riley	Young (AK)
Lewis (KY)	Rivers	Young (FL)
Linder	Roemer	

NOES—19

Campbell	Hefley	Kucinich
Davis (IL)	Herger	McKinney
Delahunt	Hunter	Neal
Forbes	Klink	Owens

Paul Strickland Watt (NC)
Rush Towns
Schaffer, Bob Velazquez
NOT VOTING—5
Carson Rogan Taylor (NC)
Kaptur Spratt

So the amendments en bloc were agreed to.

After some further time,

25.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BOYD:

Page 9, add after line 2 the following:

SEC. 2. SUNSET.

This Act and the amendments made by this Act shall expire 5 years after the date of the enactment of this Act.

It was decided in the affirmative Yeas 390 Nays 36

25.12 [Roll No. 56] AYES—390

Abercrombie Cooksey Goodling
Ackerman Costello Gordon
Aderholt Cox Goss
Allen Coyne Graham
Andrews Cramer Green
Archer Crane Greenwood
Army Crapo Gutierrez
Bachus Cubin Gutknecht
Baesler Cummings Hall (OH)
Baker Cunningham Hall (TX)
Baldacci Danner Hamilton
Ballenger Davis (FL) Hansen
Barcia Davis (IL) Harman
Barrett (NE) Deal Hastert
Barrett (WI) DeFazio Hastings (FL)
Barton DeGette Hayworth
Bass Delahunt Hefner
Bateman DeLauro Hill
Becerra Dellums Hilleary
Bentsen Deutsch Hilliard
Bereuter Diaz-Balart Hinchey
Berman Dickey Hinojosa
Berry Dicks Hobson
Bilbray Dingell Hoekstra
Bilirakis Dixon Holden
Bishop Doggett Hooley
Blagojevich Dooley Horn
Blumenauer Doolittle Houghton
Blunt Doyle Hoyer
Boehlert Dreier Hulshof
Bonior Duncan
Bono Dunn Hutchinson
Borski Edwards Hyde
Boswell Ehrlich Inglis
Boucher Emerson Istook
Boyd Engel Jackson (IL)
Brown (CA) English Jackson-Lee
Brown (FL) Ensign (TX)
Brown (OH) Eshoo Jefferson
Bryant Etheridge Jenkins
Bunning Evans John
Burr Everett Johnson (CT)
Burton Ewing Johnson (WI)
Buyer Farr Johnson, E.B.
Callahan Fattah Jones
Calvert Fawell Kelly
Camp Filner Kennedy (MA)
Canady Flake Kennedy (RI)
Cannon Foglietta Kennelly
Capps Foley Kildee
Cardin Ford Kilpatrick
Carson Fowler Kim
Castle Fox Kind (WI)
Chabot Frank (MA) King (NY)
Chambliss Franks (NJ) Kleczka
Chenoweth Frelinghuysen Klink
Christensen Frost Klug
Clay Furse Knollenberg
Clayton Gallegly Kolbe
Clement Ganske LaFalce
Clyburn Gejdenson LaHood
Coble Gekas Lampson
Coburn Gibbons Lantos
Collins Gillmor Largent
Combest Gilman Latham
Condit Gonzalez LaTourette
Conyers Covners Lazio
Cook Goodlatte Leach

Levin Owens Skelton
Lewis (CA) Oxley Slaughter
Lewis (GA) Packard Smith (MI)
Lewis (KY) Pallone Smith (NJ)
Linder Pappas Smith (OR)
Lipinski Parker Smith, Adam
Livingston Pascrell Smith, Linda
LoBiondo Pastor Snowbarger
Lofgren Paxon Snyder
Lowe Payne Solomon
Lucas Pelosi Souder
Luther Peterson (MN) Spence
Maloney (CT) Peterson (PA) Stabenow
Maloney (NY) Pickering Stark
Manton Pickett Stearns
Manzullo Pitts Stenholm
Markey Pombo Stokes
Martinez Pomeroy Stump
Mascara Porter Stupak
Matsui Portman Sununu
McCarthy (MO) Poshard Talent
McCarthy (NY) Price (NC) Tanner
McCollum Pryce (OH) Tauscher
McCrery Quinn Tauzin
McDade Radanovich Taylor (MS)
McGovern Rahall Taylor (NC)
McHale Ramstad Thomas
McHugh Rangel Thompson
McInnis Regula Thune
McIntyre Reyes Thurman
McKeon Riggs Tiahrt
McKinney Riley Tierney
McNulty Rivers Torres
Meehan Roemer Towns
Meek Rogan Traficant
Menendez Rogers Turner
Metcalf Ros-Lehtinen Upton
Mica Rothman Velazquez
Millender Roukema Vento
McDonald Roybal-Allard Visclosky
Miller (CA) Rush Walsh
Miller (FL) Sabo Wamp
Mink Sanchez Waters
Moakley Sanders Watt (NC)
Molinari Sandlin Watts (OK)
Mollohan Sanford Waxman
Moran (KS) Sawyer Weldon (FL)
Moran (VA) Saxton Weldon (PA)
Morella Schaefer, Dan Weller
Murtha Schaffer, Bob Wexler
Myrick Schiff Weygand
Nadler Schumer White
Neal Scott Whitfield
Nethercutt Serrano Wicker
Neumann Sessions Wise
Ney Shaw Wolf
Norwood Sherman Woolsey
Nussle Shimkus Wynn
Oberstar Shuster Yates
Obey Sisisky Young (AK)
Oliver Skaggs Young (FL)
Ortiz Skeen

NOES—36

Barr Granger Pease
Bartlett Hastings (WA) Petri
Biiley Hefley Rohrabacher
Boehner Herger Royce
Bonilla Hostettler Salmon
Brady Johnson, Sam Scarborough
Campbell Kingston Sensenbrenner
Davis (VA) Kucinich Shadegg
DeLay McDermott Shays
Ehlers McIntosh Smith (TX)
Forbes Northrup Strickland
Gilchrest Paul Thornberry

NOT VOTING—6

Fazio Kanjorski Kasich
Gephardt Kaptur Spratt

So the amendment was agreed to.

After some further time,

25.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OWENS:

Page 3, line 10, insert before the period the following: "or an employee whose rate of pay is less than 2.5 times the minimum wage rate in effect under section 6(a)(1)".

It was decided in the negative Yeas 182 Nays 237

25.14 [Roll No. 57] AYES—182

Abercrombie Green Moakley
Ackerman Gutierrez Moran (VA)
Allen Hall (OH) Murtha
Andrews Hamilton Nadler
Bachus Hastings (FL) Neal
Baesler Hefner Obey
Baldacci Hilliard Olver
Barcia Hinchey Ortiz
Barrett (WI) Hinojosa Owens
Becerra Holden Pallone
Berman Hooley Pascrell
Berry Horn Pastor
Bishop Hoyer Payne
Blagojevich Jackson (IL) Pelosi
Blumenauer Jackson-Lee Peterson (MN)
Bonior (TX) Pomeroy
Borski Jefferson Poshard
Boswell John Rahall
Boucher Johnson (WI) Reyes
Brown (CA) Johnson, E. B. Rivers
Brown (FL) Kanjorski Rothman
Brown (OH) Kennedy (MA) Roybal-Allard
Capps Kennedy (RI) Rush
Carson Kennelly Sabo
Clay Kildee Sanchez
Clayton Kilpatrick Sanders
Clyburn Kleczka Sandlin
Conyers Klink Sawyer
Costello Kucinich Schumer
Coyne Lampson Scott
Cramer Lantos Serrano
Cummings Largent Sherman
Danner Visclosky Skaggs
Davis (FL) Levin Skelton
Davis (IL) Lewis (GA) Slaughter
DeFazio Lipinski Snyder
DeGette Lofgren Stabenow
Delahunt Lowey Stark
DeLauro Luther Stokes
Dellums Maloney (CT) Stupak
Deutsch Maloney (NY) Tauscher
Dicks Manton Thompson
Dixon Markey Thurman
Doggett Martinez Tierney
Doyle Mascara Torres
Edwards McCarthy (MO) Towns
Engel McCarthy (NY) Traficant
Eshoo McDade Turner
Etheridge McDermott Velazquez
Evans McGovern Vento
Farr McHale Visclosky
Fattah McKinney Waters
Fazio McInnis Watt (NC)
Filner Meehan Waxman
Flake Meek Wexler
Foglietta Menendez Weygand
Ford Metcalf Wise
Frank (MA) Millender Woolsey
Frost McDonald Wynn
Furse Miller (CA) Yates
Gejdenson Minge
Gonzalez Mink

NOES—237

Aderholt Camp Duncan
Archer Campbell Dunn
Armey Canady Ehlers
Baker Cannon Ehrlich
Ballenger Cardin Emerson
Barr Castle Ensign
Barrett (NE) Chabot Everett
Bartlett Chambliss Ewing
Barton Chenoweth Fawell
Bass Christensen Foley
Bateman Coble Forbes
Bentsen Coburn Fowler
Bereuter Collins Fox
Bilbray Combest Franks (NJ)
Bilirakis Condit Frelinghuysen
Bliley Cook Gallegly
Boehlert Cooksey Ganske
Boehner Cox Gekas
Bonilla Crane Gibbons
Bono Crapo Gillmor
Boyd Cubin Gilman
Brady Cunningham Goode
Bryant Davis (VA) Goodlatte
Bunning Deal Goodling
Burton DeLay Gordon
Buyer Diaz-Balart Goss
Callahan Dickey Graham
Calvert Dreier Greenwald
Gutknecht

Hall (TX)	McKeon	Schaefer, Dan
Hansen	Mica	Schaffer, Bob
Harman	Miller (FL)	Schiff
Hastert	Molinari	Sensenbrenner
Hastings (WA)	Mollohan	Sessions
Hayworth	Moran (KS)	Shadegg
Hefley	Morella	Shaw
Herger	Myrick	Shays
Hill	Nethercutt	Shimkus
Hilleary	Neumann	Shuster
Hobson	Ney	Sisisky
Hoekstra	Northup	Skeen
Hostettler	Norwood	Smith (MI)
Houghton	Nussle	Smith (NJ)
Hulshof	Oxley	Smith (OR)
Hunter	Packard	Smith (TX)
Hutchinson	Pappas	Smith, Adam
Hyde	Parker	Smith, Linda
Inglis	Paul	Snowbarger
Istook	Paxon	Solomon
Jenkins	Pease	Souder
Johnson (CT)	Peterson (PA)	Spence
Johnson, Sam	Petri	Stearns
Jones	Pickering	Stenholm
Kelly	Pickett	Strickland
Kim	Pitts	Sununu
Kind (WI)	Pombo	Talent
King (NY)	Porter	Tanner
Kingston	Portman	Tauzin
Klug	Pryce (OH)	Taylor (MS)
Knollenberg	Quinn	Taylor (NC)
Kolbe	Radanovich	Thomas
LaHood	Ramstad	Thornberry
Latham	Rangel	Thune
LaTourrette	Regula	Tiahrt
Leach	Riggs	Upton
Lewis (CA)	Riley	Walsh
Lewis (KY)	Roemer	Wamp
Linder	Rogan	Watkins
Livingston	Rogers	Watts (OK)
LoBiondo	Rohrabacher	Weldon (FL)
Lucas	Ros-Lehtinen	Weldon (PA)
Manzullo	Roukema	Weller
McCollum	Royce	White
McCrery	Ryun	Whitfield
McHugh	Salmon	Wicker
McInnis	Sanford	Wolf
McIntosh	Saxton	Young (AK)
McIntyre	Scarborough	Young (FL)

NOT VOTING—13

Clement	Kaptur	Price (NC)
Dingell	Kasich	Spratt
English	LaFalce	Stump
Gephardt	Matsui	
Gilchrest	Oberstar	

So the amendment was not agreed to. The Committee rose informally to receive messages from the President.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

¶25.15 MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶25.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Protection and Family Flexibility Act of 1997".

SEC. 2. IN GENERAL.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended to add at the end the following:

"(r)(1) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compen-

satory time off at a rate not less than 1½ hours for each hour of employment for which overtime is required by subsection (a).

"(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization which has been certified or recognized as the representative of the employees under applicable law, or

"(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employer's employees which provides employees with a voluntary, informed option to receive compensatory time off for overtime work where there is an express, voluntary written request by an individual employee for compensatory time off in lieu of overtime pay provided to the employer prior to the performance of any overtime assignment;

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (4)(A) or in regulations issued by the Secretary pursuant to paragraph (13);

"(C) if the employee is not required as a condition of employment to accept or request compensatory time;

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations issued by the Secretary under paragraph (13), including the availability of compensatory time to similarly situated employees on an equal basis; and

"(E) if, for purposes of a plan established under subparagraph (A)(ii), the employer, in providing compensatory time, does not modify a leave policy so as to reduce any paid or unpaid leave or does not reduce any other type of benefit or compensation an employee would otherwise be entitled to receive.

"(3) An employee may, at any time, withdraw a request for compensatory time made under a plan under paragraph (2)(A)(ii).

"(4)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned-and-unused compensatory time, in accordance with regulations issued by the Secretary.

"(B) Upon the request of an employee who has earned compensatory time, the employer shall on the payday of the pay period during which the request is received provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(C) Not later than January 31 of each calendar year, each employer shall provide monetary compensation to each employee for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through paid time off or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initia-

tive, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to paragraph (13).

"(5) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(6) An employee shall be permitted to use, at the time the employee has requested, any compensatory time earned pursuant to paragraph (1)—

"(A) for any reason which would qualify for leave under section 102(a) of the Family and Medical Leave Act (29 U.S.C. 2612(a)) or any comparable State law; or

"(B) for any other purpose—

"(i) upon notice to the employer at least 2 weeks prior to the date on which the time off is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the employer's operations; or

"(ii) upon notice to the employer within the 2 weeks prior to the date on which the time off is to be used unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

"(7) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

"(8) Except where there is a collective bargaining agreement, an employer may modify or terminate a compensatory time plan upon not less than 60 days notice to employees. When a plan is terminated, an employer may not, except as provided in paragraph (4)(C), require that an employee who has earned compensatory time receive monetary compensation in lieu of such time.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection. Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

"(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(A) to discharge or in any other manner penalize, discriminate against, or otherwise interfere with any employee—

"(i) because such employee may refuse or has refused to request or accept compensatory time off in lieu of overtime pay, or

"(ii) because such employee may request to use or has used compensatory time off in lieu of overtime pay;

"(B) to request, directly or indirectly, that an employee accept compensatory time off in lieu of overtime pay, to require an employee to request or to refuse to request such compensatory time as a condition of employment or as a condition of employment rights or benefits or to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time off in lieu of overtime compensation; or

"(C) to deny an employee the right to use or force an employee to use earned compensatory time in violation of this subsection.

"(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to section 16(b) or 16(c), in the amount of overtime compensa-

tion that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, as well as an additional equal amount as liquidated damages, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time off or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the employer's liability under this paragraph.

“(12) For the purpose of protecting overtime compensation wages of employees, the Secretary may by regulation require employers who provide compensatory time to their employees under this subsection to secure a payment bond with a surety satisfactory for protection of the overtime compensation of such employees.

“(13) (A) The Secretary may issue regulations as necessary and appropriate to implement this subsection including regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.

“(B) The Secretary may issue regulations regarding classes of employees, including all employees in particular occupations or industries, to—

“(i) exempt such employees from the provisions of this subsection,

“(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in paragraph (4)(A), or

“(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in paragraph (4)(C),

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, that a pattern of violations of the Act may exist, or that such regulations are necessary or appropriate to assure that employees receive the compensation due them.

“(C) The Secretary shall issue regulations—

“(i) which bar employers with a pattern or practice of violations of this Act from offering compensatory time under this subsection;

“(ii) prescribing the content of plans described in paragraph (2)(A)(ii) and employee notification, including the provision of information regarding who is eligible for compensatory time and under what circumstances it may be earned and used and information regarding the impact, if any, that choosing compensatory time may have on the eligibility, accrual, and receipt of other compensation and benefits; and

“(iii) requiring employers to keep records in accordance with section 11(c) of compensatory time earned and overtime worked.

“(14) When an employee uses earned compensatory time off, the employee shall be paid for the time off at the employee's regular rate at the time the employee performed the overtime work or at the employee's regular rate when the time off is taken, whichever is higher.

“(15) For purposes of this subsection—

“(A) the terms 'compensatory time' and 'compensatory time off' mean hours during which an employee is not working and for which the employee is compensated at the employee's regular rate in accordance with this subsection;

“(B) the term 'elderly relative' means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent;

“(C) the term 'employee' does not include—

“(i) a part-time, temporary, or seasonal employee;

“(ii) an employee of a public agency;

“(iii) an employee in the garment industry;

“(iv) an employee who is not entitled to take not less than 24 hours of leave during any 12-month period to participate in school activities directly related to the educational advancement of a son or daughter of the employee, accompany such son or daughter to routine medical or dental appointments, and accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to such elder's care; or

“(v) an employee exempted by the Secretary under paragraph (13)(B);

“(D) the term 'overtime compensation' shall have the meaning given such term by subsection (o)(7);

“(E) the term 'part-time, temporary, or seasonal employee' means—

“(i) an employee whose regular workweek for the employer is less than 35 hours per week;

“(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

“(iii) an employee in the construction industry, in agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3)), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

“(F) the term 'overtime assignment' means an assignment of hours for which overtime compensation is required under subsection (a); and

“(G) the term 'school' means an elementary or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.”

SEC. 3. CIVIL MONEY PENALTIES.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended by adding after the first sentence the following: “Any person who violates section 7(r) of this Act shall be subject to a civil penalty not to exceed \$1,000 for each such violation.”

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by designating existing section 18 as subsection (a) and by adding a new subsection (b) to read as follows:

“(b)(1) No provision of section 7(r) or of any order thereunder shall be construed to—

“(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time off in lieu of paid overtime compensation;

“(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time off in lieu of paid overtime; or

“(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

“(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from subsection 7(r), to allow employers to provide more compensatory time than allowed under subsection 7(r), or to supersede any limitations placed by subsection 7(r), including exemp-

tions and limitations in regulations issued by the Secretary thereunder.”

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (hereafter in this section referred to as the “Commission”). The members of the Commission shall be selected in accordance with the procedures set forth in section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633) and the compensation and powers of the Commission shall be as prescribed in sections 304 and 305 of that Act (29 U.S.C. 2634, 2635).

(b) DUTIES.—The Commission shall conduct a comprehensive study of the impact of compensatory time on private sector employees, including the impact of the law on average earnings, hours of work, work schedules, flexibility of scheduling work to accommodate family needs, and the ability of vulnerable employees or other employees to obtain the compensation to which they are entitled, and shall make a comparison of the compensatory time offered to public and private employees. A report concerning the findings of the study shall be submitted to the appropriate committees of Congress and to the Secretary of Labor not later than 1 year before the expiration of this title. The report shall include recommendations as to whether the compensatory time provisions of section 7(r) of the Fair Labor Standards Act of 1938 should be modified or extended, including a recommendation as to whether particular classes of employees or industries should be exempted or otherwise given special treatment and whether additional protections should be given. The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 6 months after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this Act shall expire 4 years after date of the enactment of this Act.

It was decided in the { Yeas 193
negative } Nays 237

¶25.17	[Roll No. 58]	
	AYES—193	
Abercrombie	Danner	Hall (OH)
Ackerman	Davis (FL)	Hamilton
Allen	Davis (IL)	Harman
Andrews	DeFazio	Hastings (FL)
Baldacci	DeGette	Hefner
Barcia	Delahunt	Hilliard
Barrett (WI)	DeLauro	Hinchey
Becerra	Dellums	Hinojosa
Bentsen	Deutsch	Holden
Berman	Dicks	Hooley
Bishop	Dingell	Hoyer
Blagojevich	Dixon	Jackson (IL)
Blumenauer	Doggett	Jackson-Lee
Bonior	Doyle	(TX)
Borski	Edwards	Jefferson
Boswell	Engel	John
Boucher	English	Johnson (WI)
Boyd	Eshoo	Johnson, E. B.
Brown (CA)	Etheridge	Kanjorski
Brown (FL)	Evans	Kennedy (MA)
Brown (OH)	Farr	Kennedy (RI)
Capps	Fattah	Kennelly
Cardin	Fazio	Kildee
Carson	Filner	Kilpatrick
Clay	Flake	Kind (WI)
Clayton	Foglietta	Kleczka
Clement	Ford	Klink
Clyburn	Frost	LaFalce
Condit	Furse	Lampson
Conyers	Gejdenson	Lantos
Costello	Gonzalez	Lazio
Coyne	Gordon	Levin
Cramer	Green	Lewis (GA)
Cummings	Gutierrez	Lipinski

Lofgren	Neal	Sherman
Lowe	Oberstar	Skaggs
Luther	Obey	Skelton
Maloney (CT)	Olver	Slaughter
Maloney (NY)	Ortiz	Smith, Adam
Manton	Pallone	Snyder
Markey	Pascrell	Spratt
Martinez	Pastor	Stabenow
Mascara	Payne	Stark
Matsui	Pelosi	Stokes
McCarthy (MO)	Peterson (MN)	Stupak
McCarthy (NY)	Pickett	Tanner
McDermott	Pomeroy	Tauscher
McGovern	Poshard	Thompson
McHale	Price (NC)	Thurman
McIntyre	Rahall	Tierney
McNulty	Rangel	Torres
Meehan	Reyes	Towns
Meek	Rivers	Traficant
Menendez	Roemer	Turner
Millender-McDonald	Rothman	Velazquez
Miller (CA)	Roybal-Allard	Vento
Minge	Rush	Waters
Mink	Sabo	Watt (NC)
Moakley	Sanchez	Waxman
Mollohan	Sanders	Wexler
Moran (VA)	Sandlin	Weygand
Morella	Sawyer	Wise
Murtha	Schumer	Woolsey
Nadler	Scott	Wynn
	Serrano	Yates

NOES—237

Aderholt	Fawell	Manzullo
Archer	Foley	McCollum
Armey	Forbes	McCrery
Bachus	Fowler	McDade
Baesler	Fox	McHugh
Baker	Franks (NJ)	McInnis
Ballenger	Frelinghuysen	McIntosh
Barr	Galleghy	McKeon
Barrett (NE)	Ganske	McKinney
Bartlett	Gekas	Metcalf
Barton	Gephardt	Mica
Bass	Gibbons	Miller (FL)
Bateman	Gilchrest	Molinari
Bereuter	Gillmor	Moran (KS)
Berry	Gilman	Myrick
Billbray	Goode	Nethercutt
Bilirakis	Goodlatte	Neumann
Bliley	Goodling	Ney
Blunt	Goss	Northup
Boehlert	Graham	Norwood
Boehner	Granger	Nussle
Bonilla	Greenwood	Owens
Bono	Gutknecht	Oxley
Brady	Hall (TX)	Packard
Bryant	Hansen	Pappas
Bunning	Hastert	Parker
Burr	Hastings (WA)	Paul
Burton	Hayworth	Paxon
Buyer	Hefley	Pease
Callahan	Herger	Peterson (PA)
Calvert	Hill	Petri
Camp	Hilleary	Pickering
Campbell	Hobson	Pitts
Canady	Hoekstra	Pombo
Cannon	Horn	Porter
Castle	Hostettler	Portman
Chabot	Houghton	Pryce (OH)
Chambliss	Hulshof	Quinn
Chenoweth	Hunter	Radanovich
Christensen	Hutchinson	Ramstad
Coble	Hyde	Regula
Coburn	Inglis	Riggs
Collins	Istook	Riley
Combest	Jenkins	Rogan
Cook	Johnson (CT)	Rogers
Cooksey	Johnson, Sam	Rohrabacher
Cox	Jones	Ros-Lehtinen
Crane	Kasich	Roukema
Crapo	Kelly	Royce
Cubin	Kim	Ryun
Cunningham	King (NY)	Salmon
Davis (VA)	Kingston	Sanford
Deal	Klug	Saxton
DeLay	Knollenberg	Scarborough
Diaz-Balart	Kolbe	Schaefer, Dan
Dickey	Kucinich	Schaffer, Bob
Dooley	LaHood	Schiff
Doolittle	Largent	Sensenbrenner
Dreier	Latham	Sessions
Duncan	LaTourette	Shadegg
Dunn	Leach	Shaw
Ehlers	Lewis (CA)	Shays
Ehrlich	Lewis (KY)	Shimkus
Emerson	Linder	Shuster
Ensign	Livingston	Sisisky
Everett	LoBiondo	Skeeny
Ewing	Lucas	Smith (MI)

Smith (NJ)	Sununu	Wamp
Smith (OR)	Talent	Watkins
Smith (TX)	Tauzin	Watts (OK)
Smith, Linda	Taylor (MS)	Weldon (FL)
Snowbarger	Taylor (NC)	Weldon (PA)
Solomon	Thomas	Weller
Souder	Thornberry	White
Spence	Thune	Whitfield
Stearns	Tiahrt	Wicker
Stenholm	Upton	Wolf
Strickland	Visclosky	Young (AK)
Stump	Walsh	Young (FL)

NOT VOTING—2

Frank (MA) Kaptur

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. KOLBE, assumed the Chair.

When Mr. COMBEST, Chairman, pursuant to House Resolution 99, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Families Flexibility Act of 1997".

SEC. 2. COMPENSATORY TIME.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

"(1) GENERAL RULE.—

"(A) COMPENSATORY TIME OFF.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

"(B) DEFINITION.—For purposes of this subsection, the term 'employee' does not include an employee of a public agency.

"(2) CONDITIONS.—An employer may provide compensatory time to employees under paragraph (1)(A) only if such time is provided in accordance with—

"(A) applicable provisions of a collective bargaining agreement between the employer and the labor organization which has been certified or recognized as the representative of the employees under applicable law, or

"(B) in the case of employees who are not represented by a labor organization which has been certified or recognized as the representative of such employees under applicable law, an agreement arrived at between the employer and employee before the performance of the work and affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c)—

"(i) in which the employer has offered and the employee has chosen to receive compensatory time in lieu of monetary overtime compensation; and

"(ii) entered into knowingly and voluntarily by such employees and not as a condition of employment.

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1000 hours for the employee's employer during a period of continuous employment with the employer in the 12 month period before the date of agreement or receipt of compensatory time off.

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year which was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

"(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

"(D) POLICY.—Except where a collective bargaining agreement provides otherwise, an employer which has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice.

"(E) WRITTEN REQUEST.—An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time accrued which has not yet been used. Within 30 days of receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

"(4) PRIVATE EMPLOYER ACTIONS.—An employer which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

"(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours; or

"(B) requiring any employee to use such compensatory time.

"(5) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time in accordance with paragraph (6).

"(6) RATE OF COMPENSATION.—

"(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than—

"(i) the regular rate received by such employee when the compensatory time was earned, or

"(ii) the final regular rate received by such employee, whichever is higher.

"(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

"(7) USE OF TIME.—An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (1), and

"(B) who has requested the use of such compensatory time, shall be permitted by the employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

"(8) DEFINITIONS.—The terms 'overtime compensation' and 'compensatory time' shall have the meanings given such terms by subsection (o)(7)."

SEC. 3. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "(b) Any employer" and inserting "(b) Except as provided in subsection (f), any employer"; and

(2) by adding at the end the following:

"(f) An employer which violates section 7(r)(4) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(r)(6)(A)) for each hour of compensatory time accrued by the employee and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee."

SEC. 4. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published at 29 C.F.R. 516.4, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this Act.

SEC. 5. SUNSET.

This Act and the amendments made by this Act shall expire 5 years after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. KOLBE, announced that the nays had it.

Mr. GOODLING demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 222 affirmative } Nays 210

¶25.18 [Roll No. 59] AYES—222

Table listing names of members voting AYES, including Aderholt, Archer, Arme, Baker, Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blunt, Boehner, Bonilla, Bono, Boyd, Brady, Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combest, Cook, Cooksey, Cox, Crane, Crapo, Cubin, Cunningham, Davis (VA), Deal, DeLay, Dickey, Dooley, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, Ensign, Everett, Ewing, Fawell, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Christensen, Coble, Goodell, Goodlatte, Goodling, Goss, Graham, Granger, Greenwood, Gutfreund, Hall (TX), Hansen, Harman, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hill, Hilleary, Hobson, Hoekstra, Hostettler, Houghton, Hulshof, Hunter, Hutchinson, Hyde, Inglis, Istook, Jenkins, John, Johnson (CT), Johnson, Sam, Jones, Kasich, Kelly, Kim, Kingstone, Klug, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Greenwood, Gutfreund, Hall (TX), Hansen, Harman, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hill, Hilleary, Hobson, Hoekstra, Hostettler, Houghton, Hulshof, Hunter, Hutchinson, Hyde, Inglis, Istook, Jenkins, John, Johnson (CT), Johnson, Sam, Jones, Kasich, Kelly, Kim, Kingstone, Klug.

Table listing names of members voting NOES, including Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Livingston, Lucas, Manzullo, McCollum, McCreery, McInnis, McIntosh, McIntyre, McKeon, Mica, Miller (FL), Minge, Molinari, Moran (KS), Morella, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oxley, Packard, Pappas, Parker, Paul, Paxon, Pease, Peterson (MN), Peterson (PA), Petri, Pickering, Pickett, Pitts, Pombo, Porter, Portman, Pryce (OH), Radanovich, Ramstad, Regula, Riggs, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryun, Salmon, Sanford, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Shuster, Skeen, Smith (MI), Smith (OR), Smith (TX), Smith, Linda, Snowbarger, Solomon, Souder, Spence, Stearns, Stenholm, Stump, Sununu, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Thune, Tiahrt, Upton, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), White, Whitfield, Wicker, Wolf, Young (FL).

NOES—210

Table listing names of members voting NOES, including Abercrombie, Ackerman, Allen, Andrews, Bachus, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Boehlert, Bonior, Borski, Boswell, Boucher, Brown (CA), Brown (FL), Brown (OH), Capps, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dellums, Deutsch, Diaz-Balart, Dicks, Dingell, Dixon, Doggett, Doyle, Edwards, Engel, English, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Flake, Foglietta, Forbes, Ford, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Gilman, Gonzalez, Gordon, Green, Gutierrez, Hall (OH), Hamilton, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Horn, Hoyer, Jackson (IL), Jackson-Lee, Clay, Jefferson, Johnson (WI), Johnson, E.B., Johnson, Poshard, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), King (NY), Kleczka, Klink, Kucinich, LaFalce, Lampton, Lantos, Levin, Lewis (GA), Lipinski, LoBiondo, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDade, McDermott, McGovern, McHale, McHugh, McKinney, McNulty, Meehan, Meek, Menendez, Metcalf, Millender, McDonald, Miller (CA), Mink, Moakley, Mollohan, Moran (VA), Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Pomeroy, Poshard, Price (NC), Quinn, Rahall, Rangel, Reyes, Rivers, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schiff, Schumer, Scott, Serrano, Sherman, Shimkus, Siskisky, Skaggs, Skelton, Slaughter, Smith (NJ), Smith, Adam, Snyder, Spratt, Stabenow.

Table listing names of members voting NOT VOTING, including Stark, Stokes, Strickland, Stupak, Tauscher, Thompson, Thurman, Tierney, Torres, Towns, Trafficant, Turner, Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Weller, Wexler, Weygand, Wise, Woolsey, Wynn, Yates, Young (AK).

NOT VOTING—1

Kaptur

So the bill was passed.

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

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

¶25.19 MESSAGE FROM THE PRESIDENT—IMPOUNDMENT CONTROL

The SPEAKER pro tempore, Mr. MCINNIS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one proposed rescission of budgetary resources, totaling \$10 million.

The proposed rescission affects the Department of Energy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 19, 1997.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 105-57).

¶25.20 MESSAGE FROM THE PRESIDENT—ENVIRONMENTAL QUALITY

The SPEAKER pro tempore, Mr. MCINNIS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress the Twenty-fifth Annual Report on Environmental Quality.

As a nation, the most important thing we can do as we move into the 21st century is to give all our children the chance to live up to their God-given potential and live out their dreams. In order to do that, we must offer more opportunity and demand more responsibility from all our citizens. We must help young people get the education and training they need, make our streets safer from crime, help Americans succeed at home and at work, protect our environment for generations to come, and ensure that America remains the strongest force for peace and freedom in the world. Most of all, we must come together as one community to meet our challenges.

Our Nation's leaders understood this a quarter-century ago when they launched the modern era of environmental protection with the National Environmental Policy Act. NEPA's authors understood that environmental protection, economic opportunity, and social responsibility are interrelated. NEPA determined that the Federal Government should work in concert with State and local governments and

citizens "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

We've made great progress in 25 years as we've sought to live up to that challenge. As we look forward to the next 25 years of environmental progress, we do so with a renewed determination. Maintaining and enhancing our environment, passing on a clean world to future generations, is a sacred obligation of citizenship. We all have an interest in clean air, pure water, safe food, and protected national treasures. Our environment is, literally, our common ground.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 19, 1997.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Resources.

¶25.21 PROVIDING FOR THE CONSIDERATION OF H.R. 1122

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 105-32) the resolution (H. Res. 100) providing for consideration of the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

When said resolution and report were referred to the House Calendar and ordered printed.

¶25.22 PROVIDING FOR THE CONSIDERATION OF H. RES. 91

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 105-33) the resolution (H. Res. 101) providing for consideration of the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress.

When said resolution and report were referred to the House Calendar and ordered printed.

¶25.23 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 22. Joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign; to the Committee on the Judiciary.

¶25.24 ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 924. An Act to amend title 18, United States Code, to give further assurance to the right of victims to attend and observe the trials of those accused of the crime.

And then,

¶25.25 ADJOURNMENT

On motion of Mr. HOEKSTRA, at 9 o'clock and 36 minutes p.m., the House adjourned.

¶25.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 100. Resolution providing for consideration of the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions (Rept. No. 105-32). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 101. Resolution providing for consideration of the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress (Rept. No. 105-33). Referred to the House Calendar.

¶25.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPENCE (for himself and Mr. DELLUMS) (both by request):

H.R. 1119. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; to the Committee on National Security.

By Mr. DINGELL (for himself, Mr. GEPHARDT, Mr. OBERSTAR, Mr. BORSKI, Ms. DEGETTE, Mr. MANTON, Mr. BROWN of Ohio, Ms. TOWNS, Mr. RUSH, Mr. CLEMENT, Mr. CLYBURN, Mr. WAXMAN, Mr. MARKEY, Mr. MASCARA, Mr. BOUCHER, Mrs. TAUSCHER, Mr. PASCARELL, Ms. FURSE, Mr. DEUTSCH, Mr. BLUMENAUER, Ms. ESHOO, Mr. KLINK, Mr. STUPAK, Mr. ENGEL, Mr. SAWYER, Mr. WYNN, Mr. GREEN, Ms. MCCARTHY of Missouri, Mr. CONYERS, Ms. RIVERS, Ms. KILPATRICK, Mr. BARRETT of Wisconsin, Ms. KAPTUR, Ms. DELAURO, Mr. OLVER, Mr. LIPINSKI, Mr. DOYLE, Mr. DEFAZIO, Mr. JOHNSON of Wisconsin, Mr. MENENDEZ, Mr. GORDON, Ms. BROWN of Florida, Ms. NORTON, Mr. WISE, Ms. MILLENDER-MCDONALD, Mrs. LOWEY, Mr. CUMMINGS, and Mr. RANGEL):

H.R. 1120. A bill to assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1121. A bill to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions and to repeal the Community Reinvestment Act of 1977, and to provide for a reduced tax rate for qualified community lenders; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a

period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 1122. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. ACKERMAN:

H.R. 1123. A bill to amend the Internal Revenue Code of 1986 to permit loans from individual retirement plans for certain first-time homebuyer, education, and medical emergency expenses; to the Committee on Ways and Means.

By Mr. CRANE (for himself, and Mr. HAYWORTH):

H.R. 1124. A bill to amend the Internal Revenue Code of 1986 to provide that no capital gains tax shall apply to individuals or corporations; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mrs. KELLY, Mr. WATTS of Oklahoma, Mr. WHITFIELD, Mr. BEREUTER, Mr. POMEROY, Mr. TIAHRT, Mr. GILMAN, Mr. KLINK, Mr. FATTAH, Mr. GREENWOOD, Mr. SANDLIN, Mr. ACKERMAN, Mr. SOLOMON, Mr. MANZULLO, Mr. PETERSON of Pennsylvania, Mr. FRELINGHUYSEN, and Mr. HOUGHTON):

H.R. 1125. A bill to amend title 38, United States Code, to provide that amounts collected with respect to the provisions of health care at a Department of Veterans Affairs medical center may be retained by that medical center; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. FILLNER, Mr. GOODE, Mr. ADAM SMITH of Washington, Mr. HINCHEY, Mr. MASCARA, Mr. LIPINSKI, Mr. TAYLOR of Mississippi, Mr. ACKERMAN, Mr. STUPAK, Mr. FROST, Mr. CALVERT, Mr. BALLENGER, Mr. VENTO, Ms. PELOSI, Mr. LIVINGSTON, Mr. REGULA, and Mr. UNDERWOOD):

H.R. 1126. A bill to provide that certain service of members of the U.S. merchant marine during World War II constituted active military service for purposes of any law administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HANSEN (for himself, Mr. CANON, and Mr. COOK):

H.R. 1127. A bill to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres; to the Committee on Resources.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Mr. EVANS, Ms. NORTON, Ms. PELOSI, Mr. OBERSTAR, Ms. HARMAN, Mr. CLEMENT, Mrs. MEEK of Florida, Mr. FOGLIETTA, Mr. FLAKE, Mr. SISISKY, Mr. GORDON, Ms. CHRISTIAN-GREEN, and Mr. SKEEN):

H.R. 1128. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. HALL of Ohio, Mr. DAN SCHAEFER of Colorado, Mr. TORRES, Mr. GREENWOOD, Mr. FILNER, Mr. WALSH, Mr. ABERCROMBIE, Mr. HULSHOF, Mr. ANDREWS, Mr. BOEHLERT, Mr. MEEHAN, Mrs. MORELLA, Mr. MORAN of Virginia, Mr. PAYNE, Mr. BLUMENAUER, Mr. DELLUMS, Ms. RIVERS, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. BARRETT

of Wisconsin, Mr. VENTO, Mr. LAFALCE, Mrs. TAUSCHER, Mr. LEVIN, and Mr. MCDERMOTT):

H.R. 1129. A bill to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes; to the Committee on International Relations.

By Mr. GEJDENSON (for himself, Mr. POMEROY, Mr. BENTSEN, Mrs. KENNEDY of Connecticut, Mrs. LOWEY, Mr. GEPHARDT, Mr. BOSWELL, Mr. DELAHUNT, Mr. KUCINICH, Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. ANDREWS, Mr. GONZALEZ, Mr. BROWN of California, Mr. LAFALCE, Mr. FROST, Mr. SABO, Mr. BORSKI, Mr. WISE, Mr. ACKERMAN, Mr. SAWYER, Ms. DELAUNO, Mr. OLVER, Mrs. CLAYTON, Mr. FILNER, Mr. BALDACC, Mr. STRICKLAND, Mr. BLAGOJEVICH, Ms. KILPATRICK, Mr. MCGOVERN, Mr. PASCRELL, Mr. SANDLIN, and Mr. UNDERWOOD):

H.R. 1130. A bill to provide for retirement savings and security, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 1131. A bill to amend title 23, United States Code, to make funds available for surface transportation projects on roads functionally classified as local or rural minor collectors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island (for himself, Mr. GILMAN, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. PORTER, Mr. LANTOS, Mr. EVANS, Mr. KENNEDY of Massachusetts, and Mr. HALL of Ohio):

H.R. 1132. A bill to limit U.S. military assistance and arms transfers to the Government of Indonesia; to the Committee on International Relations.

By Mr. KENNEDY of Rhode Island:

H.R. 1133. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide exceptions for mentally disabled aliens from provisions which restrict welfare and public benefits for aliens; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mrs. KENNEDY of Connecticut, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. ENGLISH of Pennsylvania, Mr. JEFFERSON, Mr. HOUGHTON, Mr. NEAL of Massachusetts, Mr. MCCRERY, Mr. COYNE, Mr. CARDIN, Mr. BAKER, Mr. BENTSEN, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mr. CLYBURN, Mr. FOGLIETTA, Mr. FROST, Mr. GONZALEZ, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. MICA, Mr. SNYDER, Mr. STARK, Mr. VENTO, Mr. WALSH, and Mr. WOLF):

H.R. 1134. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for

use as a principal residence; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself and Mr. GILCHREST):

H.R. 1135. A bill to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. FOLEY, and Mr. MCCOLLUM):

H.J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States to prevent early release of violent criminals; to the Committee on the Judiciary.

25.28 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIPINSKI introduced a bill (H.R. 1136) for the relief of Leland E. Person; which was referred to the Committee on Veterans' Affairs.

25.29 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BONO.

H.R. 20: Mr. PORTMAN, Mr. LIVINGSTON, Mr. ISTOOK, Mr. KASICH, Mr. ENSIGN, Mr. MILLER of Florida, Mr. ENGLISH of Pennsylvania, Mr. GOODLING, Mr. CHRISTENSEN, Mr. CRAPO, Mr. KNOLLENBERG, Mr. SOUDER, Mr. NEY, Mr. FATTAH, Mr. PARKER, Mr. ENGEL, Mr. EHRlich, Mr. QUINN, and Mr. McKEON.

H.R. 21: Mr. FOGLIETTA.

H.R. 38: Mr. HALL of Texas.

H.R. 44: Mr. CONDIT and Mr. HALL of Texas.
H.R. 58: Mr. BONILLA, Ms. DANNER, Ms. KAPTUR, Ms. MCKINNEY, Mr. GILLMOR, Mr. FORD, Mr. CUMMINGS, Mr. SMITH of Michigan, Mr. KNOLLENBERG, Mr. MOAKLEY, Mr. CRAPO, Mrs. EMERSON, Mr. HEFLEY, Mr. GOSS, Mr. WHITE, Mr. LEWIS of Kentucky, and Mr. CANNON.

H.R. 65: Mr. GRAHAM, Mrs. KELLY, Ms. LOFGREN, Mr. MENENDEZ, Mr. CONDIT, Ms. PRYCE of Ohio, and Mr. HALL of Texas.

H.R. 75: Mr. MORAN of Virginia, Mr. THOMPSON, Mr. RANGEL, and Mr. SANDLIN.

H.R. 107: Mr. DOYLE, Mr. SANDLIN, Mr. FOX of Pennsylvania, and Mr. WELDON of Florida.
H.R. 127: Mr. KLINK, Mr. KUCINICH, and Mr. BLAGOJEVICH.

H.R. 143: Ms. FURSE, Mr. GIBBONS, and Mr. DAVIS of Virginia.

H.R. 145: Mr. PETERSON of Minnesota and Mr. VENTO.

H.R. 150: Mr. CLAY, Mrs. MORELLA, Mr. McNULTY, Mr. PAYNE, Mr. DELLUMS, Mr. LAFALCE, and Mr. MCGOVERN.

H.R. 234: Ms. WOOLSEY, Mr. VENTO, Mr. MANTON, Mrs. CARSON, and Mr. OLVER.

H.R. 242: Mr. MANTON.

H.R. 303: Mr. BRYANT, Mrs. KELLY, Ms. LOFGREN, Mr. MENENDEZ, Mr. CONDIT, Ms. PRYCE of Ohio, and Mr. HALL of Texas.

H.R. 339: Mr. HILLEARY and Mr. BUNNING of Kentucky.

H.R. 382: Mr. DELLUMS.

H.R. 520: Mr. SENSENBRENNER, Mr. SCHIFF, Mr. BRYANT, Mr. BONO, Mr. ROHRBACHER, and Mr. RIGGS.

H.R. 521: Mr. MENENDEZ and Mr. CALLAHAN.
H.R. 551: Mrs. CLAYTON and Mr. FAZIO of California.

H.R. 552: Mr. FALEOMAVAEGA, Mr. MORAN of Virginia, Mr. MCGOVERN, Mrs. LOWEY, Mr. VENTO, Mr. LIPINSKI, and Mr. SHAW.

H.R. 598: Mr. FILNER.

H.R. 603: Mr. KLUG and Mr. UPTON.

H.R. 622: Mr. PACKARD and Mr. EVERETT.

H.R. 630: Mr. BONO, Mr. THOMAS, and Mr. FAZIO of California.

H.R. 631: Mr. FOLEY, Mr. WOLF, and Mr. STEARNS.

H.R. 640: Mr. TIAHRT.

H.R. 659: Mr. GILCHREST, Mr. WELLER, Mr. BUNNING of Kentucky, and Mr. MOLLOHAN.

H.R. 671: Mr. SENSENBRENNER and Mr. VENTO.

H.R. 680: Mr. TOWNS.

H.R. 687: Mr. FOGLIETTA, Mr. FATTAH, and Mr. FILNER.

H.R. 688: Mr. LATOURETTE and Mr. BUYER.
H.R. 716: Mr. BUNNING of Kentucky, Mr. COBLE, and Mr. LATHAM.

H.R. 737: Mr. BEREUTER.

H.R. 754: Mr. LIPINSKI, Mr. ROMERO-BARCELO, Mr. VENTO, Mr. McNULTY, Mr. FROST, Mr. BLUMENAUER, Mr. BORSKI, and Mr. TIERNEY.

H.R. 768: Mr. HOLDEN, Mr. MANZULLO, Mr. BLUNT, Mr. PICKERING, Mr. GILLMOR, and Mr. STENHOLM.

H.R. 773: Mr. CLAY, Mr. BISHOP, and Mrs. LOWEY.

H.R. 786: Mr. MCINTYRE.

H.R. 807: Mr. SCARBOROUGH, Mr. DELAHUNT, Mr. BOEHLERT, Ms. RIVERS, Mr. PARKER, and Mrs. KENNEDY of Connecticut.

H.R. 811: Mr. LIPINSKI, Mr. MILLER of Florida, Mr. DAN SCHAEFER of Colorado, Mr. STUMP, Mr. DICKEY, and Mr. BARCIA of Michigan.

H.R. 815: Mrs. CARSON, Mr. YATES, Mrs. TAUSCHER, Mr. PASTOR, Mr. MENENDEZ, and Mr. ROTHMAN.

H.R. 857: Mr. WATKINS.

H.R. 880: Mr. LIVINGSTON, Mr. GOODLATTE, Mr. TIAHRT, Ms. KILPATRICK, Mr. REGULA, Mr. PETERSON of Pennsylvania, and Mr. LEWIS of Georgia.

H.R. 912: Mr. CALLAHAN.

H.R. 947: Mr. LATOURETTE, Mr. BILBRAY, Ms. RIVERS, Mrs. THURMAN, Ms. LOFGREN, Mr. BISHOP, Mr. JEFFERSON, Mr. MCDERMOTT, Ms. STABENOW, Mr. TORRES, Mr. COYNE, Mr. FATTAH, Mr. SABO, Mr. MALONEY of Connecticut, and Mr. CLYBURN.

H.R. 955: Mr. SMITH of New Jersey, Mr. BARTLETT of Maryland, and Mr. WICKER.

H.R. 990: Mr. VENTO.

H.R. 996: Mr. HASTERT and Mr. KENNEDY of Rhode Island.

H.R. 997: Mr. HASTERT and Mr. KENNEDY of Rhode Island.

H.R. 1032: Mr. DICKS, Mr. MENENDEZ, Mr. LEVIN, Mr. BOUCHER, Mr. MALONEY of Connecticut, Mr. KIND of Wisconsin, Ms. SANCHEZ, Mr. BALDACC, Ms. KILPATRICK, Ms. STABENOW, and Mr. KENNEDY of Massachusetts.

H.R. 1033: Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. CANADY of Florida, Mr. HULSHOF, and Mr. HOSTETTLER.

H.R. 1067: Mr. DAVIS of Illinois.

H.R. 1074: Mr. RANGEL, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. MARKEY, Ms. PELOSI, Ms. SLAUGHTER, Mr. CLYBURN, Mr. STARK, Ms. LOFGREN, Ms. CHRISTIAN-GREEN, Mrs. MINK of Hawaii, Mr. OWENS, and Mr. HASTINGS of Florida.

H.R. 1089: Mr. RANGEL.

H.R. 1090: Ms. PELOSI, Mr. FOX of Pennsylvania, Mr. REGULA, Mr. PARKER, and Mr. QUINN.

H.J. Res. 56: Mr. FILNER, Mrs. NORTHUP, and Mr. CUNNINGHAM.

H. Con. Res. 14: Mr. BARRETT of Wisconsin, Mr. JEFFERSON, Mr. MENENDEZ, Mrs. MEEK of Florida, and Mr. MALONEY of Connecticut.

H. Res. 37: Mr. MILLER of California, Mr. WYNN, and Mr. FARR of California.

H. Res. 98: Mr. BEREUTER.

THURSDAY, MARCH 20, 1997 (26)

26.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BARTON,