also going to lose what little benefits they get under the current welfare system. No; working families, working poor families, working middle class families continue to be under assault by this Republican Congress because they have not got the message these families need help.

AIRPORT SECURITY NEEDED NOW

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker in 1990, we passed the Aviation Security Improvement Act, which was supposed to protect people in airports getting on their airplanes. It was supposed to deal with the possibility of detecting plastic explosives, which could kill a lot of people like that which happened in New York just a few short days ago. The problem is it did not work. It has not worked and since 1990, nothing really has been done.

They said by 1993 we would have devices at every airport, especially the international airports, to detect these plastic explosives. It has not happened, and now we have lost 230 some people over the Atlantic.

We need to put dogs at the airports that have the ability to sniff out plastic explosives. We use them in this Chamber, in the Capitol of the United States, and it will work at the airports.

The cost is very small compared to the machines we are talking about. Those machines could cost up to $2.2 billion. To put dogs at 50 airports costs about $4 million a year, and we could do it right away. We do not need to mess around. If we are going to protect the flying public in this country, we need to do it now.

Mr. Speaker, I have introduced a bill to this effect, and I hope all of my colleagues will cosponsor it.

THE COMP TIME BILL

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, this comp time bill is not about compensation, and it is not about flexibility, and it certainly is not about helping working families. It is about ending the 40-hour workweek. It is about cutting people's pay. It is about changing the laws so employers no longer have to pay overtime wages for overtime work.

This bill takes away the only real raise that most people have gotten over the last 20 years, and they have earned that through their own hard work, through their sweat.

Mr. Speaker, if this bill becomes law, as this chart points out, a single mom who puts in 47 hours at 5 bucks an hour can lose $50 a week. The factory worker who gets $10 an hour can lose $110 a week. This is a 22-percent cut.

Mr. Speaker, if this bill becomes law, workers are going to need comp time just to find a second job to make up for the money they lose in overtime pay.

PROVIDING FOR CONSIDERATION OF H.R. 2391, WORKING FAMILIES FLEXIBILITY ACT OF 1996

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant 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. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees. 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 Economic and Educational Opportunities. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. 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 Economic and Educational Opportunities now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Goodling of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read, shall be debatable for ten minutes 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. If that amendment is adopted, the committee amendment in the nature of a substitute, as amended, shall be considered as the original bill for the purpose of further amendment. No further amendment to the committee amendment in the nature of a substitute, as amended, shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. 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.

□ 0945

The SPEAKER pro tempore (Mr. KINGSTON). The gentlewoman from Utah [Ms. GREENE] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 488 is a modified open rule providing for the consideration of H.R. 2391, the Working Families Flexibility Act. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking member of the Committee on Economic and Educational Opportunities.

Mr. Speaker, the rule makes in order the Committee on Economic and Educational Opportunities amendment in the nature of a substitute as an original bill for purpose of amendment, with each section considered as read. The rule waives clause 7 of rule XVI, which requires amendments to be germane, against this committee amendment in the nature of substitute. This waiver is necessary because the committee amendment includes a remedy provision to further enhance existing worker protections, and this provision is technically beyond the scope of the bill.

Mr. Speaker, the rule provides for the consideration of the manager's amendment printed in the Rules Committee report, which amendment shall be considered as read. This amendment shall not be subject to amendment or to a division of the question, may amend portions of the bill not yet read, and is debatable for 10 minutes equally divided between the proponent and an opponent. If adopted, this manager's amendment shall be considered as part of the base text for further amendment purposes.

In order to better accommodate members' schedules, the rule allows the Chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes.

Mr. Speaker, there are only 26 legislative days left in this Congress, and there remain a large number of priority items that must be considered by the House, including the remainder of the reconciliation process and all 13 appropriations conference reports. Accordingly, the rule provides for a 2-hour limit on the amendment process. Given that no amendments were offered during the full committee markup of this legislation, and only one amendment has been filed, 2 hours

should be more than adequate time for amendment of this straightforward legislation.

The rule provides for consideration only of those amendments that have been preprinted in the CONGRESSIONAL RECORD. Members have been given ample time and notice to get amendments printed in the RECORD. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2391 is important, commonsense legislation to give working families a much-needed option in balancing their work and family schedules. The Working Families Flexibility Act will permit private sector employees to have the option of choosing paid compensatory time in lieu of cash wages when they work overtime hours. Employees of the Federal Government, and of State and local governments, have already had this opportunity for years.

As part of the House's new crop of working mothers, I am proud to be a cosponsor of this legislation. It's tough to be a good worker and a good mother, father, daughter or son. Millions and millions of us struggle with these competing demands every single day. This bill will bring relief to working families, especially working mothers and fathers who are bearing the brunt of balancing work and family obligations. This legislation will amend overtime rules for private sector employees that were established in 1938, as part of the Fair Labor Standards Act. It is important to note that the United States was a much different place in 1938—at that time, most women worked at home. Today, most women work both in their homes and outside of the home, and struggle to balance the time demands of work and family—particularly those of children.

We are trying to make the private sector provide workers the same options that public employees have today.

Many men are recognizing their duty to be more than just a financial provider and want to be able to spend important family time with their children.

The Working Families Flexibility Act seeks only to amend this one anachronistic aspect of the Fair Labor Standards Act that is hampering America's new generation of working families.

Indeed, contrary to what this bill's alarmist critics will say, the Working Families Flexibility Act is humble in its ambition. It seeks only to give working families an additional tool in balancing work and family time. This bill seeks only to equalize how public and private sector employees are treated with respect to comp time.

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

This legislation does not change the fundamental worker protections of the Fair Labor Standards Act.

This legislation does not change the 40-hour work week for purposes of calculating overtime.

This legislation does not relieve employers from the obligation of paying overtime.

This legislation does not give employers the means to coerce workers into taking compensatory time instead of overtime pay.

What this bill does, is give workers the option of choosing more cash wages or paid time off for overtime work.

Mr. Speaker, we all know that working families are suffering from a time crunch. Things have changed since 1938—we have more working parents, more single parents, more divorces—we didn't plan it that way, but it's a reality. We also have more seniors living longer, needing the care and love of their children and grandchildren. The Working Families Flexibility Act will permit working parents to bank comp time, so that they can have time available to tend to a sick child, to go to a special event for that child, like a baseball game or dance recital, or to care for a fragile parent. If some of those workers prefer extra cash wages for overtime, they can still choose that. The point is that, under this legislation, the choice will be theirs, not Washington's.

Mr. Speaker, this is a chance to help working families get a little more control over their lives by giving them greater choices and more flexibility. Let's let them choose.

Mr. Speaker, I would like to once again emphasize that this is a modified open rule, providing for fair consideration of the important issues contained in this bill. I urge my colleagues to support this open rule and the important underlying legislation.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Utah, Ms. GREENE, for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, the concept behind this bill is a good one. But the execution is terrible.

What is good for public employees should be good for private employees. If public employees can take comp time, private employees should be able to also.

But this bill basically means that employees can be forced to take paid time off rather than overtime pay, and that is a significant problem.

Because there is a big difference, Mr. Speaker, between private employers and the U.S. Government.

For one thing, the Government is a nonprofit, it does not need to impress its stock holders with a good bottom line, although it probably should, and it is not likely to go bankrupt anytime soon.

Furthermore, many Government employees work in white collar jobs and earn above average salaries, their salaries are probably adequate without overtime pay.

So what is good for the goose is not necessarily good for the gander.

And, once again, it is hard working, lower paid Americans who are getting hurt by this Republican Congress.

Like many other bills we have seen this session, this bill takes care of the big guys but does not do much for the workers.

In fact, I would say, Mr. Speaker, that it seriously endangers workers, particularly workers who rely on overtime pay to support their families.

This bill allows an employer to stop paying overtime, and say to employees, ''Sorry, I can't pay you overtime, but in return for your long hours, you can take a vacation when it's convenient for me, if I'm still in business.''

Mr. Speaker, two-thirds of workers who earned overtime pay in 1994 had family incomes of less than $40,000 per year. They averaged wages of $10 or less per hour and they relied on this overtime pay to feed their children and support their families. For those workers in particular, this bill could mean serious trouble.

It not only enables the employers to decide whether or not to offer comp time but also provides no protections for when and how a worker can use their comp time.

In spite of proponents' claims to the contrary, under this bill, workers have very little choice.

Because Mr. Speaker, when your employer says ''we're doing things this way now'' you either go along or you get replaced. That is just the way it is and anyone who says an employee can significantly change the work environment is fooling themselves.

This bill does nothing to prevent an employer from giving all or most overtime work to an employee who is willing to accept comp time and does not need the overtime pay.

If an employee does take the comp time this bill does not give them the right to use that time when they want it. In fact, an employer could force an employee to use comp time whenever the employer wants.

And, to make matters even worse, if a company goes out of business or goes bankrupt, employees left holding unused comp time have no protections at all. They worked overtime, they were promised comp time, but under this bill, they could be left holding worthless vouchers for comp time.

By lowering the costs of scheduling overtime, this bill will actually encourage employers to hire fewer employees and work them longer hours.

I for one have not been deluged with letters and calls or telegrams from employees clamoring for comp time, Mr. Speaker. In fact, the Employment Policy Foundation—an employer-based think-tank—estimates that 10 percent of employees who are already entitled to overtime pay do not receive it. That comes to $19 billion of overtime pay each year that American employees should be getting already but are not.

Mr. Speaker, let us take care of American workers instead of taking away what few rights they have.

I urge my colleagues to oppose this rule.

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

Ms. GREENE of Utah. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, it is very difficult for me to understand how Members can stand in the well, face the American people and totally distort the facts. I cannot understand that. It does a disservice to them, it does a disservice to those of us who are serving our constituents. My committee has responded to what the American people said they wanted, once again. We have done that.

The President took a poll, others took a poll and found out that 75 percent of the working families want to have a choice between comp time or overtime. That is what we have given them. They are protected from the word go. Only the employee makes that choice; no one can make them make that choice.

We have stagnation in wages and benefits now, not because of something of this nature but because there is an economy that is not growing. The Federal, State and local governments now have comp time, have had it for years. We here on this floor want to say, well, it is fine for our employees but we do not want the private sector to have the same opportunities that our employees have.

We have crafted it in such a manner, realizing that there is a difference between the private sector and the public sector, to make very sure that it is the employee who makes that choice. It is the employee who may change their mind, and they have the opportunity to change their mind and take the money rather than take the comp time. It is the employee who makes every determination in relationship to whether or not they take comp time.

First of all, it is totally incorrect to say that it has any effect whatsoever on a 40-hour work week. It does not in relationship to the calculation for overtime. This is what the legislation does.

If the employee chooses comp time over cash wages, there must be an express mutual agreement in writing or some verifiable statement between the employer and the employee. Employees would not be able to pressure or force employees to choose comp time.

Someone said, what if they go bankrupt the same as any other company now goes bankrupt? But in this case, they are first in line if a company goes bankrupt to claim anything from the assets of that company.

Employees would only be able to accrue a maximum of 240 hours of comp time within a 12-month period; but employers and employees could agree to a limit accrual to less than that if they decide to do that. Employers would have to pay employees in cash wages for any unused accrued comp time at the end of each year.

Nothing in the legislation precludes employees from changing their mind to choose cash wages instead of comp time or vice versa.

□ 1000

Comp time can only be provided at the request of the employee. So I think it is time to stop the nonsense of trying to confuse the American people. This is what the private sector wants because this is what the public sector has had and has enjoyed, and we should give them that opportunity to make that choice.

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

My dear friend who just took a seat I think would have to realize that the employer has to agree with the employee when it comes to the comp time and when that time could be taken.

Mr. HEFNER. Mr. Speaker, will the gentleman yield for just a question?

Mr. MOAKLEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, as someone who is not a businessman, and I have not been inundated with requests on this, but if I am working 30 or 40 people in my plant, and they were trying to make a living on, in a lot of cases, very low wages and the employer says, ''Hey, we've got a deal here for you. You can either get overtime or you can get comp time, and I would suggest that comp time might be better for you,'' and if the guy does not really understand what is happening to him, he is going to pretty much have a tendency to go along with the employer.

Would that be a logical conclusion?

Mr. MOAKLEY. I would say also the employer would tend to give the extra time to the fellow who takes comp time rather than the overtime, so if you say, ''I want overtime,'' they probably will not be designated as the fellow who is going to work.

Mr. HEFNER. If the gentleman will continue to yield, I remember back the first job I ever had I was a young guy just out of school and I got a job for $18 a week, and I had some senior guys that were working in the place who were married and had families, and I went to the employer and I said ''Hey, I do the same work as these people do except I do delivery work, I cut glass, I throw pipe, I need to get a little bit more money, why can't I get a little bit more money?'' ''Because you're not married and you don't need the money,'' and the employer, do my colleagues know what, he was right, and I did not get any more money.

But if I were working 20 or 30 employees and the employer comes in and say, ''OK, folks, here's the deal. You can get, if you're going to work 48 hours this week, we'll give you some overtime, but the best deal for you is comp time and I'll decide when you can take the comp time.'' Is that the way this bill works?

The chairman said that people were demagoging here and absolutely misrepresenting it, and I think it can be misrepresented from both sides the way I read this legislation. I want to do what is right for my small business people.

Mr. MOAKLEY. Just stated the case as it is.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I just wanted to follow up on my friend from North Carolina and look at this from another dimension, the person who is applying for a job. He or she goes to an employer and tries to get a job, and the employer is interviewing that person and suggests to them, or at least ask them:

''What would you prefer in your work life here with us at this company: comp time or overtime wages?''

Of course, the employer is going to make their case that they would prefer them to have comp time. They are going to be persuaded by that, or they are not going to get the job.

They hold all the leverage, they hold all the power in that situation, and that is why this bill is bad.

The idea of flextime is a good idea, but this is not flextime, this is comp time, and comp time means they lose overtime wages and pay, and that is what is wrong with this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I think what we have just heard in this colloquy is why we ought to vote against this rule and get this bill out of here.

We hear about cruel and unusual punishment, but this is going to be cruel and outrageous legislation because it is made to sound so wonderful and soft, but let me tell my colleagues, every employer in America will be really stupid if, when someone came to get a job, they did not say, ''And by the way, when we have overtime, wouldn't you like to sign this little form saying that you really don't want to be paid for it, you'll just take comp time?''

And then, of course, the whole thing is that they only get the comp time when the employer says they can have the comp time.

Well, now, let us assume that things are so tough that the employer has to hire a few people who will not sign that. Well, what is he going to do when it comes time to hand out overtime? If they did not sign it, they are never going to get it.

So this is really terribly disruptive. We keep pretending like employees have exactly the same leverage that Michael Jordan does when he is out negotiating with his employer, and anyone who has been in an employee situation knows that is not true. And so

what we are really doing is tilting the scale 100 percent in favor of the employer, and we are really going to end up cutting the pay, because so many families depend on this extra money that they get, and if they do end up having the comp time, they are not going to get the comp time when they need it to go to the child's school or anything else. They get the comp time whenever the employer says they can take it, and that is no deal at all.

So I really hope that we should strip off the name ''family friendly.''

I hope many Members in this body who have small companies that, as employers, will benefit by this legislation will not vote on this legislation. I think it is a conflict of interest, and I think we ought to be talking about whether people who have companies that might be able to do this should be even able to vote on this legislation.

Do not call it ''family friendly.'' Vote ''no.'' Get it out of here. This is ridiculous, and this is the ''employer reward'' bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. GOODLING] to correct some misperceptions about the legislation.

Mr. GOODLING. Again, Mr. Speaker, another total distortion of the facts. If an employee is coerced in our legislation, they can collect double overtime and attorney fees, and the Secretary of Labor can do it for them, they do not even have to do it themselves, and they can always cash out their comp time if they want, and this does not happen to be some outrageous Republican proposal. The President of the United States, who is not a Republican, has indicated that he supports this kind of legislation.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, as my colleagues know, while our Olympic athletes may start their day with a bowl of Wheaties, our Democrat colleagues started the day by trying to serve up a bowl full of balderdash sprinkled with horse feathers. That is what we are trying to spoon out during their speeches on comp time: Distortions, prevarications, and untruths.

This is really a simple bill designed to give hourly employees the opportunity to have more flexibility in their work schedule so that, for example, they can better meet the needs of their working family.

The bill allows an employee, when the employer agrees, they have to agree together, to take overtime pay in the form of comp time rather than cash wages.

The bill does not, I repeat, does not affect the change in the 40-hour workweek. Some of the unions are sending letters, phone calls, saying that it does affect the work week. Under this bill, a worker would still earn overtime in the very same way he or she does by now, by working 40 hours in a 7-day week. In that, this bill would simply allow workers to choose, by agreement with the employer, to receive time-and-a-half comp time instead of wages. Workers in the public sector, State, local, Federal employees, have had the option of taking comp time for many years, and many union members do, too.

The bill extends this option to private sector, un-unionized private sector as well. Surveys have shown that there is strong support among hourly employees for having this option. Obviously not every employer will use it, but it will fill in a need for many workers. By allowing the employees to take comp time, they can bank extra hours at the time-and-a-half rate and use that time for extra vacation time, personal leave or whatever they want.

As I mentioned, the public sector and many unions have the option of using comp time now. We would extend that to the rest of the private sector.

I started out with simply using the same language that is in the law for the public sector and applying it to the private sector. Then Democrats started raising issues that frankly have not been problems in the public sector, and I doubt it would be in the private sector. But in order to help sell the bill, we made several changes that give private sector employees more protections against coercion and taking comp time or taking advantage of it if they do take comp time. We specified that the employee must choose comp time voluntarily, and it indicates so in writing. We have said that the employee that takes comp time but then changes his or her mind for whatever reason and wants cash, the employer has to cash out the employee's accrued comp time within 30 days of the request. We put in protections against coercion and special, specific penalties for employers who coerce employees into taking comp time. We specify that the employee may take comp time whenever he or she wishes as long as he or she gives reasonable notice to the employer and takes the leave that does not disrupt the employer's operation.

We have said to the employer that he has to cash out all the unused comp time at the end of the year and show it. I think we have accommodated every reasonable concern and some that were not so reasonable.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I just want to ask my colleague from North Carolina. They made the point that if they are coerced or they have a problem, that they have remedies for this, and all I wanted to ask was where would they go to make their complaint and who would decide if it was coercion or whatever?

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BALLENGER] to respond to the gentleman.

Mr. BALLENGER. They can go to court on their own or they could go to the Secretary of Labor, who is not a friend of business, and he will do it for them to enforce that law.

Mr. HEFNER. I am just curious how many people would have on their own the resources to go to court and how many people on their own would know where to go to go to the Secretary of Labor.

Mr. BALLENGER. That is the reason the Department of Labor is involved; to give them the authority does not cost anything. The gentleman's labor leader Mr. Reich, I am sure, would be happy to do it.

Mr. HEFNER. I have an idea that 90 percent of the people in our district in North Carolina do not have any idea who Mr. Reich is. I just think this is not a very good deal for the average working folks in the country.

Mr. BONIOR. Mr. Speaker, I do not know who my friends on the other side of the aisle think they are fooling today with this bill.

As my colleagues know, over the past 20 months the Republicans in this House have voted to cut Medicare, cut Medicaid, cut student loans, close nursing homes, raid pension funds, block health care reform, weaken health and safety laws, but labor laws, weaken the right to organize, block an increase in the minimum wage and eliminate the minimum wage altogether for literally millions of Americans. Yet today they come to the floor and they try to convince us that they are the champions of working men and women.

Now, I swear, if shamelessness were an Olympic event, the Gingrich Republicans would take the gold.

We all know that this bill is not about compensation, it is not about flexibility, and it is certainly not about helping working families. It is about cutting people's pay. It is about changing the law so the employers no longer have to pay overtime wages for overtime work.

This bill takes away the only real raise most people have seen for the past 20 years and have earned with their own sweat and hard work.

We live in a country today where 80 percent of our families have not seen a raise since 1979, and, according to the Wall Street Journal, we also live in a country where violations of overtime laws are so common that one study found that workers are getting cheated on $19 billion each year. Yet this bill takes away the overtime cops off the beat; it completely wipes out the law that says they have to pay time-and-a half for overtime work.

We are all for flextime because flextime allows us to arrange our schedules to spend more time with our families. But that is not what comp time is. Comp time is a pay cut, pure and simple. If this bill becomes law, a single mom who puts in 47 hours a week earns five bucks an hour, will lose 50 bucks a

week. Someone who works in a factory, works the same amount of time, $10 an hour, he or she will lose $110 a week. That is about a 22-percent cut in their pay.

No wonder this is called the comp time bill: because if this becomes law, workers are going to need comp time to find a second job to make up for the money they lost in overtime pay.

Why do you think that so many people are working overtime today? Because they like working long hours? No; it is because they need the money and it is because wages have been stagnant and they need the work, and they work hard for that.

So do not come to the floor and tell us that this bill is meant to help families spend more time with their families. Because if Republicans are really concerned about helping people spend time with their families, they would not have opposed the medical and family leave law. It supporters of this bill really wanted to help families, why do they give employers instead of the employees power to decide when and if comp time can be taken?

No wonder that 66 percent of working men and women say they fear that employers will use this law to avoid overtime pay. No wonder nearly 7 in 10 working people prefer overtime pay to forced comp time.

□ 1015

This bill does not give employees more control over their lives, it gives employers control over the lives of the people who work for them. Working people all over this country today are working hard, they are working longer hours just to make ends meet, and we should not take away the one sure path they have toward earning a better living for their families. Vote ''no'' on this rule. Vote ''no'' on the bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], my colleague on the Rules Committee.

Ms. PRYCE. Mr. Speaker, I thank my friend from Utah for yielding me this time. I rise to express my strong support for this rule and for the Working Families Flexibility Act.

First, this is a fair rule. The modest conditions outlined in the rule will ensure that Members have the opportunity to review all germane amendments prior to their consideration.

Second, as a cosponsor of the bill, I support restoring some flexibility to the American workplace. Today more than ever before in the history of America, both parents of a family find themselves in the workplace. As this percentage steadily grows, employers find that current law hampers their ability to provide workers the flexibility that they want and need to balance family and work interests.

H.R. 2391 would restore flexibility by simply allowing overtime compensation to be given in the form of comp time off, and only if the employee wants this form of compensation.

Mr. Speaker, this is 1996. We are near the start of a new century. It is time for American labor law to catch up from the conditions and perspectives of the 1930's that helped shape landmark laws like the Fair Labor Standards Act. No matter how well-intentioned their creation, labor laws today simply must be reformed to reflect the changing nature of the modern workplace.

Over the past 25 years, the American economy has rapidly expanded. Competition has increased, and more women are working today than ever before. As a result, employees are looking for support and fairness as they struggle to balance family needs and job responsibilities. by freeing workers and their employers from the arcane 1930's standards, H.R. 2391 recognizes that a productive workplace can be achieved while also giving employees the flexibility to care for their families, creating a more family-friendly work environment and making it easier for the households where both parents work.

Allowing comp time is a good step toward revamping Depression-era labor laws. This bill is a winner for employers, employees, and families alike. The big union bosses and my colleagues on the other side should put the American worker first and stop playing paternalistic big brother. American workers are perfectly capable of deciding whether they want to be paid for their overtime service in dollars or in comp time. In this day and age, to many families, time is more valuable than dollars. I urge support for this important pro-family legislation and a vote for this very fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from Massachusetts for yielding me this time.

Mr. Speaker, I serve on the Committee on Economic and Educational Opportunities where this bill originated. I have expressed it during the committee that I like the idea of workers choosing between earning overtime and comp time as long as it is the total choice of the employee with teeth to prevent the coercion. This bill does not protect that employee choice. National polls show that an overwhelming number of workers expect to be forced by their employer to accept comp time instead of overtime. But the central issue here is clear, it is either employee choice or employer mandate. That is the concern about the bill. That is why the bill is flawed. H.R. 2391 does not contain a strong provision to prevent the employer from forcing workers to accept time off in lieu of overtime pay. In my district many people have to have overtime pay just to make ends meet. In H.R. 2391, employers maintain the control when to grant that comp time regardless of the amount of notice that the employee gives. What good is it to earn comp time if your employer makes you use that instead of your vacation you may earn? This needs to be addressed. Comp time should be treated just like any other wages in bankruptcy. This bill does not touch that. It should be at the same level in bankruptcy filings, so comp time is the same as lost wages in bankruptcy. This proposal does not ensure that the full remedies available to employees for violation of the overtime law are available where the employer violates the law. Strong civil fines should be established where employers who operate comp time programs violate the law and coerce employees. Instead of this flawed Republican proposal, we should work on a bipartisan proposal giving employees real flex time. I urge defeat of the rule, Mr. Speaker.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I had not intended on speaking on this particular issue today but sitting back in my office listening to some of my colleagues speak, I had to come over here and I had to say a few words. As a Republican who supports labor a good deal of the time, as a Republican who voted against NAFTA, who voted for the antistrikebreaker bill, who cosponsored the family medical leave bill, I have got to respond to some of the assertions made by my colleagues on this side about what Republicans have done to working people in America.

It was Bill Clinton who jammed NAFTA down the throats of this country. It was Bill Clinton who told us the side agreements were going to raise up the working conditions and the environmental laws in Mexico.

Where are those side agreements, Mr. Speaker? And to all those rank-and-file workers out there, you ask your union leaders, what has this President done to enforce those side agreements? Zero, zilch, nada. The jobs are going south.

It was Bill Clinton, Mr. Speaker, who said he was for the antistrikebreaker bill which I voted for. But, Mr. Speaker, tell the workers of this country that it was Bill Clinton who would not lobby one of his two Senators from Arkansas to vote for cloture when it only needed one vote, because the votes were there to pass it, but he would not use his ability to get one of the Senators from Arkansas to vote to invoke cloture so that bill could become law, and I voted for it. Where is the outrage there?

And, Mr. Speaker, where is the outrage on the other side at those 1 million UAW workers, those 1 million machinists, those 1 million electrical workers who have lost their jobs in defense plants all across this country because of Bill Clinton's cuts?

Where is the outrage from the union leaders and from this side of the aisle on those losses? There has been total silence on those issues. And they have

the gall to come to this floor and say that somehow a bill that allows workers the ability to decide whether they want some time off when they voluntarily have agreed to it is hurting labor. I am outraged and disgusted by what I hear on this side as someone who supports labor and supports working people.

Mr. Speaker, I say get real. I say this is solid legislation that we should all get behind. And as a prolabor Republican I am going to vote for it, and I am going to challenge my colleagues on that side to match their actions to their rhetoric. They have not stood by labor on NAFTA, they have not stood by labor on antistrikebreaker, they have not stood by labor on the millions of jobs that have been lost in defense contract cutbacks by this President and this administration. We have a fair and an ideal dialog that benefits working people in this country, instead of the Beltway labor leaders that are totally in bed with the Democratic Congressional Campaign Committee, who have placed $35 million running ads on every TV station in America, with none of those ads against right-to-work Democrats. We have right-to-work Democrats with zero voting records and there is not one dime of that money going against any of them. Why? Not because the rank-and-file labor workers disagree but because the leadership in Washington has targeted all of that money against Republicans. That is the outrage I feel and I am going to lead the effort to have this bill become law.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, my colleague can be outraged but the fact of the matter is that with this piece of legislation, this is a repeal of the 40-hour workweek. Make no mistake about it. It is a reward to the rich special interests. That is what this piece of legislation is about.

Wages for working Americans in this country have been stagnant for too long, and what this bill will do is to cut workers' incomes by billions of dollars. That is right, billions of dollars. This bill makes radical changes in our Nation's laws.

Under the bill, the employer can deny an employee overtime pay and can coerce the worker into taking time off. The burden of proof is on the worker to find that memo, which will be nonexistent, that says they intended to cut their wages. They are never going to find that memo. It will be a silent action.

It can deprive working families of the change to earn overtime. Today that is one of the very few tools that working Americans have in their struggle to keep their families together in our current economy. The Bureau of Labor Statistics says that average hourly pay has fallen by 11 percent over the past 17 years, and despite working longer and longer hours and throwing every member of their family into the work force, Americans, working families, are falling further and further behind.

What was the response of this Republican-led Congress? Stall the minimum wage. Eighty percent of the American public wants to see an increase in the minimum wage. They say that 90 cents is too much, because they make over $133,000 a year, but we cannot have the minimum wage increase.

Now what they want to do is to cut people's overtime and to cut their pay at the same time as holding up a minimum wage increase. Let me say in that delaying tactic on the minimum wage, in my State of Connecticut $4.8 million has been lost to workers in wages. Understand what this legislation is about: an assault on working families.

Mr. Speaker, today Republicans will continue their assault on working families. I am a Member of this body who voted against the NAFTA agreement. Middle-income families, understand that, will be hit the hardest because overtime pay is a much larger percentage of their income. In 1994, two-thirds of the workers who earned overtime pay had a total family income of $40,000.

This is a repeal of the 40-hour wage week. I urge my colleagues, vote against this bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS], the chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of the rule on this important legislation. I hope all of my colleagues will support the rule and vote for the bill.

I have here some responses to the concerns that have been expressed this morning, and I will enter them into the RECORD at the conclusion of my remarks.

Mr. Speaker, this is a good piece of legislation. It is a commonsense solution to a problem which faces today's workers, and that is how to balance the time that must be spent working and the amount of time available for family matters, personal responsibilities, recreation and leisure.

But, unfortunately, once again the opponents of change are misrepresenting the intentions as well as the effects of this legislation. I continue to be amazed by some who believe that all employers are bad people who are always looking for ways to cheat their employees.

As chairman of the Committee on Small Business, and the impact of this is going to be great on small business, I have worked with many small and some large businesses. I know firsthand that most employers have a deep and genuine concern about the people who work for them, and they want to do everything they can to satisfy their employees' needs.

Why? Because they have learned that this concern is reciprocal. Employers who treat their employees with kindness and respect are paid back with loyalty and a commitment to do the very best job possible.

Under current law, private sector employees are prohibited from allowing employees to take compensatory time off for overtime. The Fair Labor Standards Act, originally enacted in the 1930's when most women did not work outside the home, requires that employees be paid at the rate of 1½ times the regular rate for any time worked over 40 hours per week.

This bill permits employers to offer their employees a choice: They can continue to be paid for overtime, or they can elect to take compensatory time off at the rate of 1½ hours for each hour of overtime.

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Mr. Speaker, it is important to emphasize that the choice is exclusively that of the employee, not the employer, and there are many protections in the bill for employees in the event they do work for an unscrupulous employer. I believe we all can agree that the demands of family and work today are difficult to balance. We have Members of this body continually calling for more family friendly hours. Why should our constituents not be able to choose to take a Wednesday afternoon off rather than getting an extra hour's pay if they want to? We all know that spending a few hours with our children can sometimes be worth more than money.

Let us give American workers, our constituents, just a choice. That is what we are asking, is a choice. Support this rule and this much needed change in the Fair Labor Standards Act.

RESPONSES TO ARGUMENTS AGAINST THE WORKING FAMILIES FLEXIBILITY ACT

(Page references refer to substitute to be offered by Representative Ballenger)

Opposition: Employers will pressure or force employees to be compensated for overtime in comp time instead of cash wages.

Response: The choice to take overtime pay in the form of comp time must be requested by the employee in a written or otherwise verifiable statement (Page 2, lines 11–17).

H.R. 2391 specifically prohibits employers from ''directly or indirectly'' threatening, intimidating, or coercing an employee into choosing comp time in lieu of cash wages (Page 3, lines 10–18). Employers violating this would be liable to the employee for double time in cash wages for the unused comp time hours accrued by the employee (Page 7, lines 8–16).

Opposition: Employees do not have control of when to use their comp time. Employers will force employees to use their accrued comp time when it's convenient for the employer.

Response: H.R. 2391 prohibits an employer from coercing, threatening, or intimidating an employee to use any accrued comp time (Page 3, line 19–20).

The employee may use accrued comp time at any time he or she requests, if the use is within a reasonable period of time after the request and the use does not unduly disrupt the operations of the employer (Page 6, lines 15–23). The ''unduly disrupt'' standard has

been part of the law for the public sector for many years. It has been defined in regulations by the Department of Labor as more than ''inconvenience'' to the employer.

Under the regulations for the public sector, the employer has to be able to show that the leave would cause an ''unreasonable burden on the agency's ability to provide services of acceptable quality and quantity to the public.''

The courts have also made clear that the ''unduly disrupt'' standard does not permit an employer to unilaterally schedule use of comp time by employees. Heaton versus Missouri Dept. of Corrections 43 F 3d 1176 (8th Cir, 1994).

In addition, the same standard—unduly disrupt the operations of the employer—is used in the Family Medical Leave with regard to the scheduling of leave to attend to foreseeable medical treatment.

An employer who threatens, intimidates, or coerces an employee into using accrued comp time would be liable to the employees for cash wages for the comp time which the employee was forced to take (Page 7, line 8–16).

Opposition: Employees won't be able to change their mind and choose wages once they've chosen comp time.

Response: Nothing in the bill precludes employees from changing their mind to choosing cash wages instead of comp time or vice versa. Comp time can only be provided at the request of the employee.

Employees can make a request in writing, at any time, to be paid cash wages for their accrued comp time. Employers must comply within 30 days (Page 4, lines 13–18).

Comp time must be cashed out at the highest rate paid to the employee during the time period in which the comp time was accrued or at the employee's current rate, whichever is higher. Thus, there is no financial benefit to an employer to delay payment for accrued comp time.

Opposition: Comp time should only be available to employers who provide a certain number of sick leave and annual leave to their employees. Otherwise, employers will eliminate or reduce paid sick and/or annual leave and offer comp time instead.

Response: Employees must request comp time. Allowing employees to receive comp time has not had the effect of eliminating other leave for public employees. Employers are not now required to provide employees a certain number of days as paid sick leave and/or annual leave; the fact that employees may receive comp time for overtime worked does not change the situation.

Opposition: Employees who work at seasonal industries or short-term employment will not be able to use comp time before their term of employment is over.

Response: The bill gives all employees the option to choose comp time, if their employer offers it. There is no reason to deny the option to comp time for part-time, seasonal, or ''low wage workers.'' Low wage workers are often in families where both parents work, and thus may particularly desire the flexibility of comp time. Similarly, seasonal workers may want to use comp time in order to ''even out'' fluctuations in income.

Opposition: Enforcement of the law will be difficult if employers who offer comp time don't have a written policy available to employees.

Response: An agreement by an employee to receive comp time must be in writing or some other form of verifiable statement by the employee as defined by the Department of Labor (Page 2, lines 11–17). The reason for allowing agreements in other than written instruments is that many companies maintain payroll records or computer or other electronic means. However, the Secretary of Labor can prescribe what kinds of records of employee agreement must be maintained.

Opposition: Employees will be able to accrue too many hours of comp time which they may not be able to take.

Response: Employees can only accrue 240 hours of comp time in a 12 month period (Page 3, lines 21–21). Employees may at any time make a written request to receive cash for their accrued comp time and the employer must pay the employee within 30 days (Page 4, lines 13–18).

Employers would be required to annually cash out employees' accrued comp time (Page 3, lines 24 through page 4, line 8).

Opposition: Comp time should be counted as ''hours worked'' for the purposes of calculating overtime. For example, an employee could take Monday as a comp day and the employer could require the employee to work 40 hours Tuesday through Saturday, without having to pay overtime. Thus, the employee didn't really get a ''day off.''

Response: The standard for calculating ''hours worked'' has been in place under the Fair Labor Standards Act since the 1930s. The only house which may be counted in the calculation of overtime pay are hours which the employee has actually worked. Comp time would fall under the same category as annual leave, sick leave and leave under the Family and Medical Leave Act and more of which are considered ''hours worked'' under the FLSA. Comp time in the public sector has not been considered ''hours worked.''

Opposition: Employees will accumulate comp time and then an employer will go out of business, thus never having to pay the employees for their overtime.

Response: Unused comp time would be considered ''wages owed to an employee'' for the purposes of enforcement (Page 6, line 11–14). Wages are protected under bankruptcy code as a priority for payment, thus comp time would be in the same category.

Opposition: Employers should be required to pay employees cash for overtime hours worked past a certain number of hours (e.g. 50) in a work week, no matter what the employee wishes.

Response: If employees have to work excessive overtime, they can always choose cash wages over comp time if they do not think they will be able to use their accrued comp time. Likewise, employees have the right to request in writing payment for accrued comp time.

Opposition: H.R. 2391 does not protect employee's claim to unemployment benefits if they cash out accrued comp time.

Response: H.R. 2391 requires the employer to ''cash out'' all accrued comp time upon termination of employment (page 5, lines 12–23). Depending upon state laws, such payments might reduce the initial week or weeks' unemployment benefits but those benefits are deferred not lost for the employee. In other words, the employee would be eligible for the same amount of unemployment benefits whether or not he or she receives ''cashed out'' comp time.

Opposition: Comp time is cheaper for employers than paying cash wages for overtime, and therefore employers will (1) force employees to take comp time, and (2) increase overtime and hire fewer employees.

Response: First of all, the employee chooses whether or not to take comp time over cash overtime, and the bill protects the employee's right to make that choice free of coercion from the employer. The bill also protects the employee's right to choose when to use comp time, subject only to the safeguard that doing so does not ''unduly disrupt'' the employer's operations.

Comp time is not generally cheaper for the employer than cash overtime. Besides the administrative costs of keeping the ''comp time bank'' records, the bill provides that when accrued comp time is used or cashed out, it is used or cashed out at the employee's current rate of pay, or the average pay during the period of time the comp time was accrued, whichever is higher. Thus the comp time will cost the employer at least as much or more when it used or cashed out than when it was earned.

Opposition: H.R. 2391 weakens the overtime protections for employees, which are already too weak. (citing Wall Street Journal article, Monday, June 24, 1996, quoting the ''employer funded'' Employment Policy Foundation estimates that ''fully 10% of the workers entitled to overtime are cheated out of it'').

Response: H.R. 2391 does not in any way weaken the overtime obligation of employers. It simply allows employees and employers to agree that overtime compensation will be taken in the form of compensatory time. The bill includes provisions to insure that employee's rights are protected (employee protections):

Requires that comp time may only be given mutual agreement of the employer and employee.

Requires that employee's agreement to take comp time be ''knowing and voluntary.''

Prohibits employer from making acceptance of comp time a condition of employment.

Requires agreement, affirmed in writing or otherwise verifiable form, by employee to take comp time.

Prohibits employer from directly or indirectly coercing or threatening, or attempting to coerce, and employee into taking comp time or using accrued comp time.

Requires annual cash out of accrued comp time.

Requires cash out of accrued comp time be at employee's current rate of pay or average rate during time it was accrued, whichever is higher.

Allows employee to cash out accrued comp time at any time with 30 days notice to employer.

Requires cash out of accrued comp time upon termination of employment.

Specifies that unused comp time is treated as unpaid wages for purposes of enforcement and collection.

Allows employee to use comp time whenever he or she pleases, unless use ''unduly disrupts'' operations of the employer.

Provides penalty for illegal coercion of employee with regard to choosing or using comp time.

The estimates of unpaid overtime in the Wall Street Journal article of June 22 included, as the article itself said, those employees not paid overtime because the employer believes they are exempt or the employer can't figure out the complicated federal rules and so 'takes a chance' by ignoring them. The confusing and ambiguous rules about who is exempt and who is non-exempt is an issue which Republicans have sought to address and will continue to seek to address in other legislation. But, H.R. 2391 does not affect that issue, nor does it change or weaken the overtime obligation. It establishes the option for employers and employees where overtime is paid.

Opposition: Despite Democratic efforts to work out an acceptable comp time bill, the Republicans have refused to make changes.

Response: It is true that supporters of comp time met and attempted to negotiate the details of a comp time bill with Mr. Clay, the Ranking Member of the Committee. Those discussions were broken off by Mr. Clay's staff in late May (after the bill was temporarily considered as the vehicle to allow a vote on the minimum wage). We have

in fact made many, many changes to the bill since it was introduced, mostly to address concerns which the Democrats have raised, and many of some of which were taken directly from suggestions made by Democratic witnesses during Subcommittee hearings on the bill.

Following some of the changes which have been made to H.R. 2391 to address opponents concerns:

1. Clarify that the provisions providing for individual agreements apply only where employees are not represented by a collective bargaining agent.

2. Require that employee's agreement on comp time be affirmed in a written or otherwise verifiable statement.

3. Provide that agreement to take comp time in the private sector may not be a condition of employment.

4. Prohibit employer coercion of employees for purposes of (1) interfering with employee right to request or not the request, or (2) requiring any employee to use comp time.

5. Require annual ''cash outs'' of accrued comp time.

6. Allow employee to ''cash out'' accrued comp time at any time.

7. Establish a new remedy under the Fair Labor Standards Act for employers who coerce, or attempt to coerce, an employee into taking or using comp time.

The following additional changes are included in a Manager's amendment to be offered to be the bill.

Require employers to provide 30 days notice before terminating policy of allowing comp time.

Require employers to provide 30 days notice before cashing out accrued comp time, and allowing such cash out only for time in excess of 80 hours.

Provide that employer coercion of an employee may be actionable even if not willful.

Clarify that an employee may withdraw from an agreement in which he or she has requested comp time at any time.

Opposition: The bill limits the remedies available for unpaid comp time by only allowing private lawsuits for redress, as compared to unpaid overtime under current law, which allows both private suits and enforcement actions by DOL, as well as criminal charges.

Response: As the Committee report makes clear, the intent of the legislation is that all current remedies for violating the FLSA apply, and in addition, a new remedy for ''coercion'' in connection with choosing or using comp time is created. This intent will be further clarified in the manager's amendment.

Opposition: Comp time does not truly belong to the employer because under the bill an employer may deny an employee's use of comp time by paying off the accrued comp time hours.

Response: First of all, this is certainly an ironic objection to the bill: Democrats who oppose comp time and want to keep the status quo that only allows cash overtime payments object to a provision that allows employees comp time in favor of the cash overtime payment.

Second, the bill is premised on flexibility for employers and employees—thus either the employer or the employee may decide to cash out accrued overtime. Third, under the manager's amendment, a provision will be added that says that the employer must give 30 days notice to employees before cashing out any accrued comp time (in the absence of an employee request to do so), and provides that the employer option to cash out accrued comp time applies only to time accrued in excess of 80 hours.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I oppose the bill and I frankly oppose the rule because there are some unanswered questions about this legislation that we are rushing to judgment and ignoring.

The first question is, How do we assure that it is truly voluntary for the man or woman who chooses comp time over cash? This bill, I do not think, provides for that. It says to an employee who feels that he or she has been coerced into this choice that they must meet an unmeetable burden of proof. They must prove that the employer intended to deny them that choice. I would submit to you that there will be very few employees anywhere who will be able to meet that burden of proof it is not truly voluntary.

Second, Mr. Speaker, what happens to buy-back provisions? What happens if the employer owes you hours and hours of comp time and then goes out of business and does not have the cash to pay you back the cash value of the comp time? Unanswered question. We hear from our friends on the other side that well, this works in the public sector so it will work here in the private sector. There is a difference. The first difference is that most public sector employees are protected by civil service protections. If you believe that the employer in the public sector is coercing you, you have a hearing, you have the ability to process a grievance. Most private sector employees do not have such a right, and except for this one, most governments are not on the verge of going out of business because of bankruptcy. So I would suggest to you there is a very important difference there.

Finally, this is really, with all due respect, citizen Dole's rush to close the gender gap. That is what this is really all about. I would suggest to you if the majority wants to speak to working women in America, let us talk about expanding the family medical leave that most Members opposed. Let us talk about getting health insurance for all working women, which most of the Members had very few ideas about.

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to say it is astonishing to me that we are having attempts to mire this in gender war language.

Mr. Speaker, it is long past time that men and women assumed equal responsibility for raising children. This bill is addressed not only to working mothers who have had a difficult time balancing work and family, it is also geared to working fathers who are having that same difficulty while they are trying to assume more responsibility not just for the economic well-being of their children but for the emotional well-being of their children.

In addition, Mr. Speaker, this is not just about time off to help children. That is critical and it is important. But it is also about time to care for aging parents. It is about time to go back to school to get some additional skills. And most important, it is about letting workers choose whether they want additional time off or additional pay.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I am sorry to see the gentleman from New Jersey has left because he raised the question of willful being one of the proving points for the employee. We recognize that problem and we changed it. We removed the word ''willful'' in our bill.

For those people that are not sure what changes we have made in the description of the bill here on the report, we have in there the changes that we made at the request of the Democrats on the committee.

Also, again I would like to say as far as bankruptcies are concerned, the first claim that will be applied against any assets of any bankrupt company are wages and these are classified; that is, in the same manner as wages and will have first choice on any money that is left in that bankrupt company.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. WYNN].

(Mr. WYNN asked and was given permission to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, let us be straight about this, ladies and gentlemen. Comp time is not flex time. If employers want to give employees all these benefits and all these opportunities to care for children and loved ones, they can do it now. It is called flex time. Come in early, leave early, come in late, leave late. That is possible.

This is comp time and this denies people basic income. I do not want to hear that oh, well, they can go to court and we lowered the legal standard. The fact of the matter is minimum wage workers are not going into anybody's court. They are not going down the street to see Robert Reich to talk about a labor violation. Those remedies are not practicable.

Let us talk about the real world. In the real world, wages have stagnated over the last 20 years. People need overtime to make ends meet. In 1995, the average full-time worker in manufacturing worked about 4.4 hours of overtime to make an additional $3,800 a year. They need that money. Now, they are going to tell employees well, this is optional, it is up to the employee if they want to take it.

Let us talk about this so-called option. The reality of the workplace is that most employees want to keep their jobs and therefore go along with their employer. That means that when

the employer suggests comp time, they are going to take it.

This so-called option does not really work. The employee does not have a choice because the employer has to approve the comp time. He has to approve when they can take it. They can spend their overtime anytime they want to. They cannot spend their comp time anytime they want to, only when the employer allows it. Preferential allocation of overtime already occurs. There are complaints about that now.

My colleagues better believe that if we have this comp time option, those who will take comp time will get comp time. Those who want overtime will be out of luck. That is what is wrong with this bill.

There is a lot of rhetoric here about how we want to help people, but the fact of the matter is in the private sector, there is a fundamental profit motive, and that is to reduce the amount of overtime pay. That being the case, there is a strong incentive to discourage overtime and encourage comp time at the expense of the American worker. That is what we want to discourage. We believe the current system provides true flexibility but not the false rhetoric of the Republican proposal.

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is critical that we address this issue of enforcement. My colleagues on the other side of the aisle think it is necessary to track down personally the Secretary of Labor to bring a claim where an employee feels that they have been coerced. Nothing could be further from the truth. In fact, Mr. Speaker, the enforcement mechanisms of this legislation are identical to the enforcement mechanisms that we use to battle age discrimination, race discrimination, and gender discrimination in the workplace.

I do not hear my colleagues from the other side of the aisle saying that we should not have laws prohibiting age and race and gender discrimination because the enforcement mechanism is not going to work. Instead, we defend those laws. We enforce those laws through a mechanism that has been established under Federal law, and that same mechanism would be used to enforce this law.

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

Mr. MOAKLEY. Mr. Speaker, I think it is time for a time check to see where we are.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Massachusetts [Mr. MOAKLEY] has 6½ minutes remaining, and the gentlewoman from Utah [Ms. GREENE] has 5½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me the time.

My colleagues, let us call it the way it is. The Republican majority in this Congress has spent the better part of a year and a half assaulting the rights of workers in this country. I have served on the committee, I know what is happening. They steadfastly refused the minimum wage. We had to practically pry it out of them. OSHA, safety for workers in the workplace, they want to gut OSHA laws. Davis-Bacon to pay workers prevailing wage, they want to eliminate that, too.

Mr. Speaker, they have slashed funding for the National Labor Relations Board which guarantees and safeguards workers' rights and protections. They want to bring back company unions so that the employers will control the unions, not the employees. The first thing they did when they received the majority, the Republicans removed the name ''labor'' from the Committee on Education and Labor to punish supposedly punish the labor unions. It is now the Committee on Economic and Educational Opportunities and the word ''labor'' has been purged from both the committee and subcommittee names.

The campaign finance bill which went down yesterday had an antilabor provision in it. So make no mistake about it, this is just another assault on working men and women in America by the Republican majority.

Now, Mr. Speaker, everybody understands that employers and employees are not equal and there will be coercion. Employees will be coerced into accepting these kinds of things. We do not believe that American workers ought to continue to be assaulted by this Republican majority, but again it is consistent.

They tried to gut Medicare to give huge tax breaks for the wealthy. They want to give us the biggest education cuts in American history. They want to gut environmental laws. This is a direct assault on the middle class in this country and on working people by the Republican majority. This is just an extension.

The Democrats, in filing the dissenting views accompanying this bill said, and I quote: ''This legislation encourages employers to hire fewer employees and to work them longer hours by freeing them from having to pay cash for overtime, potentially reducing both workers' incomes and employer labor costs by billions of dollars.''

Let us reject this and not continue to assault American workers. The Republicans' platform is exposed by this bill.

Ms. GREENE of Utah. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I would just like to quote a claim by the AFL–CIO where it says the penalties for coercion are too weak. The response for that, the penalties in the bill for coercing are the same as those for unpaid overtime; that is, the amount of pay owed us, plus an equal amount of liquidated damages, plus attorneys' fees and costs. If the employee has already used and been paid for comp time, then the amount is deducted from the award since they have already received the overtime pay, but he or she may still receive the liquidated damages.

In addition, Mr. Speaker, the other remedies such as civil and criminal penalties and injunctive relief under the Fair Labor Standards Act may apply. Either the Department of Labor or the employee can file suit, and I wish somebody on the other side would read the actual bill itself so they can understand what they are really talking about.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, last week the new majority was talking about encouraging work. Now with this bill they seem to be encouraging taking time off.

Mr. Speaker, despite strong economic indicators, millions of Americans, many of them single mothers, are working harder and longer for less money. This bill strips them of even that right. The majority of low-wage workers are women. They count on their overtime pay to feed their children and to make ends meet.

The underlying bill allows employers to offer comp time to workers instead of overtime pay. It requires a voluntary agreement with the employee, but we all know that in the real world employers may bully employees into accepting whatever the employer wants.

The practical effect of this bill will be to allow employers to force an employee to take comp time instead of paying overtime. While that person is using comp time, the employer can pay another employee regular wages instead of time and a half. The bottom line is, employees could get paid less.

Mr. Speaker, this is not progress, it is a step in the wrong direction. I urge a ''no'' vote on the rule.

□ 1045

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. OWENS].

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from New York [Mr. OWENS] is recognized for 3½ minutes.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the message of this bill this morning is to the workers of America, ''The Republicans want your overtime pay,'' from the same people who brought us streamlining, downsizing, the tremendous gap in income. The same people who have attacked the National Labor Relations Board, who have attacked OSHA, who refused to pass a minimum wage bill, they now want your overtime.

As the ranking member of the committee responsible for this legislation, I have listened to the hearings. We have debated at markups, and the bill is flawed at its center, and that is the

assumption that you can have mutual consent between the employer and the employee as to whether they want overtime in terms of dollars or whether they want it in terms of comp time.

In my State, we recently passed a law which said that any female who is assaulted in a prison is automatically considered to be a rape victim. Anytime there is a sexual relationship between a female inmate and a prison guard, the prison guard is automatically charged with rape because in a relationship where all the power is on one side and the other person is powerless, automatically there is no mutual consent possibility.

There is no mutual consent possible when the employer has an incentive to keep the money. You can invest the money that you do not pay in overtime. Overtime wages that are not paid can be invested. So the great incentive will be to keep the money and to force all workers to take comp time. Ninety percent of the employers will want workers to take comp time. Any worker who does not take comp time when the employer obviously wants him to take comp time will be labeled as a bad team player. You are not a team player and sooner or later they of course will find themselves without a job. In a job market and in a situation where people are under tremendous pressure, who will choose to exercise their right to take overtime had they known the employer wants comp time?

At the heart of the bill, the assumption is wrong. This will not work. It is another attempt to make war on American workers. We have had enough of it in this Congress. We have tried to stop them from raiding the National Labor Relations Board's authority. We have stopped them from taking away the safety provisions of OSHA. Now we have to stop them where it matters most; that is, taking money out of the pockets of American workers in terms of overtime pay.

The Republicans want your overtime pay, and the Democrats are here to guarantee that we do not have more assaults on working people and working families. You need your overtime pay. The overtime pay buys shoes, it buys clothes, it buys refrigerators. It buys what workers need.

Workers, on the other hand, cannot afford to provide an investment pool for the employers. There will be no escrow accounts where you have to put all the overtime pay into an escrow account and know that it is there. No; the employers can invest that and they will. And you will have billions of dollars already that is unpaid for overtime under the present rules and regulations, where it is pretty clear that employers have to pay overtime in dollars. How are we ever going to police a situation where it is comp time, taken at the pleasure of the employer?

There can be no mutual consent. There is no mutual consent between a slave and a master or an inmate and a prison guard. There will be no mutual consent between an employer and an employee. The employee is at the mercy of the employer, and we do not need to do any more harm than we have already done to the workers in this area. This is a year where war has been declared on workers by the Republican majority. No, Mr. Speaker, it is now time to stop the war on workers.

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, everyone agrees that the working families of this country are experiencing time crunch the likes of which we have never seen before. When President Clinton spoke in Nashville several weeks ago, he endorsed the concept of having flexibility so that workers can choose the time off they need to be able to be with their families for important events, but while President Clinton managed to grab a few headlines several weeks ago with an alternative and much more restrictive proposal, the administration never sent his proposal to Congress in legislative form, nor has any Member, to my knowledge, attempted to introduce the administration's proposal.

Now, my colleagues on the other side of the aisle have been complaining vociferously about the provisions of this bill. We are even now hearing employers and employees likened to prison guards and prisoners, even to slaves and masters.

But in fact, Mr. Speaker, my colleagues on the other side of the aisle, the Democrats, were given the opportunity in the Committee on Rules to offer any amendment to this legislation they wanted to. We gave them the opportunity to offer an amendment in the nature of a substitute so that they could bring forward their own version of how this concept should work. And the fact is, Mr. Speaker, that the Democrats chose not to introduce any legislation, any amendment to this bill.

Mr. Speaker, the truth is this legislation does not change those fundamental worker protections of the Fair Labors Standards Act. This legislation does not change the 40-hour workweek for workers. It does not relieve employers from their obligations of paying overtime. It does not give employers the means to coerce workers. This bill does preserve the concept of time and a half for overtime. The workers choose whether to get time and a half in cash or time and a half in comp time.

This bill does provide the same kinds of enforcement mechanisms that we use today to enforce worker protections on race, age, and gender. This bill provides those same types of protections to make certain that workers are not taken advantage of.

This bill does protect employees if their company goes bankrupt by giving them first priority against any remaining assets of that business to get their overtime, their comp time cashed out.

This bill, Mr. Speaker, gives workers the flexibility that they need to be able to balance those competing considerations of work and family.

Members of Congress may not need comp time, Mr. Speaker. We make over $130,000 a year and we control our own schedules. This is just one more example where people who are opposing this bill are out of touch, because most of the people in this country struggle to get control over their own time. They struggle to be at home when they need to take a sick child to the doctor or be with an aged parent. They struggle because they do not have the ability to get the time off that they need at the time that they need it.

This bill, Mr. Speaker, gives them that opportunity. They are allowed more control over their lives. They are given the opportunity to be able to choose for themselves, in the circumstances for each of their families, whether more money or more time off makes sense for their family.

Let us give workers that choice, Mr. Speaker. Let us respect their ability to choose for themselves what is best and not dictate it from Washington as we have for the past 60 years.

Mr. Speaker, I urge my colleagues to support the rule, and this legislation.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to this bill that is designed to take away the rights of workers guaranteed to them under the Fair Labor Standards Act. These rights were not easily won. The Dole-Gingrich Republicans and their cohorts are always a well-funded, business oriented lobbying force—as is demonstrated by this bill. Let's be clear about one very basic false assumption about H.R. 2391: it does not provide a worker with the right to compensatory time or overtime wages on a voluntary, worker controlled basis. An employer and employee are not in level bargaining positions.

The overtime protection in the Fair Labor Standards Act both protect workers from excessive demands for overtime work and, by requiring premium pay for overtime, time and a half, provide an incentive for businesses to create additional jobs. Nowadays, millions of workers depend on overtime pay just to maintain a decent standard of living for their families. Two-thirds of the workers who earned overtime in 1994 had a total annual family income—including spousal income—of less than $40,000. A recent poll by Peter Hart found that American workers prefer pay over compensatory time for overtime by a whopping margin of 64 to 22 percent.

The idea that there can be a truly voluntary agreement, as is heralded by the Republicans in this bill, is a cruel hoax. Any employer who wants to pay for overtime in terms of compensatory time instead of cash, will find a dubious way to encourage workers to accept compensatory time. Workers know this. Half of those in the Hart poll said they believed employers would be able to force them to take compensatory time instead of overtime pay.

Further, this bill does not in any way guarantee workers the right to use their compensatory time whenever they want it. An employer may deny the request on the grounds that it would unduly disrupt business operations, or could refuse the request for any given, specific day and instead offer a different day that is more convenient for the employer, but less so for the worker.

I oppose this bill because it would permit a severe disservice to a worker's right to choose compensatory time voluntarily instead of cash compensation for overtime work that was accomplished for the business owner. It clearly attempts to gut the protection of the Fair Labor Standards Act and undermines living standards to the detriment of workers, the economy, and the Nation.

I urge my colleagues to defeat this ill-conceived legislation.

Ms. MCKINNEY. I rise today in opposition to this rule, and in opposition to this anti-family legislation. Let's face it, the Republican record on workers' rights is hideous and this bill is the ugliest of them all.

In my 3 years in Congress, I have never seen a bill more insidious than this attempt to lengthen the work week with no corresponding increase in pay.

Contrary to what Republicans say, this bill abolishes overtime pay. Period.

The so-called Working Families Flexibility act allows employers to coerce workers into taking comp time instead of overtime pay. Employers will use this legislation to hire workers who agree to accept comp time instead of overtime pay. This bill allows employers to promote workers who acquiesce to comp time in lieu of overtime pay.

And unlike overtime pay, workers can only use their comp time when it is convenient for their employers, not their families. So much for family friendly legislation.

Moreover, Mr. Speaker, workers can be forced to work 75 hours a week and not see any comp time for 13 months. And if the company goes bankrupt in that 13 months—too bad, the worker gets no comp time and no overtime pay.

In effect, workers will be giving their employers interest-free loans until the boss feels like letting them us their comp time.

And for families who rely on overtime pay to supplement their low salaries, they will be comforted in knowing that they might get some time off in the next 13 months.

In short, Mr. Speaker, this bill legalizes the extraction of unpaid labor from workers at a time when people are working longer and harder for less money.

Finally, Mr. Speaker, employers can already give workers comp time as long as it is used in the same week in which the overtime is worked.

This bill should not be called the comp time bill, it should be called the chump time bill. I urge my colleagues to reject this rule and reject this Republican attempt to lengthen the work week with no increase in pay.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong opposition to the rule and to this bill.

There has been talk on this floor of the so-called protections for workers who may be owed compensatory time by companies that go out of business. Employees of bankrupt companies are protected, they say, because they can get what is owed them by going against the assets of these bankrupt companies.

I say these so-called protections amount to a handful of dust. We know companies that have gone out of business, leaving no assets whatsoever. What happens to these employees and their families then? They are cheated out of their wages, that's what.

This has happened time and time again in the area of retirement benefits, when companies go bankrupt and leave their retirees with no pensions. Congress would be foolish to allow this to happen to overtime pay.

Overtime pay is more than a luxury for working people—it is income that their families depend on, especially lower income working people.

Proponents of this bill say that workers are protected because the agreements must be voluntary. Who will determine if they are voluntary? The clogged Federal courts? We know that justice delayed is justice denied.

Who will pay the workers' legal fees if they lose their case? Certainly not the employers.

The idea of a truly voluntary agreement will be a cruel hoax for many workers. Many employers will find a way to force employees to accept compensatory time instead of cash because they know the employees don't have the resources to fight this coercion.

I say, protect working families—vote down this bill.

Ms. GREENE of Utah. Mt. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 175, not voting 30, as follows:

[Roll No. 367]

YEAS—228

Allard
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—175

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Frisa
Frost
Furse
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—30

Archer	Ewing	McDade
Baker (LA)	Ford	Murtha
Berman	Gejdenson	Nethercutt
Bevill	Hastings (FL)	Peterson (FL)
Blumenauer	Hayes	Quillen
Boucher	Holden	Scarborough
Chapman	Hutchinson	Seastrand
Coleman	Laughlin	Studds
Collins (IL)	Lincoln	Torricelli
Doggett	Martinez	Young (FL)

□ 1113

Mr. FARR of California changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3845) ''An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUYE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 3517, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. HEFNER moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3517, be instructed not to provide funding for projects which have not been authorized.

The SPEAKER pro tempore. Under rule XXVIII, the gentleman from North Carolina [Mr. HEFNER] and the gentlewoman from Nevada [Mrs. VUCANOVICH] each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

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

Mr. Speaker, I offer this motion to instruct to ensure that the conferees on the military construction bill adhere to the customary practice of agreeing to provide funding only for projects which are authorized.

Current assumptions on this bill will result in over $800 million in projects begin added to the amount requested by the President. For years we on the Military Construction Subcommittee have emphasized funding for barracks, family housing projects, and other structures which improve the quality of life in the military. Unfortunately our colleagues in the other body have not always shared our priorities.

The Armed Services Committees are now in conference, and will, I believe end up funding a number of projects that will speed up the building of new barracks and family housing projects. Their agreement will authorize and the appropriations bill will fund these projects as well provide for projects to support operational and readiness requirements, and to meet our base closure commitments.

This total level of authorization and funding has been carefully arrived at and is the result of cooperation between the authorizing and Appropriations Committee. It has been a bipartisan exercise with a bipartisan result. Members on both sides have been treated fairly. There is no reason why the conferees on the appropriations bill should deviate from this agreement.

While I support adding funds to accelerate funding quality of life projects, I feel that adding over $800 million to the President's request is enough in these difficult budget times given other domestic priorities.

Mr. Speaker, I urge the support of my motion to instruct.

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

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

Mr. Speaker, I rise in support of this motion to instruct conferees. We have worked in a bipartisan manner with the authorization committee to provide the many quality of life items contained in this bill. No individual project recommended in this bill may go forward without specific authorization. We are following the progress of the authorization conference closely and it is my understanding they are nearing completion. I urge my colleagues to support the gentleman's motion.

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

Mr. HEFNER. Mr. Speaker, I thank the gentlewoman from Nevada for her support.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from North Carolina [Mr. HEFNER] .

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mrs. VUCANOVICH and Messrs. CALLAHAN, MCDADE, MYERS of Indiana, PORTER, HOBSON, WICKER, LIVINGSTON, HEFNER, FOGLIETTA, TORRES, DICKS, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3845, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. WALSH, BONILLA, KINGSTON, FRELINGHUYSEN, NEUMANN, PARKER, LIVINGSTON, DIXON, SERRANO, Ms. KAPTUR, and Mr. OBEY.

ADJOURNMENT OF THE HOUSE FROM ANY DAY BETWEEN THURSDAY, AUGUST 1, 1996, AND SATURDAY, AUGUST 3, 1996, TO WEDNESDAY, SEPTEMBER 1, 1996 AND ADJOURNMENT OR RECESS OF THE SENATE FROM ANY DAY BETWEEN THURSDAY, AUGUST 1, 1996, AND SUNDAY, AUGUST 4, 1996, TO TUESDAY, SEPTEMBER 3, 1996

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 203) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 203

Resolved by the House of Representatives (the Senate concurring). That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday,