

I urge all of my colleagues to support this bill.

CONGRATULATING THOSE INVOLVED IN THE FLORENCE, WISCONSIN FOOD, FUN AND FITNESS SUMMER PROGRAM

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 29, 2000*

Mr. GREEN of Wisconsin. Mr. Speaker, today I'd like to offer my enthusiastic congratulations before the U.S. House to all those involved in the Florence, Food, Fun and Fitness Summer program. Their hard work and innovative efforts have improved the health of our young people and deservedly garnered accolades and the U.S. Department of Agriculture's Summer Sunshine Award for Child Development.

Everyone who is a part of the Food, Fun and Fitness program should feel a great sense of pride—not only for being honored by the USDA and others, but for genuinely enhancing the health and quality of life of our children. Thanks to this program, the kids involved have learned countless new life lessons, from a new understanding of the importance of food and where it comes from to the new friendships and wisdom they have shared with the seniors who have joined with them in this program.

This program is the direct result of a successful partnership between Florence Nutrition Program Educator Katie Tartar and the University of Wisconsin Extension, Florence School District, Florence Sheriff's Department, General Colin Powell and America's Promise, the Family Resource Center of Florence County, County Activity Co-op, Spread Eagle Sporting, the Master Gardener Association and the residents of Chapin Heights Apartments.

Mr. Speaker, the Florence Food, Fun and Fitness program is a shining example of what communities can achieve by bringing all their resources to bear in a common effort. It is a program I believe other American communities should look to and emulate.

To the folks in Florence, congratulations, thank you, and keep up the great work!

INTRODUCTION OF THE WORKER ECONOMIC OPPORTUNITY ACT

**HON. CASS BALLENGER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 29, 2000*

Mr. BALLENGER. Mr. Speaker, today I am pleased to join Senator MCCONNELL and others in the introduction of "The Worker Economic Opportunity Act," a bipartisan bill to protect stock option programs for rank-and-file employees. In a February 12, 1999, opinion letter that has only recently become widely publicized, the Department of Labor determined that under the 1938 Fair Labor Standards Act, at least in some case, the profits

from the exercise of stock options are part of an employee's "regular rate" of pay, and therefore must be taken into account in determining the employee's overtime rate of pay.

While the opinion letter constitutes the agency's interpretation of the law based on the facts and circumstances of one particular case, the practical effect of the letter is to "red flag" other similar programs and cause widespread confusion about overtime liability among employers who provide stock options for their hourly or "nonexempt" employees.

Stock option programs can be configured in a variety of ways and are referred to by different names, but all of the programs share similar objectives: to reward employees, provide ownership in the company, and to attract and retain a motivated work force. In testimony before the Subcommittee on Workforce Protections' hearing earlier this month, witnesses discussed how stock ownership programs are now available to more and more employees. In the past, such programs were used to reward executives, top management, and other key employees. However, there has been a dramatic increase in the past several years in the number of companies offering broad-based employee ownership plans to rank and file employees.

A 1998 study by Hewitt & Associates found that over 66 percent of the companies surveyed gave options to some portion of their nonexecutive workforce. The National Center for Employee Ownership estimates that more than 6 million nonexecutives receive stock options. In the high-technology industry, some 55 percent of rank-and-file employees participate in employee ownership programs.

I daresay that few employees who receive stock options from their employer consider the profit on those options to be part of their regular rate of pay for overtime purposes. Yet the Department of Labor's interpretation of the law that says stock options may be part of the employee's "regular rate," threatens to undermine the ability and the willingness of employers to make stock options available to their "nonexempt" employees. Ms. Abigail Rosa, an employee who testified at the hearing, expressed concern that DOL's interpretation of the law would force companies to do away with stock option programs for employees who are covered by overtime.

The Worker Economic Opportunity Act would amend the Fair Labor Standards Act (FLSA) to ensure that federal law does not end up discouraging the use of such programs or denying employee the opportunity to participate in the success of their company. The bill specifies that any value or income derived from a stock option, stock appreciation right or employee stock purchase plan would be exempt from an employee's regular rate of pay for the purposes of calculating overtime. Plans must meet the following requirements: a minimum 6-month vesting period between the grant of the option and its exercise by the employee; any discounts on stock option or stock appreciation rights may not exceed 15 percent of fair market value at the time of the grant; the voluntary exercise of any grant or right by the employee; and disclosure of the terms of the plan to employees.

Employers may grant options based on employees' past performance, provided that the

options are not pursuant to any prior contract. In addition, employers may grant options based on the future performance of any size facility, or a business unit or group consisting of at least 10 employees.

Under the bill, employers who are currently operating plans would be protected from liability for overtime back pay if: the grants or rights were obtained prior to the bill's effective date; the grants or rights were issued to employees within a year after the bill's effective date under plans that must be modified through shareholder approval; or the plans are part of a collective bargaining agreement as of the bill's effective date. Finally, the provisions of the bill would go into effect 90 days after the date of enactment, giving employers time to complete pending grants.

Mr. Speaker, this bill represents the hard work and attention of many Senators and Members of the House on both sides of the aisle, as well as the Department of Labor. I urge my colleagues to support the legislation.

CORRESPONDENCE FROM BOB JONES UNIVERSITY

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 29, 2000*

Mr. CROWLEY. Mr. Speaker, today I am somewhat bewildered by correspondence I received yesterday from Bob Jones University. As you are aware, I am the sponsor of H. Con. Res. 261, which condemns the racial and religious intolerance at Bob Jones University. Additionally, on Friday, three of my colleagues, Representatives PETER KING, RICHARD NEAL, and SAM GEJDESON, and I sent a letter to Bob Jones III expressing our concerns about the participation of Ian Paisley in a Bible Conference at the University. Reverend Paisley is an opponent of the peace process in Northern Ireland and an outspoken anti-Catholic bigot. Since coming to Congress, I have been a vocal supporter of the Irish Peace process and the Good Friday peace process. Additionally, I have always promoted religious tolerance. In fact, I am an active participant in Project Children; a program designed to eradicate the hatred between Catholics and Protestants in Northern Ireland by working with children.

Yesterday I received a response from Bob Jones III to my letter. I was bewildered by his venomous response. At this time, I would like to ask unanimous consent to submit to the RECORD a copy of my original letter to Bob Jones III, as well as his response.

I am disappointed that the leader of an institution of higher learning could not respectfully respond to concerns of four Americans who happen to be Members of Congress. His labeling of the extreme religious views of Rev. Paisley as, and I quote, "leftist, radical IRA/Sinn Fein loving imaginations," is totally offensive to the Catholic minority in Northern Ireland.

I was horrified at being called a bigot and intolerant by Bob Jones the III. I have spent my life espousing peace and tolerance for Ireland and for all religious differences. I work