

HOUSE OF REPRESENTATIVES—Wednesday, March 19, 1997

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 19, 1997.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your word has told us, O God, that You know us individually and by the power of Your creative spirit, You support us all the day long. We place before You our petitions asking that You would hear our prayers and give peace to any troubled soul. We pray specially for healing for those who are ill, for strength for those who are weak, for encouragement for those who face anxiety or fear and for every person we pray for the gift of hope in all the days to come. Grateful for all Your blessings, O God, we offer these words of petition and thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

MEXICO'S PRESIDENT ZEDILLO IS WRONG ON DECERTIFICATION

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

Mr. CHABOT. Mr. Speaker, Mexico's President Ernesto Zedillo made some very troubling comments last week following the House vote to decertify his country for its miserable performance in the war against drugs. President Zedillo said, "This is where we draw the line." He had it wrong. This is where we draw the line. Mr. Zedillo went on to say that Mexico's sovereignty and dignity as a nation are not negotiable.

I would point out to Mr. Zedillo that the dignity of his nation was not diminished by the House action last week, but by the failure of his own government to responsibly fight against the scourge of narcotics traffic through Mexico.

Blocks from this Nation's Capitol, one can see the horror of drug abuse. Whether we are talking about cocaine, marijuana, or methamphetamine, there is a pretty good chance it came to this city and other American cities like my community, Cincinnati, from Mexico. Sadly, the demand is here, and as Americans we have an obligation to do something about the demand, but as a neighbor, Mexico has an obligation to become an equal partner in that battle.

Up to now they have failed. That is why this body finally drew the line. It is about time.

APPLYING NEW THINKING TO THE CLEAN AIR DEBATE

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

Mr. KUCINICH. Mr. Speaker, the clean air debate cannot be reduced to a simple cost-benefit analysis that ignores the effect of pollution on human health and separates the economic from the human.

We should not face the 21st century locked into the old paradigm that gives us the false choice between jobs and clean air. Being proenvironment should not mean one is antibusiness. It is time for new thinking on the issue of pollution, thinking that promotes both economic growth and human health and supports environmental regulations that encourage efficiency and non-pollution.

Nineteenth century thinking focused on pollution control, at the end of the

tailpipe or at the end of the chimney. Such an approach requires a great deal of energy and money and is generally insufficient to protect the environment. New thinking looks at pollution prevention, inventing ways to stop pollution from being created. New thinking views pollution as resources that are distributed in the wrong place. Wasted resources mean lost profits. Environmental protection can be equated with fiscal conservatism.

Application of more enlightened environmental management processes can increase profits. Such an approach will require that government and industry leaders work together to further the development of new communities; new technologies in energy; efficient industrial protection and transportation; new industries; and the unfolding of a new economic order based on profit and human progress.

THE WORKING FAMILIES FLEXIBILITY ACT

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

Mr. BURR of North Carolina. Mr. Speaker, today we take a giant step forward for working families. Today we will vote to give all parents the ability to choose between getting paid for their overtime or to take time off equal to the amount of money in overtime.

I know today's working men and women find it increasingly difficult to balance work and family responsibilities. How many times have we as parents labored to strike a balance between attending a parent-teacher conference and being at our job? Or how many times were we forced to choose between a ball game or recital and our ability to bring home more money?

The Working Families Flexibility Act, which I cosponsored, gives families the ability to strike the balance needed between work and family. Mr. Speaker, I would prefer the title of "Dad" to the title of "Congressman." I urge my colleagues to join me and allow every parent to be called dad and mom. Support the Working Families Flexibility Act.

WHY WE NEED CAMPAIGN FINANCE REFORM

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. PALLONE. Mr. Speaker, the front page of today's Washington Post shows why the Republican leadership wants to limit the scope of investigation of alleged campaign finance abuses to the White House while avoiding any action on campaign finance reform.

According to the story in today's Post, the Republican chairman of the committee charged with investigating campaign finance laws pressured lobbyists from the government of Pakistan to contribute money to his campaign in what the lobbyists describe as a shakedown.

I understand the chairman in question has canceled a hearing scheduled today. In light of today's allegations, the gentleman from Indiana should recuse himself from the committee's investigation. He should also open up his committee's probe to a much wider scope than the White House and include both parties in Congress.

The country has been reading and hearing an awful lot about foreign money in campaign committees, and here we have the gentleman charged with leading the probe writing a letter to a foreign government. This same chairman is now looking to spend millions of taxpayer dollars on a one-sided partisan probe of campaign finance, and issuing subpoenas. It is this kind of hypocrisy that makes the American public so jaded about our entire campaign finance system, and it shows why we need campaign finance reform.

PASS THE WORKING FAMILIES FLEXIBILITY ACT

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

Mr. BARTLETT of Maryland. Mr. Speaker, Congress today will be voting on the Working Families Flexibility Act. This bill is very simple. It gives workers the right and the flexibility to choose how they wish to be compensated when they work overtime, with more time or more money.

This is not a radical notion. Passing this bill will merely give workers in the private sector the very same choice government workers now enjoy. Who are we in Congress to tell a working mother or father that overtime pay is the only compensation they can get for working overtime? What if a worker prefers getting comp time? Workers now have no choice at all.

The Working Families Flexibility Act will make it easier to balance the demands of work and family. The Working Families Flexibility Act will give workers the freedom to choose whether time or money is more important to them at any given time. Let us put our trust in the American workers. Let us pass the Working Families Flexibility Act.

MAKING CAMPAIGN FINANCE REFORM A TOP PRIORITY OF THIS SESSION OF CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week the other body voted 99 to 0 to conduct a fair and a thorough investigation of all improper 1996 campaign fundraising activities. We should follow their example.

Today's front page story in the Washington Post may be an indication of why my colleagues on the other side of the aisle have thus far refused to allow an investigation into 1996 Republican fundraising activities. This is also further proof that our current campaign finance laws are not doing their jobs. Our campaign finance system is broken and we need to fix it.

Two things are abundantly clear. First, this House must make campaign finance reform a top priority for this session of Congress; and second, any House investigation into inappropriate fundraising activities must include a thorough examination of Democratic and Republican fundraising practices. To do any less would cast doubt on the integrity of this House and the process.

A PROCLAMATION RECOGNIZING THE VILLAGE OF ZOAR

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

Mr. NEY. Mr. Speaker, I rise today on behalf of Mayor Larry Bell of the community of Zoar, OH and I rise today to recognize the Zoar Community Association and the citizens of the historic Village of Zoar, OH which I am proud to represent. They are in the midst of Project Pride, an innovative effort to preserve and faithfully restore their town hall in a way that both honors the past and explores the future.

Project Pride will create a year-round tourist information and welcoming center for visitors to Zoar, the Ohio and Erie Canal corridor, and the entire region. The preserved town hall will also provide an interactive technology area linked to the Internet, which will be available to local citizens for research and distance learning.

Mr. Speaker, in conclusion, the efforts in Zoar are an outstanding example of the ways in which local government, business, citizens, and students work together in a positive manner, in a partnership to enhance the quality of life in our small towns and rural areas. Efforts such as these deserve our praise and support.

AMERICA'S NATIONAL SECURITY WITH REGARD TO CHINA

(Mr. TRAFICANT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, evidently Chinese money is paying off. A Chinese company is taking over a multimillion dollar naval base in Long Beach, CA. Another Chinese company is getting a \$138 million government-backed guaranteed loan in Alabama. Another company with ties to China will operate both ports on each side of the Panama Canal, Mr. Speaker. Another Chinese company was just awarded a \$250 million contract by Uncle Sam, even though they had been convicted of smuggling semi-automatic weapons into our country, infiltrating our streets.

Mr. Speaker, I suggest that Congress investigate before the Lincoln bedroom ordeal turns into a Chinese flag flying over the Lincoln monument. Beam me up. If we are going to investigate, let us look at our national security.

URGING COLLEAGUES TO SUPPORT THE WORKING FAMILIES FLEXIBILITY ACT

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

Mr. KINGSTON. Mr. Speaker, a couple of years ago I made the difficult decision to fly home a little bit early from Washington to return to Savannah, GA, to see my 5-year-old's kindergarten graduation. I got on what can only be described as the flight from hell. I left Washington, flew to Atlanta, and then usually it is about a 30-minute flight to Savannah. We went to Augusta, could not get into Savannah, we ended up trying to get into Jacksonville, could not get into Jacksonville, went to Tampa, spent the night, and the next day went back to Atlanta, then tried again to get into Savannah. We could not.

As a consequence of all this hopping around and so forth and the weather, I missed my son's school event. It broke my heart. But do Members know what? As a Federal employee, at least I had the option of going home to see his play. In the private sector today, the Federal Government laws deny employees that option. They cannot take off work to go see somebody, to take them to the doctor or go see a school play or something.

But with this new legislation we are passing today, employees for the first time in the private sector will be able to work extra and take comp time off. They can go ahead and work the 40-hour workweek, and then take time off needed for those very important and irreplaceable family functions. I hope we can pass comp time today.

**SUPPORT THE PARTIAL-BIRTH
ABORTION BAN**

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

Mr. MANZULLO. Mr. Speaker, tomorrow we will vote to outlaw the practice known as a partial birth abortion. That procedure is both tragic and needless in that there are at least 2,000 such abortions performed annually, far more than advocates have initially claimed; needless in that we now know, thanks to Mr. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who has admitted that he and others misled the American people on the frequency and nature of these abortions, that the vast majority of partial-birth abortions are performed on normal, unborn babies carried by healthy moms.

President Clinton vetoed this bill last year. A number of pro-choice Members of Congress, during consideration of the measure over a year ago, voted in support of a ban on the partial birth abortion procedure. Said one Member, I am just not going to vote in such a way that I have to put my conscience on the shelf.

Ronald Reagan said it as he discussed the issue of defending America's liberty: There is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

Mr. Speaker, I implore my colleagues to join with me in voting to ban that practice.

□ 1115

**RESIGNATION AS MEMBER OF
COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT**

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina) laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

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

Hon. NEWT GINGRICH,
Speaker,
Washington, DC.

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

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

Sincerely,

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

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

**WORKING FAMILIES FLEXIBILITY
ACT OF 1997**

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 99 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 99

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

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the very distinguished ranking member of the Committee on Rules, 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 99 is a fair and balanced rule providing for the consideration of H.R. 1, the Working

Families Flexibility Act, also known as the comp time bill. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order an amendment in the nature of a substitute from the Committee on Education and the Workforce now printed in the bill as original text for amendment purposes.

The rule first makes in order those amendments printed in the Committee on Rules report accompanying this resolution. Briefly, they include a set of amendments to be offered by the gentleman from Pennsylvania [Mr. GOODLING], the chairman, or a designee that would, among other changes, sunset the entire bill after 5 years.

The Goodling amendment would also require an employee to have worked at least 1,000 hours in a period of continuous employment for a specific employer in the 12 months prior to the time when the employee agrees to a comp time arrangement.

Mr. Speaker, this is a very important addition to the bill that I believe carefully addresses concerns that have been voiced by those in the construction and seasonal industries. I strongly urge its support on the floor later today.

There is also an amendment by the gentleman from New York [Mr. OWENS] which would exempt certain lower wage workers from the bill and an amendment in the nature of a substitute to be offered by the gentleman from California [Mr. MILLER]. Under the rule, these amendments shall be considered in the order specified, shall be considered as read, shall not be subject to further amendment and shall not be subject to a demand for a division of the question.

Debate time for each amendment is also prescribed in the report so that the House can work its will in a timely and responsible manner.

Last week, the chairman of the Committee on Rules [Mr. SOLOMON] sent a "Dear Colleague" letter explaining the amendment process for this legislation. Members who wished to offer an amendment to H.R. 1 were to submit their proposals to the Committee on Rules for our review by noon on Monday, a reasonable request given the complexity of the underlying issue. A total of six amendments were filed, and every last one of them has been made in order under this rule.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions which will give the minority one final chance to offer any amendment that complies with the standing rules of the House.

Mr. Speaker, H.R. 1 is probably one of the most family friendly and employee friendly bills to come to the floor of the House in a long, long time. It is timely, commonsense legislation

designed to give working families a much-needed option in balancing their busy work and family schedules, and I am pleased that our leadership has made passage of this a high priority.

As our colleagues know, the bill would amend the Fair Labor Standards Act to allow that but not require an employer to offer employees the option of choosing overtime pay in the form of compensatory time off rather than cash wages. Employees of State and local governments have enjoyed this option for more than a decade, and H.R. 1 would simply extend this option to the private sector.

Offering the choice between taking overtime pay or compensatory time off will afford working families the added flexibility they often need to meet the increasingly competing demands of the home and the workplace. For many employees with families, enactment of this legislation will mean a parent can leave work a little earlier to attend a child's school play or a son or daughter can take time off from work to care for an elderly parent.

It does not mean, as some opponents of the bill would have us believe, that employers can legally force workers to choose one option over the other against their will or as a condition of employment. The legislation includes protections to ensure that employees' choice and use of compensatory time off is completely voluntary. Under the legislation an employee may withdraw or cash out from a comptime arrangement at any time. H.R. 1 clearly provides for serious penalties against any employer who attempts to coerce or intimidate an employee into taking or not taking the comptime option.

It is important to note, Mr. Speaker, that the only limitations that the bill places on the use of comptime is that the employee's request be made under provisions that are very similar to the standard already in effect under the Family and Medical Leave Act passed in 1993.

Mr. Speaker, another reason to support H.R. 1 is that it will give the Nation's body of laws a much-needed boost toward the 21st century. When the Fair Labor Standards Act was written way back in 1938, almost 60 years ago, the landscape of the American work force was very, very different. For one thing, at that time legislation was written with an almost all-male work force in mind. Today that landscape is very different, with nearly 70 percent of all women with children under the age of 18 taking part in the work force. This dramatic change in demographics underscores just how important it is for our Nation's labor laws to catch up with the times and to better reflect the changing needs of the modern workplace.

As a working mother myself, I am very pleased to be an original cosponsor of this legislation. As many of my

constituents have told me, it is a challenge to be a good worker and still be a good parent. It is not surprising then that a recent public opinion poll found that nearly 75 percent of Americans favor giving workers the choice between receiving paid time off or cash wages for overtime.

Unfortunately, critics of H.R. 1 have chosen to put politics above sound policy. It is a shame because in my view it shows just how out of touch some folks are when it comes to policies that will benefit families, strengthen our economy, and help workers and employers alike.

After decades of progress in labor relations, it is time we stopped automatically thinking of employer/employee relations in such adversarial terms.

The bottom line is that with H.R. 1 employers and employees can work together to meet each other's needs. With H.R. 1 at least the choice will be theirs, not Washington's.

Mr. Speaker, H.R. 1 offers the private sector a reasonable commonsense solution to the ongoing tug of war between families and the workplace. Millions of parents strive hard each day to meet these competing demands. If we can make life a little easier on the working families of this country, then we should take action today to help those families successfully balance work and family responsibilities.

This is not the first time the House has considered a comptime bill. A very similar bill was passed by the House last July after numerous changes were made to it, mostly at the request of the minority. Republicans and many Democrats voted for the bill. I encourage all of my colleagues to give it their full support again today.

In closing I would emphasize that this rule will allow us to have a full and fair debate on this legislation and its implications for the modern workplace. I urge my colleagues to adopt this balanced rule and to pass the Working Families Flexibility Act without any further delay.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and my dear friend, the gentlewoman from Ohio [Ms. PRYCE], for yielding me the customary half hour.

Mr. Speaker, my erstwhile colleague said that this was a family friendly bill. It is, if you are talking about the Ford family and the Rockefeller family and the du Pont family. But, for all other families, it is not a friendly bill. I know my Republican colleagues mean well, and I know my Republican colleagues really want to help; but this was a bad idea last session and it is a bad idea this session.

It helps the big people, but it does not do much for the ordinary worker. In fact, this bill, Mr. Speaker, would

force workers to take time off rather than overtime pay. That is not what the American people want. The American people do not want comp time. They want cash. In fact, polling data shows that nearly three out of every four American workers would rather have cash than comp time. And I cannot say that I blame them. These days it is hard enough to get a job in the first place. And once you get one, Mr. Speaker, the last thing you want to do is leave.

Most people want to work as much as they possibly can, but this bill just will not let them do it. It has no guarantee that workers can make that decision themselves. It is very possible that employees will be the ones to decide whether workers get additional pay or get additional time.

Mr. Speaker, that just is not fair. In the real world, if your boss tells you to take time off instead of getting extra pay, you either do what you are told or you start packing your gear.

This bill allows the boss to stop paying overtime and says to employees, sorry, I cannot pay you for overtime you worked; but in return for your long hours, you can take a vacation when it is convenient for me, if I am still in business.

Mr. Speaker, that is simply not good enough. These days there is no guarantee that an employer will be around forever. In fact, 50 percent of new businesses close within the first 3 years. So if your boss forces you to take comp time, then takes your pay and invests it in an investment for himself, pockets the interest and then folds, under this bill you are left holding nothing but a worthless note saying, I owe you a vacation.

That does not put food on the table, Mr. Speaker. This bill eliminates the 40-hour week and replaces it with an 80-hour 2-week block which will hurt hourly workers, especially women.

This bill will pressure low wage, hourly workers to give up their overtime pay. In the women's legal defense fund said, and I quote, "this bill gives employees less control over both their time and their paychecks by creating new risks and new problems."

Meanwhile, some of my Republican colleagues argue that this bill gives women flexibility. It just does not do anything of the sort. But the Family and Medical Leave Act did. And my Republican colleagues spent 5 years trying to kill that family friendly bill.

Mr. Speaker, if we really want to help women, if we really want to help the working American families, we should expand the Family and Medical Leave Act, which has already enabled 12 million workers to go home, to take care of new children or a sick family member.

□ 1130

We should not pass this bill. This bill, Mr. Speaker, gives workers very

little choice over their time, very little choice over their paychecks, and even less protection against employers' abuses. I urge my colleagues to oppose this rule.

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

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER], my good friend and colleague.

Mr. BOEHNER. Mr. Speaker, we have a very important bill on the floor today, the Working Families Flexibility Act of 1997.

As the gentlewoman from Ohio, my colleague, pointed out in her opening remarks, the work force today is very different than it was in the 1930's when the law that we are amending was put in place: Mostly males in the workplace, very few mothers in the workplace. Today we find ourselves where working families have an awful lot of demands that are placed on them.

With those demands, workers throughout our country are asking for more flexibility. They are working with their employers, demanding more flexibility to meet their demanding schedule at home, at school, as their children are involved in sports and other activities.

When this law was written in the 1930's, the Congress saw fit to make sure that anyone who worked for a local government had this option of compensatory time off in lieu of overtime, and that is why employees who worked for local city governments, county governments, State governments and the Federal Government have had this option now for almost 60 years, and they enjoy it. They like it because it works.

All we are trying to do here today is to give hourly workers who work in the private sector the same option that public sector employees have had for almost 60 years. Here is how it would work:

First, the employer would have to provide this benefit. They would have to agree that they would allow their employees to do it. If the employer says no, there is no option.

If the employer says yes, which I think most employers around the country, wanting to work with their employees, will say yes, it is an agreement between the employer and the employee on whether the employee wants comp time or overtime. The option is at the discretion of the employee, not the employer.

Why should we not empower American workers to have more flexibility over their schedule? Why should we not empower American workers to make these decisions with their employer? This is an example of the Federal Government getting in the way of helping to empower American workers and giving the freedom and the flexibility to employers and to their employees to

work this out in an ever-changing American workplace.

Mr. Speaker, this legislation is long overdue. It will help employers and their employees all across this country. We ought to give them the freedom and the flexibility to work out their schedule, which will benefit American workers in the truest sense.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to the rule and the bill.

The supporters of H.R. 1 are trying to convince hard-working Americans that this is a flexible pro-family, pro-worker bill. In reality it is none of these things. Instead, the bill gives more power to the employer and limits the employees' ability to determine for themselves what is best for their family, comp time or overtime pay.

H.R. 1 gives the employer the power to determine when and how employees can use their comp time, and it encourages employers to avoid paying overtime wages by allowing them to discriminate against employees who opt for overtime pay instead of comp time.

When real wages are stagnant or dropping for low and middle income Americans, the ability to work overtime is often the difference between paying the rent and putting food on the table or being homeless and hungry.

Equally as important is the fact that this bill will not only impact the lives of American workers now, it will also impact their future retirement income, because current earnings determine future Social Security and pension benefits.

Mr. Speaker, it is the American worker who knows what is best for his or her family. Let us have a bill that truly empowers the employee and preserves basic worker rights. Defeat the bill and this mislabeled family-friendly workplace act.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. MYRICK], a gracious lady and new member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, the beauty of comp time is that it empowers the employees, the hard-working moms and dads of America, to have the flexibility to meet the responsibility of parenting. This bill allows today's employees to choose whether to take paid time off or to have additional overtime pay. With comp time a working mom will never again be forced to choose between spending time with her child or working long enough to provide food and shelter.

Comp time allows mom and dad to have the flexibility to spend more time with their families, more time to take their child to the doctor, or to care for an elderly family relative, and they will do so without the loss of wages on which they depend.

While both men and women are affected by this dilemma, the burden seems to fall particularly hard on many working women. In fact, recent national polling data indicates 70 to 75 percent of working women support changing labor laws so that employers and employees have the flexibility to decide whether an employee receives cash or personal time for their overtime.

In 1994, the U.S. Department of Labor found the number one concern for 66 percent of working women with children under the age of 18 is the difficulty of balancing work and family. Comp time is pro-family, pro-worker, and when we really think about it, a pro-child approach to provide relief to the hard-working men and women across our Nation who struggle daily to support their families.

As a mother of grown children and a grandmother of seven wonderful grandchildren, I know the considerable time that it takes to raise a family in the 1990's. My children struggle daily with the competing demands of work and the pressures of home. The ability of parents to opt for a voluntary comp time program will prove to be an enormous aid in the battle to meet the everyday requirements of raising a family.

From my professional experience as mayor of Charlotte, I know firsthand comp time works. For the past decade government workers have benefited from comp time. In Charlotte, exempt city employees enjoy the flexibility that comp time allows in their lives, and certainly all workers in America deserve the same rights the Federal, State, and local employees have enjoyed since 1985.

Comp time seeks to provide employees a choice. It will give America's workers flexibility in scheduling the hours that they work. I urge my colleagues to support the rule so that we can provide America's families with this choice.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose the rule because H.R. 1 is nothing but a Trojan horse designed to fool workers into believing the majority has experienced some kind of pro-worker, gender-friendly epiphany.

This bill is not designed to strengthen the flexibility of workers. Instead, it has been crafted to give those employers who abuse their workers the power to exact unsecured loans from those workers in the form of deferred overtime pay.

H.R. 1 does not provide an employee any new opportunity to take leave. It affords employers, not employees, the right to determine when employees may use the comp time they have

earned. Under H.R. 1, employees can be required to work unreasonable hours for no additional pay as a condition for being granted comp time.

Mr. Speaker, rather than considering this flawed bill, this House should be considering legislation to expand the benefits of the Family and Medical Leave Act as proposed by President Clinton. If the Republicans are genuinely interested in flexibility for working families, they would have supported extension of the Family and Medical Leave Act and would not be here today considering this paycheck reduction act.

Mr. Speaker, I urge my colleagues to defeat this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER], who has worked so hard on this initiative.

Mr. BALLENGER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

First of all, Mr. Speaker, I want to correct the RECORD. The gentleman from Massachusetts referred to this bill as allowing an 80-hour, 14-day workweek, and I am sure he misspoke but I want to correct the RECORD. There is no such provision in H.R. 1. It has only to do with the 40-hour workweek and does not change anything.

I want to say something ahead of time, Mr. Speaker, because I think the speeches today will be aimed at the evil employer syndrome that the committee has brought out. The Democrat members of the committee brought out over and over that all employers are basically dishonest and, therefore, will cheat their employees one way or the other.

One of the quotations that has been used over and over again in studying this bill is, already we are losing \$19 billion a year in unpaid overtime. This statement has no reason at all to be in this debate. This happens to be involving a thing called pay docking. We all studied this last year. It has to do with salaried workers who possibly may be allowed to have additional pay because of overtime hours. But they are salaried workers.

We are not talking about salaried workers in any way, shape or form. We have only to deal with hourly workers. So the \$19 billion they are talking about does not apply in any way, shape, or form.

I want the people to know I have called local governments to find out how they felt about the use of this particular benefit that they already have. Let me just say the county governments, I talked to two county governments in North Carolina, both of whom are using this in varying ways, and let me just say varying ways are possible if the employee and the employer agree. We have checked with several local governments in California that decided not to use this. In other words,

the possibility of saying yes or no to this is pretty much evident across the board.

I think people should recognize that this is a permissive law. It allows the employer to offer it if he wants to and it allows the employee to accept it.

Mr. Speaker, I just want to say over and over again, all employers are not evil and I wish everybody would accept that fact.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to answer the gentleman from North Carolina. He is correct, the statement I made on the 80-hour week was in the Senate version of the bill and not the House version. I thank him for correcting me.

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

Mr. PALLONE. Mr. Speaker, I also rise in opposition to the rule.

Mr. Speaker, the Republican comp time bill is yet another attack on America's workers. This bill puts too much power in the hands of employers to overwork their employees and deny them their legal right to time and a half overtime pay.

The bill provides no penalties to employers who manipulate their workers into accepting compensatory time off when, in fact, that employee would rather have their pay.

Republicans claim comp time legislation will provide workers flexibility to spend time with their families; however, the bill does not allow workers to take comp time when they need it. It forces workers to take comp time when employers want them to take it. This is not family friendly, it is employer friendly. Comp time is simply an excuse to allow employers to avoid paying overtime to workers who deserve it.

The 40-hour workweek has provided workers with a benchmark schedule to which they live their lives. Comp time legislation will destroy the 40-hour workweek and force working men and women to lead lives without normalcy. Children will have to come home from school not knowing if their parents will be home or will be forced to work overtime.

This bill, and I stress, is not family friendly. It is actually more disruptive to the lives of our workers, and I urge my colleagues to vote against it.

(Mr. NETHERCUTT asked and was given permission to speak out of order.)

FREE DIABETES SCREENING TEST OFFERED TODAY IN RAYBURN HOUSE OFFICE BUILDING

Mr. NETHERCUTT. Mr. Speaker, today in the Rayburn House Office Building foyer, for the first time, there is a diabetes screening test that is ongoing for Members, for staff, and for the public to test their blood to see if they have diabetes.

The gentlewoman from Oregon, Ms. ELIZABETH FURSE, and I, were advised

by Speaker GINGRICH to come over and make this announcement with the hope that all Members, right now, will go over and have their blood tested between 11 o'clock today and 3 o'clock this afternoon and take this very painless step to see if they have diabetes.

Ms. FURSE. Mr. Speaker, will the gentleman yield?

Mr. NETHERCUTT. I am happy to yield for a very short supporting announcement by the gentlewoman from Oregon [Ms. FURSE].

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Ms. FURSE. I thank the gentleman for yielding. I just want to add to the announcement of the gentleman from Washington [Mr. NETHERCUTT]. Anyone who might need to screen their blood for diabetes, and that is everyone, should go down to the Rayburn foyer and get that blood test and screening today. It is free, it is from 1 to 4. We really hope all will come down.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. I thank the gentlewoman for yielding me this time.

Mr. Speaker, first of all, yesterday I did not have in front of me who did the research that the ranking member on the Committee on Rules asked for, and I wanted to report that to him today. Seventy-five percent of the employees surveyed by the polling firm of Penn & Schoen Associates favored allowing employees the option of time off as an alternative to overtime wages. I did not have that before me yesterday. I want to make sure that the ranking member knows who the people are. I do not know them, but those are the names.

Mr. Speaker, since we are on the rule, I thought I would mention three amendments that will be offered that are quite acceptable. These three amendments came about because of discussions we had during the markup in committee.

The first amendment would require that an employee have worked at least 1,000 hours in a period of continuous employment with the employer in a 12-month period. There were those who had concerns about migrant workers, there were those who had concerns about construction workers, and so on. We have taken care of that with the first amendment.

The second amendment would limit the number of hours of compensatory time an employee could accrue to 160 hours, moving it down from 240. Again there was concern that maybe 240 hours were too many. So we reduced that in this amendment.

And the third amendment, which is a sweeping amendment, because it has never ever been a part of any labor law, the third amendment is a sunset provision. That has never happened before. I

have no problem with a 5-year sunset provision, because I am positively sure that by the end of 5 years, you try to take away somebody's comptime, there will be bloodshed outside the halls, if not inside the halls, because it will be something that most people want to accept and, as I indicated, 75 percent have indicated that.

If people have watched talk shows and television and read the newspaper, we are getting the same results: three out of four say they want the opportunity to take comptime. So it is obvious that this legislation is something that most of the American people want. We just have to make sure that they have that opportunity. And they want it because, of course, the public sector presently has it and the private sector is saying, well, if the public sector can have this, why can we not have it?

There are those who are going to talk a lot about there is no protection. You are going to hear all sorts of things about no protection. Well, this bill, you see, is only 2 pages long in this very small print. Two pages long. But let me talk a little about protections in the bill:

An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time.

They presently have with just a 30-day notice.

An employer which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of (A) interfering with such employee's right under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours, or (B) requiring any employee to use such compensatory time.

Termination of employment. An employee who has accrued compensatory time and eventually does not have a job, not anything to do with compensatory time but because of downsizing, immediately receives their money.

Private employer actions. An employer which provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee.

If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than the regular rate received by such employee when the compensatory time was earned or the final regular rate received by such employee, whichever is higher.

Consideration of payment. Any payment owed to an employee under the

subsection for unused compensatory time shall be considered unpaid overtime compensation. An employee who has accrued compensatory time off which is authorized to be provided who has requested the use of compensatory time shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt.

The same words, I remind Members, that are in the Family and Medical Leave Act. So the protections are here, one after the other. All those protections in a little 2-page bill. It is the most employee protected legislation that has ever come here in 22 years.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend the chairman, for the information on his polling data: three out of four people want comptime. Peter Hart, our pollster, says three out of four people want wages. I wish our pollsters could get together.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, first I would like to thank the Committee on Rules for this partially open rule. I hope we would see such a rule on more bills so that we have the opportunity to make changes. I know my good friend, the chairman of the Committee on Education and the Workforce, talked about some of the amendments that would change H.R. 1, and in Texas we have a saying: "You can add earrings on a pig, but it's still a pig." And so these amendments make it look prettier, but it does not change the bill.

The chairman is also right that we do not pass laws here for the 95 percent of the employers who may treat their employees fairly. We pass it for those 5 percent who are going to take advantage of them. We do not pass laws prohibiting bank robbery for the 99 percent of the people who do not go out and rob banks. We pass laws against it for those 1 percent who decide that is where the money is at and they are going to go take it. That is why we have these laws. That is why the protections have to be there.

I know that we have a duel of polls here that say 75 percent of the people, and I will agree with the chairman that 75 percent of the people do support the concept. But we also know that the national polls say that an overwhelming number of hardworking employees expect to be forced by their employer to accept comptime instead of overtime pay, and that is a major concern.

I have a district where people need to have that overtime pay to make ends meet, particularly for people who are in the lower wage bracket. They have to do it. Workers who are seasonal workers have to depend on that overtime pay for that 6 or 8 months a year they may be able to work because they may not be able to work. So they have

to have that overtime pay instead of comptime. They want that decision to be theirs and not their employer.

Under H.R. 1, employers will have complete and unilateral discretion over who will receive comptime and also when they will receive it. That is why some of the amendments may make changes in it and may make it look prettier, but, Mr. Speaker, it will not make the bill that much better. "You can put earrings on a pig, but it's still a pig."

In H.R. 1, employers maintain ultimate control of when to grant their worker comptime. Regardless of the amount of notice the worker provides, employers can deny use of comptime if the firm claims they would be unduly disrupted.

What good is it to earn comptime if your employer does not allow you to use it or forces you to use it instead of vacation. This issue is not addressed in the Republican bill.

Instead of this seriously flawed Republican proposal, we should support Mr. MILLER's proposal giving employees real comptime.

The Democratic substitute provides real employee choice and real employee protections.

I urge my colleagues to vote "no" on H.R. 1 and "yes" on the Miller substitute.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 15 seconds to the gentleman from Pennsylvania [Mr. GOODLING], the chairman.

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me this time.

In the legislation, with earrings or without, an employer which violates section 7(r)(4) shall be liable to the employee affected in the amount of the rate of compensation determined in accordance with section 7(r)(6)(A) for each hour of compensatory time accrued by the employee, and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee.

We make very, very sure that the employee is the protected person in this legislation.

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

Mr. BONIOR. I thank the gentleman for yielding me this time.

Mr. Speaker, working people do not have much control in the workplace today. They do not have control over their pay. They do not have control over their pensions. They do not have control in most instances over their health insurance. And most of them do not have a say in the day-to-day decisions. But this bill takes away the one thing, the one thing that most people do have control over, and that is control over their time.

Most parents would do anything to spend more time with their children. They would do anything to be there for that soccer game. Those are the most

precious moments in raising a child. And be there when their children come home from school. And if this bill did that, I would support it in a heartbeat.

This bill is not about giving employees more time off. It is about giving employers more control. We do not need this bill to have more comptime. Current law already allows employers to offer comptime. They just cannot force comptime. They cannot force employees to give up their overtime pay for a promise of time off.

This bill changes all of that. This bill changes the law so employers no longer have to pay overtime wages for overtime work. And in doing so, it takes away the one sure path that most people have to earn a better living for their families. If this bill becomes law, an employer could force an employee to work 70 hours one week, 60 hours the next week, 50 hours the week after that, with no overtime pay. And then it also gives the employer control to decide when and if and how employees take time off.

Mr. Speaker, the potential for abuse of this system alone is awesome. We already live in a country where violations in overtime laws are so common that working people are cheated out of \$19 billion a year. Do we really want to pass a law that completely takes the overtime cop off the beat? We are all for giving families more flexibility, but this is nothing but a pay cut, pure and simple. If this bill becomes law, a single mom who puts in 47 hours at \$5 an hour could lose \$50 a week. A factory worker who works the same amount of time for \$10 an hour could lose \$110 a week.

Mr. Speaker, people do not work overtime because they like to spend time away from their kids. They do not work overtime for those reasons. They work overtime because they need the money, and they work hard for it. If this bill becomes law, workers are going to need comptime to find a second job to make up for the money they lose in overtime pay.

And here is the real kicker. Here is the main reason why this is such a bad idea. For most people, their retirement income depends directly on how much they get paid while they are working. If you cut a person's paycheck, you cut their pension, you cut their Medicare and you cut their Social Security. No comptime promise in the world can make up for that.

And what happens if you build up 240 hours of comptime? You store it, you build it up, and then your company goes bankrupt. It happens every day in the construction industry, in the garment industry, in the building trades. Yet this bill has absolutely no protections against it.

So it is no wonder, as my friend from Texas who just spoke said, 66 percent of the working people, working men and women, fear that employers would

use this law to avoid overtime pay. It is no wonder that nearly 7 out of 10 working people prefer overtime pay to forced compensation time. Longer hours, less money, and less control may sound like flexibility to some people, but for America's working families, this is a lose-lose situation.

□ 1200

If we really want to help families, if we really want to give employees, not employers, the full power to decide between comptime and overtime pay, then the substitute of the gentleman from California [Mr. MILLER], which will be before us in a little while, is the vehicle to do that. But make no mistake about it. This bill is a pay cut for American workers. If it gets to the President's desk, he will veto it.

I urge my colleagues oppose this bill, support the Miller substitute, and give our families a fighting chance.

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

Mr. BALLENGER. Mr. Speaker, I thank the gentlewoman for yielding this time to me. I would like to say that let me first of all say taking comptime does not affect your pension.

Now let me say we had several employees that testified before our committee, and I would like for people to hear what they said.

This is from Christine Korzendorfer:

Overtime pay is important to me; however, the time with my family is more important. If I had a choice, there are times that I would prefer to take comptime in lieu of overtime. What makes the idea appealing is that I would have the choice with the legislation you're considering. Knowing that I could have a choice in how to use my overtime would allow me to better combine my work and my family obligations.

This is Peter Faust from Iowa:

Time is precious and fleeting. There are always lots of ways to make money in this country and lots of ways to spend it, but there is only one way to spend time with yourself, family or friends; and that's to have time to spend. When I look back on my life, my regret will be and already is that on occasions when I needed to be there for my family or they asked me to be part of their life I couldn't be there because I either didn't have the time saved up or I couldn't afford the time off without pay. Pass this bill into law.

And then Linda Smith from Miami, FL:

With the implementation of bank comptime program, I could use my overtime hours to create time for pregnancy leave for a second child, for furthering my education, taking care of a debilitated parent or, closest to my heart, creating special days with my daughter. Accrued comptime will also allow me to take time off for doctors appointments and teachers conferences or to take care of a sick child without having to use accrued sick time. Today it's only prudent for individuals to take steps necessary to prepare for their future financial needs. H.R. 1 seemed to be a perfect vehicle to do something with our time.

And then finally quoting President Bill Clinton: "We should pass flex time so workers can choose to be paid for overtime in income or trade or trading it for time off with their families."

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, these are tough times for many Americans as they struggle to make ends meet while balancing the challenges of work and family. Families rightly seek greater flexibility and paycheck protection to meet their obligations at home and on the job.

Unfortunately, the Republican comptime bill makes life harder, not easier, for these families. The bill, more accurately named the Paycheck Reduction Act, fails to ensure that employees can use comptime when they need it. Worse, it could take valuable overtime pay out of employees' pockets.

In recent years 80 percent of working families have seen their wages fall behind or just keep pace with inflation. Families have responded by working harder. More mothers are working than ever because their families need the money. Two-thirds of mothers worked in 1993 as opposed to just over a quarter in 1960. Today many working men and women depend on overtime wages to pay the bills each month. One-fourth of all full-time workers spent 49 or more hours a week on the job in 1990, and half of these workers put in 60 or more hours per week.

Mr. Speaker, families depend on overtime wages. Giving employees greater flexibility is a must in these hectic times. But the Republican bill is not the answer.

If we want to give workers greater flexibility, let us start with a proven winner, the Family and Medical Leave Act. Since President Clinton signed that law in 1993, family and medical leave has helped 12 million Americans take off the time that they need for the birth of a child or to care for a sick family member.

The act's unpaid leave has given workers flexibility with virtually no negative effects on employers, according to a bipartisan commission on leave. Broadening the scope of this bill would allow workers to meet their commitments without jeopardizing their overtime wages.

Let us expand family and medical leave. That is the sensible path toward greater flexibility in the workplace. But the Republican leadership refuses to consider such a commonsense approach to help American workers.

For that reason I urge my colleagues to defeat the previous question so that we can bring true workplace flexibility legislation to the floor in the form of an expanded Family and Medical Leave Act.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I realize, if my colleagues have made up their mind that they want to vote against the bill, the best way to do that is just not read the bill. Then they can say anything on the floor of the House. But if they read the bill and it is only a couple little pages, then they will realize that most of what they heard has nothing to do with reality.

Now first of all I mentioned a lot of the protections that are in there. Now the protection is the same as the State and local government law, and that has been going on now since 1985, and it has been defined in the Department of Labor regulations, and it has been further defined by the interpretation, strict interpretations, in court.

We are talking the beauty of this in relationship to what the gentlewoman just said about family and medical leave. This is paid time off. Family and medical leave is unpaid time off which makes it very, very difficult to take.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. VISCLOSKEY].

Mr. VISCLOSKEY. Mr. Speaker, I rise in opposition to the rule on H.R. 1.

Mr. Speaker, I rise today to express my strong opposition to H.R. 1, the Paycheck Reduction Act. This bad bill is just one more attempt by the Republican-controlled 105th Congress to weaken the rights of working men and women. I am very concerned that permitting employers to compensate hourly employees' overtime work in time-off, rather than in cash, will in many workplaces, significantly reduce workers' take home wages.

I oppose this bill because it would significantly weaken labor protections for the people who can least afford to lose them, such as construction workers. It is the carpenters, electricians, pipefitters, and sheet metal workers in my district, who during the warm spring and summer months, work all the overtime possible so they can accumulate enough money to last them through the cold winter months. They know that in December, January and February they are going to have more time-off than they want. It is this core of the work force that no longer looks at the 40-hour work week as a standard, but rather, as nostalgia.

These are the same people who are the most likely to suffer coercive practices by their employers by being forced to accept compensatory time—which they don't want and can't afford—instead of benefiting from the premium overtime pay they have earned. In a perfect world, all businesses have the financial resources to cash out all employees at the end of every year for their unused compensatory time, as the bill would require. But this is not a perfect world. Many small contractors do not have the cash resources to even-up with their workers, and they would send them into the slow winter months without the money in their bank accounts that they and their families need to survive. My colleagues on the other side of the aisle talk about pay as you go. A pay as you go policy is the only way companies should be able to pay their workers.

But I don't take my word about the true intent of this bad bill. In February, during a Sen-

ate hearing on that body's version of this legislation, one of the Republicans' handpicked comp time advocates urged support for the bill based on the acknowledged fact that building contractors can't afford to pay their employees overtime. She even went far enough to elaborate on a scheme of how an employer could require a construction worker to work over 50 hours a week without having to pay overtime. Although this testimony was subsequently disavowed, the transparent aim of H.R. 1 and its Senate counterpart is to allow businesses to work their employees overtime without time-and-a-half pay.

What the authors of the Paycheck Reduction Act would like you to believe is that this bill offers workers more control over their working lives. What it really does is take away an individual's right to choose. Under H.R. 1, workers don't have the ability to schedule their earned compensatory time when they need it. In fact, employers can schedule compensatory time anytime they choose without ever having to consult the workers. For example, a working mother who puts in 47.5 hours a week at \$5 an hour will earn \$256.25 for the week. Substitute comp. time for the overtime premium, and she gets \$200 a week and the promise of compensatory time off—totally subject to the employer's discretion. That equals an almost 22-percent pay cut for that mother. In essence, H.R. 1 gives employers a veto over their workers' use of their own earned hours off.

I further oppose H.R. 1 because of the subtle, but lasting, negative effects that it would have on worker benefits that are indexed to an employee's hours or earnings. Beyond the short term, H.R. 1 contains no provision for crediting overtime hours worked, and it ignores all the long days and late nights that employees have given to their employers. Because of this, whenever employees draw on benefits tied to earnings, from unemployment to a pension, they're going to experience a reduction in those benefits;

Mr. Speaker, when the people back home in my district sit down each month to figure out financially how they are going to make it through the upcoming month, they take into account their expected overtime wages. Employers don't just hand out bonuses any more. Today, you've got to earn them. I'm voting against this misguided bill because without overtime pay, many of my constituents can't afford to send their kids to college, buy a reliable car for work, or provide themselves and their families with adequate care. This bill guts the protections of the Fair Labor Standards Act, and it undermines living standards for workers. H.R. 1 is not designed to give workers more control over their working lives. It is, instead, an attempt to snatch hard won rights out the hands of this country's workers and deny them basic, simple needs, like respect for their hard work, a decent living wage, and a chance to provide for their families. I urge a "no" vote on the Paycheck Reduction Act, H.R. 1.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise in strong opposition to H.R. 1 unless we also pass the Miller amendment.

Today we are considering a bill that would affect the lives and pocketbooks of 60 million workers. Giving workers the choice between overtime pay and comptime is something good, something we should try to achieve. But any comptime bill must provide proper balance between the rights of workers and the needs of employers.

If we are going to pass such a bill, that bill should pass the in-the-real-world test. Instead, H.R. 1 just passes the inside the beltway test, where we never pass legislation that helps people in the way they really live their lives, where they work their jobs, and raise their families.

This bill gives bosses an iron fist and a velvet glove. That is why it flunks the in-the-real-world test. In the real world, hourly workers would be apprehensive to say no when their boss asks them to agree to take comptime instead of overtime at time and a half. In the real world, 85 percent of workers do not have unions to protect them against one-sided employers. In the real world, many employers would force workers to take comptime at a time that is good only for the boss. In the real world, when bankruptcies are still prevalent and factories are moving overseas, workers could simply lose their comptime credits.

Mr. Speaker, let us pass a law that really helps working families make a genuine choice between comptime and overtime pay, not a bill which only works when we are dealing with the Alice in Wonderland world inside the beltway.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, may I inquire of my colleague how many speakers the gentlewoman from Ohio has remaining and how much time is remaining?

Ms. PRYCE of Ohio. Mr. Speaker, I believe we have two speakers remaining. I do not know about the time.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Massachusetts [Mr. MOAKLEY] has 10 minutes remaining, and the gentlewoman from Ohio [Ms. PRYCE] has 63/4 minutes.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the Working Families Flexibility Act is a misnomer, but it certainly clearly defines what the majority thinks about the struggle working families face. H.R. 1 does not help workers balance their work and family obligations. Instead, it lets employers dictate how workers will balance their working family. H.R. 1 allows employers to use comptime to deny workers overtime pay and then gives the employers the ultimate control over the

use of the comptime. Employers can force workers to take time off when it is convenient for the company rather than for the workers and their families.

H.R. 1, the Republican plan, is masked in profamily and proflexibility rhetoric, but in reality this bill is antiworker and antifamily. It denies access to overtime and thereby reduces the living standards of working families. Families depend on overtime to put food on the table, clothe the kids, and pay the mortgage. For too many Americans overtime is simply the difference between making ends meet and falling behind.

Now, there is no dispute. Working Americans want and need and deserve more time with their families. But this bill does not provide it. If we are serious about making the workplace favor working Americans, we should enhance family and medical leave and improve wages. We should expand the health care coverage and make pensions portable. But American workers work overtime because they need the money, and we will earn the support and thanks of working Americans when we show them the money.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SMITH].

Mr. SMITH of Washington. Mr. Speaker, I too rise in opposition to H.R. 1. It is basically another blow to the working men and women of our country, and it is important to look at one critical question. As was said by the worker I believe was from Iowa that the majority party cited: If I had the choice.

Well, it has been pointed out numerous times the employee does not have the choice in this bill, and that is the critical factor. The employer controls, as they do far too often, the working conditions that men and women face in this country. But what I really want to get into is why this bill is here today.

To hear from the majority party and supporters of this measure, we would think that a grassroots movement rose up of working people in this country and demanded comptime, that it was from the people, when everyone on this floor knows that this bill came to us from the employer community. They are the ones who wanted it; they are the ones who lobbied for it.

Now, I am not going to say that the employer community never cares about its workers. Certainly they do, but they have another agenda on this bill. That is the agenda that we have heard far too often in the 1990's: reduce labor costs. That is why this bill is here, folks. It is not working men and women who rose up and asked for this. It is the employer community that rose up and asked for this in another effort to reduce labor costs.

Mr. Speaker, I just want to briefly remind my colleagues that labor costs are wages.

I grew up in a working family. My father was a baggage handler at United Airlines and a union man who was paid \$16 an hour the year he died. Those were labor costs. Labor costs to me is the house that I grew up in, the clothes that I wore, the food that I ate, and eventually the education that I was able to get because labor costs were made available to average people in this country.

Please do not mistake what this bill is all about. The employers simply want another advantage. Look at the record of the last 15 or 20 years. Do they really need it? Have we not reduced the wages of the working men and women of this country sufficiently? And has not the wages of the upper income brackets in our country gone up sufficiently? Do we need to once again tilt the balance against the working men and women of this country?

I do not believe so.

Please let us protect labor costs and vote down this measure.

Ms. PRYCE of Ohio. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ], the chief deputy whip.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman for yielding time.

Mr. Speaker, what are we doing here today? What we are doing is reducing our workers to the status of serfs. Employers do not own employees or their time. The wisdom of the 40-hour work week is not the amount of time, but that time over and above 40 hours is the worker's; and imposition on it must be paid for.

Mr. Speaker, comptime is not giving employees an option as described in this bill. It is taking away rights from workers, taking money from their pockets, and food from their children's mouths. It is the unlawful seizure of the workers' time. The employers are not giving the worker anything in this bill by providing comptime. It is not time the employer is entitled to give.

H.R. 1 is capping wages as a salary limit and giving nothing in return. It masks employers' inefficiencies in managing the work force at the expense of employees. It will be abused.

□ 1215

Do not kid yourself. In the workplace there is not, and never has been, equality in negotiating position. Even the strongest complaint procedure, which is not present in H.R. 1, is practically unavailable to a minimum wage worker or even a middle class worker. Who can afford to await the result of an administrative action against an em-

ployer who will have them fired in the interim?

Put yourself in the worker's position. Two hours a day without overtime effectively reduces wages by 25 percent. Returning time that is yours anyway is not compensation. In my view, this is the cruelest form of a tax increase, and the message from workers is thanks for nothing.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentlewoman for yielding.

Let me begin by addressing a question raised on the other side about why this legislation is here. In his State of the Union Address President Clinton declared, and I quote, we should pass flex time so workers can choose to be paid for overtime income or trade in for time to be with their families. It is here because it was in the President's State of the Union speech, among other reasons.

Mr. Speaker, today, I rise to express my strong support for H.R. 1, the Working Families Flexibility Act. The No. 1 concern for two out of three working women with children in America today is the difficulty of balancing work and family. Three out of four of those working women with children believe that having the option to choose either cash wages or paid time off for working overtime would help them substantially balance their work responsibilities and their family responsibilities.

Mr. Speaker, when I have the chance, I spend time with my daughter, Courtney, and my son, Stephen. Making the choice between fulfilling my obligations of my job and watching my daughter's swim meet or my son's little league game is always a difficult trade-off. But unlike many Americans, Mr. Speaker, I have that ability, the ability to make time for my family when needed.

Regrettably, Mr. Speaker, many American working men and women in the private sector do not have that choice. They are tied to their desk by outdated and out-of-touch Federal law. H.R. 1 will solve this problem.

Today, current law makes it illegal for employers to allow employees to choose between overtime pay and compensatory time off. For example, if a worker in America works 45 hours this week and wants to take time off next week to spend time with his or her family instead of getting paid overtime, Federal law says they cannot, even if they and their employer agree that it would be better.

Interestingly, Mr. Speaker, that is not the case for Federal employees. Mr. Speaker, Federal Government employees are exempt from this rule. The policy of forbidding employees and employers from voluntarily agreeing to take time off instead of paid overtime

is dead wrong and fundamentally unfair. It hurts working parents and families.

One of our goals in this Congress, Mr. Speaker, ought to be to reduce excessive and irrational governmental interference in our daily lives and our economy. The existing Federal law prohibiting voluntary agreements for compensatory time off is a classic example of excessive Federal governmental interference in our lives. That is why we need to pass the Working Families Flexibility Act and remove this inequity.

Under this bill, employees are given the choice through a voluntary written agreement with their employer, to choose to receive paid time off instead of overtime pay. Just like cash, compensatory time accrues at 1.5 times the regular rate. It simply gives the employee the choice.

Mr. Speaker, I call for the passage of H.R. 1 and urge my colleagues to join us.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I rise against the rule on H.R. 1 and the bill. I want to make it very clear that the bill before us today is not the President's proposal. The President's proposal would give workers real time off and expanded time off to go to school functions and medical visits and other activities. This does not.

They call it the Working Families Flexibility Act, but, unfortunately, it is neither flexible for workers, nor is it family friendly. Under the guise of giving workers flexibility in the workplace, H.R. 1 gives employers flexibility in deciding whether employees will be able to collect overtime pay and when they can take their accrued comptime.

Many workers rely on overtime pay to make ends meet. This bill allows employers to find ways to intimidate workers who insist on getting paid overtime. That means that a single mother who relies on 5 extra hours of overtime pay each week may not get any overtime assignments, if the employer knows that another worker is willing to do the work for comptime. That does not help the single mother; it robs her of her ability to earn valuable overtime pay.

The people who are affected by H.R. 1 are not usually in a powerful position, and are therefore unlikely to refuse their employers' requests to do them a favor by being paid in comptime instead of their valuable overtime pay. Two-thirds of covered employees make less than \$10 an hour. Thirteen percent of workers get overtime pay each week. This money is not always extra. Because women are the majority of low-wage workers, they are more vulnerable to these potential abuses of the law.

Mr. Speaker, this bill is brought to you by the same people who fought against and voted against family and medical leave. Do they care about protecting workers? I do not think so. This is a bill that would threaten women and working people around the country. This bill is not family friendly, it is family fraudulent.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, in typical fashion, the Republican leadership has given a terrible bill a pretty name and trotted it out as the greatest thing for working families since the invention of the 40-hour workweek, which it would undermine.

They say workers will have the choice of how to receive compensation for this work. What could possibly be wrong with giving working Americans more choice and flexibility? What is wrong is that in the real world where Americans work every day, our laws are their only protection from unscrupulous employers who often demand longer hours and try to avoid paying overtime. In the real world, thousands of employers skirt the overtime rules on the books every day, denying workers \$19 billion a year in overtime wages. We simply cannot afford to weaken workers' protections.

Here is how the bill works. An employer does not like an employee; no comptime. An employer does not want to give an employee time off; cash-out the comptime. An employer feels employees are exercising their option too frequently; revoke the comptime.

This bill is not about families or flexibility, it is about paying off big business and cheating workers. It is about repealing the 40-hour workweek and the 8-hour day. Vote "no" on the paycheck reduction act.

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

Mr. BALLENGER. Mr. Speaker, if I may again say, this has nothing to do with changing the 40-hour work week. I do not know where they are coming from.

We have had three hearings on this bill. Every employee that testified, testified in favor of the bill. We had no employee testify against it. Only the Washington union leaders testified against this bill.

Let me read a letter from some of the best companies in the country for employees: Working Mother magazine recently recognized our companies as being among the top 100 with the best employment policies in the United States for working mothers. The article in Working Mother and other publications highlighted some of the creative solutions companies are developing to accommodate the unique needs of working parents.

In our quest to create a family friendly work environment, we have explored a vari-

ety of benefits and policies. One of the issues consistently raised by our employees is a need for greater flexibility in scheduling work time. Unfortunately, our ability to provide this flexibility is significantly hampered by the Fair Labor Standards Act. Because of the FLSA, we are not allowed to offer compensatory time off to our hourly employees.

Many companies, like ours, offer an array of benefits to working parents such as child care assistance, extended maternity or paternity leave, and telecommuting. These programs can be expensive and that expense often makes them prohibitive to small employers. This bill allowing for flexible scheduling arrangements certainly represents a way that larger employers can further accommodate their employees. In addition, it represents a way small employers can respond to their employees' needs in a relatively inexpensive way.

This letter was signed by Eastman Kodak, Hewlett-Packard, Hughes Electronics, Johnson & Johnson, Merck & Company, Motorola, Texas Instruments, TRW Space & Electronics.

Let me just say Working Mother said that these were the best employers in the country and they, as well as their employees, want comptime.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the word "family friendly" has been used here, but unless you are a DuPont or Rockefeller or Ford, this is not friendly to your family.

Also, comptime and paid leave have been used interchangeably. They are not synonymous. There is a great deal of difference between paid leave and comptime, and I wish that people would realize that.

Mr. Speaker, I think all of the arguments have been made. This is a bill that should not pass, and I hope the rule is defeated.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

I want to emphasize in closing that this legislation attempts to strike a balance, providing a win-win situation for everyone. It brings labor law up to date after 60 years, and allows decisions to be made by responsible adults and not a paternalistic Washington, DC.

Many women do not have a choice. They have to work to make ends meet. Give them the flexibility to exercise at their option the right to be with their children when it is so very important. Now, Washington says, the boss cannot do this, even if he or she wants to.

Mr. Speaker, give these folks a break. For some families, time is just as important as money. There is one fact in life: There is only so much time. Time is as precious as money. Why would Washington stand in their way?

Mr. Speaker, this legislation is a winner for everyone. I sincerely hope we can move it to the President's desk quickly. I urge a "yes" vote on the rule and on H.R. 1.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). 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 229, nays 195, not voting 8, as follows:

[Roll No. 54]
YEAS—229

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

Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry

Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)

Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshool
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt

Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hincheey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan

Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traffant
Turner
Velázquez
Vento
Viscosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Barcia
Calvert
Kaptur

Sanchez
Shuster
Skaggs

Stark
Torres

□ 1248

Ms. JACKSON-LEE of Texas, and Messrs. TOWNS, RANGEL, LAZIO of New York, RUSH, DINGELL, and OBEY changed their 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.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Pursuant to House Resolution 99 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY], each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER], the author of the bill and subcommittee chairman.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding me the time.

This is a simple bill. It will allow private sector employers and employees, where there is agreement, to have the option of using comptime or paid time off in lieu of overtime pay. It is designed to give hourly employees the opportunity to have more flexibility in their work schedules so that, for example, they can better meet the demands of work and family.

Let me just say that since I first introduced this bill in the 104th Congress, I have tried to address the concerns that others have had with this legislation. There have been changes made to this bill at each step of the process, at least 23, and the majority of these changes were made to give employees greater control over their accrued comptime and to make perfectly clear that the choice of comptime by the employee must be truly voluntary.

Let me review the protections for the employees:

Any agreement to take comptime must be voluntary on the part of the employee and indicated in writing.

Where the employee is represented by a union, the agreement to take comptime must be part of the collective bargaining agreement negotiated between the union and the employer.

An employee can always opt out of a comptime agreement for any reason at any time. The employer then has 30 days to compensate the employee with overtime pay instead of comptime.

The bill protects against coercion and has specific penalties for any employer who coerces an employee into choosing or taking comptime against his or her will.

An employee could use accrued comptime whenever he or she wants to use this time and the only restriction on the employee's use of that time is that it not unduly disrupt the employer's operations. This is the same narrow standard used in the public sector and would not allow the employer to control the employee's use of comptime.

In addition, the bill requires the employer to automatically cash out unused comptime at the end of the year as an added protection for the employee.

There are surveys which show that there is strong support among hourly employees for having this option. Obviously, not every employee would use it.

Mr. CLAY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to oppose H.R. 1 because it is another piece of deceptive antiworker legislation that belittles the character of this institution and heaps scorn on the intelligence of the fine men and women who constitute our great labor force.

Mr. Chairman, this bill is merely a warmed-over version of last year's failed comptime legislation that was part of an undignified agenda designed to undermine labor laws guaranteeing equity for workers. The majority has tried to make it more acceptable by calling it gender friendly and proworker. But fact is fact. The truth is H.R. 1 is just another assault on the rights of working people. Its title is misleading. It should be referred to as the Paycheck Reduction Act.

Mr. Chairman, this bill fails to provide employees with any meaningful choice. Their bosses alone decide whether comptime will be offered, to whom it is offered, when it is offered and when it is used. A recent study by the Department of Labor found that half of all garment contractors still violate the overtime laws. H.R. 1 does nothing to protect these and other vulnerable employees.

Mr. Chairman, this bill is opposed by major representatives and workers and women, including the AFL, the Women's Legal Defense Fund and the American Nurses Association. If we really want to know who H.R. 1 is designed to protect, consider this recent remark made by the lobbyist for the National Federation of Independent Businesses who told a Senate committee that the federation needs the bill because, and I quote, "Small business cannot afford to pay overtime."

Mr. Chairman, H.R. 1 is antifamily and antiworker, and I urge its defeat.

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

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds. I just want to

make sure that what the gentleman just said; he knows and I know she made the statement in the context with what the Senate is doing, not what the House is doing.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 1.

Mr. Chairman, the American family is stressed and strained in new ways each and every day, as we well know. Too often in today's economy working parents are forced to choose between their families and their jobs. But this is not a new subject for congressional debate. In the recent past we debated a lot of these issues in the context of family and medical leave. But I believe today that the legislation we are discussing makes the workplace more flexible for working parents and their employers to adjust to the family patterns of today.

The Fair Labor Standards Act was passed in 1938. Times have changed and I believe that under this bill employees are provided an option, a reasonable option to choose compensatory time off in place of the overtime pay of their employers, if they should make that choice. It is now time to face the real world of 1997 and beyond.

I believe that the gentleman from North Carolina [Mr. BALLENGER] and others have already pointed out the explicit needs. I will put it in this context.

□ 1300

I do want to address the attempts by some on the other side to insert an expansion of the Family and Medical Leave Act in the context of this comptime bill.

As many of my colleagues know, I had more than a passing interest in getting the family leave bill passed. I was one of the leading advocates, and I fought my own party to see to it that that landmark legislation was passed. But I believe this comptime legislation is a piece of legislation in and of itself.

The Family and Medical Leave expansion has a legitimate time for debate. It should be debated in this Congress and, by the way, I believe expanding and refining that Family and Medical Leave Act is not only a debate for another time, but I would look forward to being supportive of that effort at the appropriate time, but this is not the bill that is appropriate for it.

Under this bill, employees are provided an option to choose compensatory time off in place of overtime pay if their employer decides to offer this option.

This bill provides an option of offering employees the choice of selecting paid time off instead of overtime wage. Through a written, voluntary agreement, comptime would accrue at the same time-and-a-half rate as overtime wages.

Mr. Chairman, I recognize that some have raised legitimate concerns about employee

protections. However, in my opinion this legislation addresses those concerns by including several important employee safeguards, so we will not invite abuses.

First, an employee is permitted to withdraw from a comptime agreement at any time if the agreement is not working for that employee or if circumstances change for that employee.

Along those same lines, the employee can cash out any accrued time with 30 days notice to their employer. Furthermore, the bill makes it illegal to "intimidate, threaten or coerce" any employee for the purpose of interfering with the employee's rights under this bill to request or not request comptime. The penalty to the employer who violates this protective right is high—the employee would be able to claim double damages.

In addition to the protections currently in the legislation, there will be two amendments offered today that will add even more protection. The first will only allow employees to take advantage of this option if they have worked for the same employer for 1,000 hours.

This provision will protect seasonal employees who currently work extended hours during the season's high point, and then must sit back during the off season. The second amendment will lower the maximum amount of hours that one can accrue as comptime from 240 hours to 160 hours. Once a person accrues their maximum number of hours then all hours exceeding this total will be paid as overtime wages.

Mr. Chairman, allow me to address the attempts by some on the other side to the Family and Medical Leave Act in the context of this comptime bill. As many on this floor know, I have more than a passing interest in Family Leave as one of the leading advocates—I fought my own party for years to advance this family values and feel strongly that it is landmark legislation that has been a rousing success for American families working so hard to help themselves.

However, this comptime legislation is a logical supplement to Family Leave. However, the debate on expanding the Family and Medical Leave Act is a debate for another day at another time. And I will be supportive of that expansion. This is not the appropriate bill for that expansion.

Mr. Chairman, this is a bill that will provide options for today's working families. I urge support of H.R. 1, the Working Families Flexibility Act.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California. [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in very strong opposition to H.R. 1, the so-called Family Flexibility Act. Once again we see the Republicans bringing to the floor of the House legislation whose title suggests this is helpful to families but turns out not to be helpful for families.

Why is that so in this case? Because H.R. 1 simply fails to meet the test to provide families the flexibility that they can control in their working schedule. The fact is that under their legislation, the families will not have more flexibility to manage their schedules. Their employers will have more

flexibility to manage the schedules, and that is the No. 1 complaint among workers about the loss of control over their schedules so that they can deal with the concerns they have with their family and the time they would like to spend with their family and to meet the needs of that family.

This legislation, as presented, simply does not meet the test. It does not meet the test of freedom of choice because, again, the worker does not have that choice. It is about the employer having the ability to manipulate that choice. Under the Republican bill, it is the employer that gets to decide when the employee can use the comptime.

It makes no sense for an employee to agree to work overtime, to work 20 or 30 hours a week overtime, or 10 hours a week, or a 20-hour day, or whatever it is decided that the employer gets to dictate to that employee to build up comptime, if the employee does not truly have the choice when and how that comptime will, in fact, be used. That is where the Republican bill fails.

The choice about when that comptime can be used by the employee, to meet whatever, for whatever purposes they decide, but let us assume it is to spend more time with the family or to take care of those critical needs, what we see is, in fact, that that remains in the hands of the employer. I think when employees discover that, they will find out that this is not some nice option because they can be forced into working overtime, somehow believing that they are going to get comptime off, but throughout the work year they can find out that it can be denied time and again because of the low threshold that is put in the bill.

We must also understand that this has serious financial ramifications for working families, which we will discuss later.

Mr. BALDACCI. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Chairman, I rise today in strong support of H.R. 1, the Working Families Flexibility Act.

I want to tell a story that personifies and exemplifies why American families need the Working Families Flexibility Act. It is a story of a very special woman, her struggle and her triumph; a woman whose life was devoted to her family, her faith and her friends.

Alliene Mullendore, who was raised in Fort Worth, TX, lived what some would call a hard life. She believed in old-fashioned values like hard work, honest living and responsibility. When she found herself alone one day with a family to raise and feed, she knew that the rest of her life would be spent trying to balance the twin goals of raising her children emotionally and spiritually while providing for them financially and materially.

She was a schoolteacher, and she was also a student. She spent her summers

and her nights getting her master's degree so she could advance her career. And she did, eventually becoming the first female principal of an elementary school in the Birdville school district.

Although she was crippled by polio in the epidemic of the 1950's, and lived in almost constant pain and fatigue, she still found the strength to teach her classes on crutches as she learned to walk again. Somehow, miraculously, she found the time and energy to raise her two daughters into self-reliant, headstrong women.

The years of work and worry left their mark. The long hours at her school and the enormous pressure of being the sole provider for the family took a very heavy toll on this special woman. In her later years she suffered a severe stroke and was confined to her home for the last 11 years of her life.

Her days of active living were over. But her life had already touched so many, not just the children who experienced her warm smile and gentle humor as a teacher, but most profoundly she touched the lives of her two daughters, who today carry the memory of their mother with them every single day, knowing all the while how proud she would be. I know, because I am one of those daughters. I can honestly say that I stand here today by the grace of God and the sacrifice of my mother.

Martin Luther King once said that the measure of a person is not what they do in times of comfort and convenience but what they do in times of crisis and challenge. According to that standard, my mother was not only a personal success, she was a true American hero.

Throughout her life, even in illness, my mother always taught my sister and me that true success in life is measured not by what you get but what you give. My mother gave me everything. So I am very thankful I was able to be there with her during her last years, to give something back to her. I was able to move her into my home, where I could talk to her and care for her and just be with her.

I look across America today and I wonder how many daughters could share time with their parents during difficult days like I was able to. I was able to take care of my mother during her final years because I owned my own business and I arranged my own schedule. Tragically, there are millions of men and women each day in America who simply cannot do that.

This legislation today is about putting families at the top of our national priority list, giving hourly employees the option to take time off instead of overtime pay, saying thank you to a mother or a father after a lifetime of love and sacrifice.

So as a small business owner and a mother and a daughter, I strongly support H.R. 1, and I urge my colleagues

from both sides of the aisle to put political considerations and partisan calculations aside. With this bill we can take one small yet very significant step toward the way America should be.

Mr. Chairman, comptime will allow working mothers to take time off and go to their child's or daughter's school play, because that is the way America should be.

Comptime will allow working fathers to take time off and go to their son's camp. That is the way America should be.

And comptime will allow working families the benefits of choice without imposing new Government rules on our businesses. And, Mr. Chairman, I think we all know that is the way America should be. I sure know it, because I had with my mother for anything in the world.

Mr. Chairman, our most endangered species in America today is the family. This bill acknowledges that time spent with the family is time well spent.

I believe America is a nation built on the memories of yesterday as well as the promise of tomorrow. Today we have a chance with this bill to make sure that the promise of tomorrow is one of hope and happiness for our families, and that is the way America should be.

Mr. Chairman, comptime is the right issue at the right time and the right place, and let us pass this legislation because we owe it to our families.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York, [Mr. OWENS].

Mr. OWENS. Mr. Chairman, our most endangered species in America is the family, and we do not want to be guilty of taking cash away from families which is used to put bread on the table, to buy shoes, and to pay the rent.

This is a revolutionary and reckless change in labor law. The Fair Labor Standards Act has existed since 1938 as part of Franklin Roosevelt's New Deal. This experiment need not be so radical and so extreme as it is constructed in this legislation. We could provide adjustments and relief for comfortable middle class wage earners who want time off at the same time that we protect low income workers who need cash payments of overtime in order to meet their basic necessities of food, clothing and shelter.

This law is not enforceable. That is the problem. It will not be enforceable. There will be no choice for the people who want the cash to put food on their tables.

In fiscal year 1996, the Department of Labor found overtime violations among employers involving 170,000 workers. The lowest wage workers are the most common victims of this abuse. In other words, under the present law, they are not being paid their overtime. They are being swindled out of overtime.

The Employer Policy Foundation, this is an employer-supported think tank in Washington, they reveal that workers lose approximately \$19 billion a year. \$19 billion is swindled under the present law. This loose law here, which proposes to give choice to people, will be even worse.

A Wall Street Journal analysis of 74,514 cases brought by the Department from October 1991 to June 1995 found that industries such as construction and apparel were cited for illegally denying overtime to 1 in every 50 workers during this period. Overall, nearly 8 out of every 1,000 workers, or 695,280 employees, were covered by settlements which were necessary to get their overtime pay because it was not being given to them.

If Congress is going to tamper with the FLSA, at a minimum, two-thirds of the work force that makes less than \$10 an hour ought to be protected. Here is a win-win situation. We could be less extreme and less radical and take care of everybody's needs.

Mr. BALLENGER. Mr. Chairman, I yield 2 1/2 minutes to the gentleman from California, [Mr. RIGGS], a subcommittee chairman.

Mr. RIGGS. Mr. Chairman, I appreciate the opportunity to speak on this very important legislation, House Resolution 1, the first bill introduced in the House of Representatives in this session of Congress. That designation, H.R. 1, is supposed to indicate the importance that we Republicans, in the majority in the House, place on this legislation.

First, I think it is important that we clarify some misperceptions about the bill. First of all, it does not affect or change the 40-hour workweek. It does not include a flex-time provision, as does similar legislation in the other body. It does, however, give hourly employees the opportunity to have more flexibility in their schedule so that they can do a better job, so they can better meet the demands of work and family.

That is why this legislation is so strongly and overwhelmingly supported by the American people, especially the 63 percent of American families where both the mother and the father work outside the home and the 76 percent of all American mothers who work and who have school aged children.

I just want to conclude my comments by appealing to my good friends on the other side of the aisle, our proeducation Democrats, to support this legislation. I want to introduce into the RECORD a letter from Sheldon Steinbach, the vice president and general counsel of the American Council on Education.

He writes:

Dear Congressman: On behalf of the American Council on Education, representing 1,689 2- and 4-year public and private colleges and

research universities across the country, and the National Association of Independent Colleges and Universities, representing 900 private institutions of higher learning nationwide, we wish to express our strong support for H.R. 1, the Working Families Flexibility Act.

Colleges and universities constitute some of the largest employers in many communities, and in some instances the largest employer within a State.

Mr. Steinbach goes on to write:

Federal employees have enjoyed flexible schedules since 1978. Public employees of higher education have had the ability to choose either compensatory time off or overtime pay for overtime situations since 1985. As a matter of elementary fairness, the workplace flexibility that has been provided to Federal and public employees should now be extended to private employers, including private colleges and universities.

This is truly an idea, this legislation, whose time has come. H.R. 1 is good pro-worker, pro-family legislation with ample employee protections. I ask my colleagues to support H.R. 1.

Mr. Chairman, I include for the RECORD the letter I referred to earlier:

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF VICE PRESIDENT AND
GENERAL COUNSEL,

Washington, DC, March 14, 1997.

DEAR CONGRESSMAN: On behalf of the American Council on Education, representing 1,689 two- and four-year public and private colleges and research universities and national and regional education associations, and the National Association of Independent Colleges and Universities, representing nearly 900 private institutions nationwide, we wish to express our strong support for the Compensatory Time Off (comptime) provisions of H.R. 1, The Working Families Flexibility Act.

Colleges and universities constitute some of the largest employers in many communities, and in some instances, the largest employer within a state. As employers, colleges and universities have long been at the forefront of offering welfare and health-care benefits to employees and, over the last 10 to 15 years, work-family/life programs. Educational institutions offer these work-family/life policies and benefits as a way to recruit and retain a highly skilled, quality workforce. These benefits provide one of our competitive edges over the for-profit sector for salaried employees, since higher education institutions typically offer a lower compensation package than for-profit organizations. Institutions of higher education have realized that flexibility in the workplace is fundamental in trying to meet the needs of the employees and mission of their schools. This is especially true as more and more employees try to balance the competing pressures of work, family, and personal needs.

Federal employees have enjoyed flexible schedules since 1978. Public employees of higher education have had the ability to choose either compensatory time off or overtime pay for overtime situations since 1985. Allowing independent college and university employees a similar flexibility in scheduling would help them deal with personal interests and family concerns; it also would improve employee recruitment, retention, and productivity. Workplace stress is alleviated for parents when work schedules which conflict with school hours or, day care arrangements, or when flexibility is provided.

We fully support the Working Families Flexibility Act provisions under which an employee may choose either to take time-and-a-half off or time-and-a-half pay for any overtime hours worked. The proposed legislation also provides that an employee may bank up to 240 hours of comptime annually and requires the cashing out of any comptime hours which have not been used by the employee at the end of a year.

These flexible workplace options are completely voluntary. No employer can be forced to offer a flexible workplace option and no employee can be forced to participate in one. In addition, flexible workplace options must be arranged through agreement, and such an agreement cannot be a condition of employment. Lastly, if an employer directly or indirectly intimidates, threatens, or coerces an employee to participate in a flexible workplace option, they will be subject to the full range of penalties under the Fair Labor Standards Act penalties.

As a matter of elementary fairness, the workplace flexibility that has pervaded federal and public employment should be extended to private employers, including private colleges and universities. With the essential employee safeguards incorporated in the proposed legislation, that flexible scheduling arrangements, including the innovative use of comptime will meet the needs of both workers and institutions in the 21st Century.

Sincerely,

SHELDON ELLIOT STEINBACH,
Vice President and
General Counsel.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member of our committee for yielding me this time.

This bill is misnamed. It is called flexibility time, but it affords employees and the families absolutely no flexibility. Employers today have flexibility. They have flex-time. They could give their workers time off to do those essential things in health care or to attend to school affairs. They have that flexibility now. Why enact a law that will require people, workers, to work overtime without compensation?

One of the best family friendly things that was done by the Congress over 60 years ago was the enactment of the Fair Labor Standards Act, and what it did was to guarantee 40-hour weeks. It liberated families to be able to go home Saturdays and Sundays and be with their families, to be there for dinner so that they could have a family relationship.

□ 1315

This bill is going to actually repeal Saturdays and Sundays. It is going to force workers to work on Saturdays and Sundays and be away from their families. How could that possibly be family friendly? The only flexibility that I can see in H.R. 1 is to give flexibility to the employers. They would go to their workers and say, "I have to get this job out. The contract is coming up this weekend. We have to have overtime work by all of you." I cannot

imagine the workers being able to turn down such an employer. And so they would work for no compensation, they would be away from their families, they might have to give up Saturdays and Sundays for no compensation, for how long? For 12 months these employers would not be required under this bill to give any time to the employees so that they could be with their families.

This is not family friendly, this is not flexible. Workers in my district, in my State, hold two jobs, three jobs, just to put food on their table. They work overtime because they need the money. Do not take the paychecks away from our workers.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds just to say to the gentlewoman, please read the bill. It has nothing to do with what you just heard. It does nothing with the 40-hour workweek. It does nothing to force anybody to work on Saturday and Sunday. It does nothing to force anybody to take comptime. None of that is in the bill. Please read the bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, this issue is very important to me. Balancing work and family responsibilities is a very tough challenge. I have in fact lived the challenge that is facing today's working mothers, having raised two sons on my own as a single mother who tried to balance the time with my children with a full-time job. Let me assure my colleagues it was not easy, but it does not have to be so difficult. That is why we need the Working Families Flexibility Act.

Just as a mention in response to the gentlewoman from Hawaii's comments, the Fair Labor Standards Act was passed in 1938, Mr. Chairman. This was a time nearly 60 years ago in our country's history when the workplace was filled mostly with fathers and also it was a manufacturing base. Things have changed now and many mothers are now in the workplace because they are required to have two parents working just to make ends meet.

Mr. Chairman, for too long parents have had to choose between work and spending time with their children. That is a tragedy. The 1994 U.S. Department of Labor found that the No. 1 concern for two out of three working women with children under the age of 18 is the difficulty of balancing work with family. Two recent surveys show us that three out of four parents indicate that having the option to choose either cash wages or paid time off for working overtime hours would enable them to better balance their work and their family responsibilities. This is all we are asking for, that they have the choice.

A working mother, for example, might prefer to see her daughter in a

school play than have time and a half on the job. She should have that choice. Under current law, too many working mothers lie awake at night worrying about whether they are giving their children their time. We can do something to help those mothers. This bill addresses that problem. It is a sensible, balanced solution to the problem facing the hardworking parents of our country who are caught in the difficult quandary of simultaneously trying to provide for their families while still looking to spend time with them. I urge my colleagues to look at this piece of legislation to see its good and to vote for it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to H.R. 1, which has been appropriately identified as the paycheck reduction act. It is disgraceful that Congress is taking action to threaten the financial security of America's working men and women when three out of four of U.S. workers have lost ground economically during the last two decades, while CEO's reap salaries that are 212 times that of the average worker.

Congress is now attempting to further tilt the balance in favor of management by allowing companies to withhold overtime pay and to substitute comptime. From my conversations with working people, I can tell you that most workers need the overtime pay in order for them to earn a salary in order to make ends meet.

I heard my colleagues talk about the fact that this is great so that a father can visit his son at camp. The people I am worried about cannot afford to send their children to camp. They cannot afford to buy the equipment needed to go to camp. And so we are talking about two different people. People on the clock look forward to overtime. I recall when I worked the clock and I worked with low wages, I used to wait in line to seek overtime. And so to say you now must work overtime but you will not be able to be paid it will continually erode the ability of working people to earn a decent wage.

As I indicated from my conversation with working people, I can tell you that most workers need the overtime pay so that they are able to make ends meet. The bill will hurt America's most vulnerable workers, those who rely on overtime pay to make ends meet.

I offered an amendment during the consideration of this bill to exempt workers most vulnerable to employer abuse, such as seasonal workers and those in the garment industry. My effort to protect these workers was rejected by the majority. I think this is unfortunate. I think we should reject this bill.

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

Mr. ANDREWS. I would like to thank my friend from Missouri for yielding me this time.

Mr. Chairman, this bill is a wolf in sheep's clothing. We are asked to conjure up happy images of parents going to parent-teacher conferences and picnics with their children and camp visitations. When you read this bill, it paints a very different picture of what it will do to the American family and the American worker.

Picture this: An employee who always chooses cash overtime and never chooses comptime will not get offered overtime any more by many, many employers. That employee will not get overtime. They will get the right to sue their boss at their expense and have to carry the burden of proof in the trial.

Picture this: An employee who has built up a lot of comptime over the years and then gets a layoff notice or sees that his or her employer is going into bankruptcy. They do not get comptime converted into cash. They get left holding the bag because their employer is long gone and the cash is long gone and the income that they counted on is long gone.

Picture this: An employee who goes in and says, I want to use my comptime next Thursday because I just found out that is when my parent-teacher conference is, and here is the answer: No.

Mr. Chairman, you do not get the right to go to the parent-teacher conference. You get the right to sue your boss. That really is not worth very much to the American worker.

If you really want to help people that are in so much turmoil and trouble, why do we not bring a health insurance bill to the floor that makes sure that every American worker gets health insurance when they go to work? Why do we not expand on the Family and Medical Leave Act so people can get paid when they have to deal with a family medical health or other kind of emergency?

Mr. Chairman, this bill is a wolf in sheep's clothing. I am going to vote against the bill and slay the wolf and defeat the bill today.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I rise in opposition to H.R. 1 as it is now constituted and proposed. It appears clearly to be an exercise in semantics. This bill is touted as the Employee Flexibility Act when in fact it would enable those few employers who would act unthinkingly of their employees' interests to do just that.

Throughout my district, Mr. Chairman, good employers do not clamor for a bill that would enable them to discriminate against their work force. Favoring some who opt for comptime over

paid time is not prohibited in the bill as constituted. Also, the bill is ambiguous at best with regard to benefit contributions. If you work and get paid for overtime, your employer contributes to benefits or pensions for the hours paid. However, under this bill if you take comptime instead of wages, an employer avoids making those contributions.

Good employers already have the ability to give time off to employees for family matters. Many find a way to do just that. The Family and Medical Leave Act gives employees the right to take time off under fair circumstances. It could be expanded to cover more instances if the majority truly had family concerns in mind.

Let us be straight with the American public. This bill would allow some employers to avoid paying overtime and avoid making contributions to benefits. The majority on the committee rejected amendments that would have clarified that an employee should decide whether to take time off rather than be paid for overtime. The amendments would have required the employee to give 2 weeks' notice. If less notice was given, the employee could only take the time off if the employer's business would not be unduly disrupted.

The amendments would have clarified that an employer would be prohibited from discriminating against employees while punishing those opting against the employer's wishes. Our provision stated with certainty the recourse and the penalty for violators.

The amendment would have clarified a means for protecting moneys owed to employees for accumulated time if the employer went bankrupt. In short, the amendment sought to help the majority reach their stated supposed objective. The truth of the matter is that calling the bill something that it is not will not make it acceptable.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Ms. MOLINARI].

Ms. MOLINARI. I thank the gentleman for yielding time.

Mr. Chairman, I rise today in strong support of H.R. 1. This bill will finally give our country's hardworking parents the kind of choice they so desperately need and the opportunity they deserve. As a working mom myself, I find the pressures of balancing work and family extremely demanding. My husband and I savor every second we spend with our daughter. Too often both of us or one of us come home and she is asleep and leave the next morning before she gets up. We are heartbroken because the only quality time sometimes that we seem to spend with her is when she wakes up crying.

As crazy as our schedules are, we realize we have it easier than most Americans across this country. As

Members of Congress, we are fortunate to have a lot more scheduling options than other parents. In 1994, a Clinton administration Department of Labor report found that the No. 1 concern for 66 percent of working women with children under the age of 18 is the difficulty of balancing work and family. Today we say to those women, you make that choice to make your life a little bit easier.

The opponents of this bill feel that employees should not have that choice, the Government will make that choice for them, because we know what is better for the American family than the working mother and father. We do not trust them to make the right decisions for what is right for them.

That is the difference here between the opponents and supporters of this bill. Employees instigate the option to choose comptime as opposed to overtime pay. There is nothing coercive about it. And if the employer tries to be coercive about it, he is going to stand greater penalties than under the National Labor Relations Act, similar to the penalties in the Family and Medical Leave Act. And yet no one from the other side had any complaints about the ability to redress under those two pieces of legislation.

Come on. It is now time for us to finally say to people throughout this country, particularly the lower income workers that people seem to think cannot make the appropriate decisions for themselves, go ahead. If you would prefer to take time and a half to spend time with your families rather than that paycheck, do it. If the paycheck is what is important to your family at that point, you have that option. It is all about empowering the family again.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, supporters of H.R. 1 are pitching it as comptime, a bill to give workers more time with their families. Well, we all need to spend more time with our families. But H.R. 1 does not ensure workers can do that. H.R. 1 is not cover time. H.R. 1 is chump time. It is chump time for the employee, because the boss, not employee, makes all the decisions. The employer decides whether to offer comptime in the first place, who gets it, and when the employee can take it.

□ 1330

Comptime does no good if one cannot plan for it. Under H.R. 1, a mom who works overtime in March cannot count on using earned comptime to take her kids to the doctor in April. Her employer can deny scheduled comptime just by claiming that it would be unduly disruptive to the business. That is not comptime; that is chump time. And American workers, Mr. Chairman, are not chumps.

Vote against H.R. 1, the chump time bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON] a subcommittee chairman.

Mr. MCKEON. Mr. Chairman, I rise today in support of H.R. 1 which is pro-worker and pro-family legislation. I commend the leadership and our chairman for bringing such an important bill to the floor.

H.R. 1 will allow employees more flexibility in balancing the demands of their jobs and families without compromising their worker rights. To vote against this bill is to deny private sector workers an option that their public sector counterparts now enjoy with great success. Over 75 percent of employees surveyed said they would like the option of choosing comptime or cash.

Mr. Chairman, this bill is about options for employees. They can take their pay in cash or time. When they work overtime they get time and a half, or if they decide to take it in time they still get time and a half.

At the bipartisan retreat a couple of weeks ago, I had the opportunity to discuss this issue with a member of the Capitol Hill police force who does have the opportunity of choosing comp or cash. He told me that at this point in his life, time is very often more important to him now than money. He is fortunate enough to have already had the option of comptime over cash wages, and it is a choice that he greatly values. Were he to fall on hard times or need the cash more, he could fall back and take the cash instead of the comptime. H.R. 1 would provide this same option for private sector employees.

Mr. Chairman, this bill is about giving employees and employers more flexibility. Frankly, my experience tells me that this decision should be made in the workplace between the employer and the employee rather than here in Washington by politicians.

Finally, I commend the gentleman from North Carolina [Mr. BALLENGER] for insuring there are adequate protections in the legislation to insure that no employee can be coerced or forced into a particular option. It is a decision that they discuss and work out with the employer.

Mr. Chairman, H.R. 1 is about family flexibility and choice for employees which we should be giving to all Americans. Vote in favor of H.R. 1.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, workers of the United States have a right to say show me the money, not in comptime but in overtime payment. H.R. 1 is not about flexibility or families or constructive reform of labor law. H.R. 1 is about undermining and

ultimately destroying the Fair Labor Standards Act on behalf of those who wish to avoid their legal obligations to their workers.

Mr. Chairman, this bill would open the door to employers to coerce their workers to accept comptime instead of receiving overtime in a timely manner. This bill would turn back the clock to the days of 16 tons. My colleagues remember Tennessee Ernie Ford: "You load 16 tons, and what do you get? Another day older and deeper in debt. St. Peter, don't you call me because I can't go. I owe my soul to the company store."

American workers will not accept owing their soul to the company store in terms of comptime.

This bill exchanges an economic right, a legal right that workers now possess, the right to obtain time and a half payment for overtime work for an IOU, an IOU issued by their employer to maybe give comptime in the future. H.R. 1 would encourage companies to schedule more overtime because companies would not have to pay their workers for it. More overtime means fewer jobs.

In this era of labor saving technology and falling real wages, when working families are struggling with two jobs, the 40-hour work week plus overtime is already too long. We need to be discussing public policies that promote more jobs, higher wages, and a shorter work week. I urge the defeat of H.R. 1.

Mr. GOODLING. Mr. Chairman I yield myself 3 minutes.

Mr. Chairman, as I said earlier, "When you get your marching orders, if you want to really impress the public and act as if you really mean what you're saying don't read the legislation. Then you can be very impressive out here." And that is what we are seeing over and over again, and I point out again it is less than two little pages. That is all it would have taken, time to read two little pages, and then my colleagues would not come down here and be so demeaning to the American workers.

I ask my colleagues, "Can you imagine people in this well saying over and over again these people can't make a decision, we have to make the decision for them? They don't know how to think." These are the American workers they are talking about.

This legislation tells the worker, "You make the decision. You don't ask anybody else to make the decision, you don't ask government to make the decision. You make the decision."

And I will guarantee my colleagues every American worker out there can make that decision. They do not need our help to make that decision. They can make it themselves.

So it is totally demeaning to be talking as if American workers cannot make choices, and everyone who stood up there, if they read the legislation,

know that every worker is protected more than any other legislation that has ever passed in the House of Representatives, and the employer would be a fool if they tried to intimidate an employee, if they tried to determine that they will take that overtime in time off rather than wages, whether that employees wants it or not. That employee is protected more than any other employee has ever been protected.

And is not it interesting? Were we this demeaning to the public employees in 1985? Did we tell them they could not think for themselves? Of course we did not. We gave them the opportunity to think. And is not it also interesting in a recent study by the International Personnel Management Association, they found that 98 percent of public employees with a unionized work force offered a significant percentage of their work force flex benefits? What that proves is that the pressure of the employee will cause unions to negotiate for comptime, and we are giving them that opportunity which they now do not have in the private sector.

So I would hope that people would read and would read all the protections that are in this legislation because I do not know of any other legislation that is so employee-friendly as this legislation is.

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

Mr. CLAY. Mr. Chairman, I yield myself 5 seconds.

The point about making it only two pages can be countered by saying, if you wanted to repeal the first amendment, it's only one sentence.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, let me start off by saying this is not about flexibility. There are many of us that are for flexibility. That is why we will vote for the substitute of the gentleman from California [Mr. MILLER] because his substitute understands one thing that this bill does not understand, that that time worked for belongs to the employee, not the employer. But my good chairman says that this bill gives the employees the right. It does not because the bottom line is that the employee may provide monetary compensation for an employee in unused compensatory time in excess of 80 hours, which means he determines whether you reach the full allotted time or not. The employer again makes the decision. It further goes on to say that the employee can only take the time if it does not unduly disrupt the operation of the employer. That gives the employer a wide open door to say, "Hey, this is unduly disrupting my production; you can't take the time."

So the employees do not control the time. If we are giving flexibility to employees, if we really want them to

spend time with their families, then give them the options, not the employer. That is the problem here.

The bill of the gentleman from California [Mr. MILLER], which is a derivative of the President's bill, is something that gives the employee that option. This bill does not.

Vote against this bill. Vote for the Miller substitute.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds.

Somebody on the committee should know exactly what they are talking about and, of course, disrupt unduly and unduly disrupt are the same words that are in the Family Medical Leave Act that we had. They just reversed the way the two words are written, so anybody should be able to know that if they read the legislation.

Mr. CLAY. Mr. Chairman, the sponsors of this "Paycheck Reduction Act" keep claiming that H.R. 1 uses the same "unduly disrupt" standard found in the Family and Medical Leave Act. Their claim is flat, dead wrong.

Let's set the record straight. Under the FMLA, the "unduly disrupt" standard is extremely limited and specifically protects the power of employees to decide for themselves when to take family leave. Under the FMLA, the "unduly disrupt" exception only applies when the need for leave is for foreseeable medical reasons. In that case, the FMLA says, "The employee shall make a reasonable effort to schedule the leave so as not to disrupt unduly the employer's operation." Even then, the leave can only be delayed if the employee's doctor agrees that delay will not harm the health of the employee, or his or her family member.

That distinction lies at the heart of the difference between the Republican bill and the Democratic substitute. We protect the employees' power over their own time and pay. H.R. 1, on the other hand, gives more power to the employees.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, as a working mother I learned one lesson early on. No matter how much we may want to, we human beings cannot be in two places at one time. The conflict between responsibilities at work and at home is a huge cause of stress for working parents, and the only cure for that stress is added flexibility in scheduling without loss of pay.

Fortunately for America's working families help is on the way in the form of H.R. 1, Congressman BALLENGER'S Working Families Flexibility Act. This legislation would update existing labor law which was passed in the 1930's to reflect current reality by allowing employers to offer the option of comptime to workers as an alternative to overtime.

Now this bill will not force anyone to do anything. It will not make employers offer comptime, it will not make employees take comptime, and it provides employees with the option of

cashing out their comptime at any time if they desire to do so. In other words, all this bill does is provide employees and workers with more choice, making people's lives a little bit easier and giving working people a chance to balance work and family in a better way.

Numerous protections have been included in the bill to ensure that employees cannot be pressured into one choice or another and that it does not change or eliminate the payment of overtime or the traditional 40-hour work week. Under this, whether one takes comptime or overtime pay, they still receive time and a half.

I want to ask all of my colleagues to support this bill, especially those who are parents. We all know what it is like to need some more flexibility in our lives. Let us bring labor law into the present and give working parents a break.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, today I rise in support of children, in support of families and in support of business. I rise in support of workers who want real flexibility, real protection, and real choice. Today I rise in support, Mr. Chairman, of workers who are struggling to pay bills, who are struggling to make ends meet, and who are struggling to put food on the table. I rise in support today of this Nation's most vulnerable workers who want to ensure that they too will have real choice, real flexibility, and real protection.

That is why I am urging my colleagues on both sides of the aisle to oppose H.R. 1 and support the Miller substitute. Business in this Nation, as well as workers in this Nation, want to ensure that both have choice, opportunity, flexibility, and protection. H.R. 1 does not provide that.

Let us stop demagoging this issue and work this issue out on behalf of children, working families, and business in America.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I ask unanimous consent to insert behind the last words of the gentleman from Pennsylvania [Mr. GOODLING] who said that the unduly was the same as in the family and medical records, Family and Medical Leave Act, I want to insert behind that statement an explanation explaining the difference.

The CHAIRMAN. The gentleman can insert that information as a revision in extension of those remarks.

The gentleman from Pennsylvania is recognized.

Mr. GOODLING. Mr. Chairman, I said that the words were reversed. If we look in the one, it says unduly first, and then look in the other, it says unduly second. So I said the words are reversed.

Mr. CLAY. Mr. Chairman, I am not disputing what he said. I am asking to insert this in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

□ 1345

Mr. BECERRA. Mr. Chairman, the proponents of this bill, H.R. 1, argue that employees have choice, and that is why we should pass this bill. We are further admonished that we should read this 2-page bill.

Mr. Chairman, I read the bill. An employee has an opportunity to earn comptime; an employee is given flexibility in the workplace if, if, the employer chooses; if the employer chooses, not the employee.

Page 3, paragraph 2, conditions: Employer decides who gets comptime, not the employee. An employer can offer one employee comptime and an employee that lives and works under the same circumstances can be denied comptime. An employee can be offered comptime 1 day, and on another occasion under the same circumstances can be denied comptime. The employer chooses.

Page 4, paragraph B, compensation date: An employer has the right to hold an employee's accrued comptime for up to 1 full year before disbursing it to that employee.

Page 5, line 11, the policy: An employer may withdraw his agreement in writing with an employee to offer comptime when he chooses to do so.

So you could start off with some comptime, but if the employer decides, no, I wish to change my mind, the employer has the right to do that.

Page 7, paragraph A, general rule, listen to this. I do not know if it was meant to be this way, but an employee cannot cash out his or her money if he or she leaves.

Under the way the bill is written, the language, it appears to say that the employer can actually give you comptime at the same rate that you have earned that time. So if you earn \$10 an hour and you have 200 hours of earned comptime, that is about 25 days of paid comptime, it could take up to 25 days for you to collect your money that you earned, that is in comptime, even after you have left that employer. That is the way the bill reads. It seems to say that.

Mr. Chairman, I read the bill. It is not a good bill. Please defeat this bill.

Mr. GOODLING. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the gentleman from California [Mr. BECERRA] should have gone on and read section E, which says, an employee may withdraw an agreement described in paragraph 2(b) at any time, an employee.

Also, I say to my colleague, in the public sector at the present time the same language applies to an employer offering time. Why does somebody not ask to have an amendment to eliminate public employees from comptime? If this law is so bad, let us not make public employees suffer any longer.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, the key issue here in reality is that private employees are not on an equal footing with private employers. That is why they call the employer the boss. The fact of the matter is that secretaries, construction workers, textile workers are vulnerable to the employer's decision regarding comptime. Whether they want comptime or not, it becomes abundantly clear that if you want your job, you better take the comptime.

Studies have indicated that as much as 64 percent of the working population prefers overtime pay to comptime, because overtime pay sends kids to college and overtime pay helps you buy a house.

Employees in the first instance cannot decide whether they want comptime because the employer will make that decision and make it clear.

Second, they cannot decide whether they want to use the comptime, because the employer can decide, well, you will unduly disrupt my business. So all of those stories you heard about how people can go to their school plays and they can have time with their children and their sick relatives really does not apply if the employer says you cannot have it. We prefer real time.

The fact of the matter is that overtime pay is in your hands. You can spend it or not spend it. comptime is in the boss's hands. He can tell you whether you can spend it and when you can spend it, and that is the fundamental problem. They go on to say, we have all of these employer protections. Well, you do not really have protections, because the Labor Department is already overburdened trying to enforce the minimum wage and fair labor standards. Who is going to go out and enforce all of these new laws? I do not think that that is a realistic proposal.

The fact of the matter is many of these companies are undercapitalized. When they go under, your comptime goes under. Many of these companies are fly-by-night. When they leave, your comptime leaves. The problem is that the employee cannot be adequately protected. The Labor Department does not have the adequate resources to take on these additional responsibilities.

We have a good system now that works, that protects employees and provides them with the thing they

need, and that is a paycheck so that moderate income families can have additional resources. We should not compromise this with this radical comptime proposal.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. GIBBONS) assumed the chair.

MESSAGE FROM THE SENATE

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

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

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

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

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

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

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

The SPEAKER pro tempore. The Committee will resume its sitting.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

The Committee resumed its sitting.

Mr. GOODLING. Mr. Chairman, I yield myself 5 seconds just to merely say that even under the worst circumstances, the employee can cash out and walk away.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise today to express my support for H.R. 1, the Working Families Flexibility Act. I believe that this bill addresses an important issue facing families all over the country, the need to balance work and family.

As more and more families have two working parents, the need for flexible

work schedules has become more important. However, under current law a private sector employer is not allowed to offer an employee compensatory time off in lieu of overtime pay. The availability of compensatory time for overtime work would address a real need for many working parents.

I have listened to a lot of the debate today, and I have listened to a lot of the opposition to this bill. One of my greatest frustrations is that most of this criticism is based upon an assumption that employers are evil, that they are mean-spirited people who will use any means to take advantage of their employees. I am a private sector employer, and I take personal offense and find it insulting that so many of my colleagues would contend that we are going to take advantage of the people that work for us.

I totally reject that premise and strongly believe that employers would be able to use the availability of compensatory time to help their employees voluntarily create a work schedule that meets their needs.

I also find it extremely ironic that in my congressional office with my public sector employees, I can allow a person who is working on my staff to take time off to visit or to go to a teacher's training education day or a student conference day; I can allow them that flexibility in utilizing comptime. But yet we are trying to impose a double standard on myself as an employer in the private sector, that I cannot offer that same benefit that I can offer to members of my congressional staff to have the same benefits to attend something that is very important to their families and to their children's futures.

I know that there will be a substitute amendment that will be introduced today that many of my Democratic colleagues will be supporting. But I caution them. I do not think this is the answer. While it has some modifications that are worthy, the bottom line is that we are trying to impose another mandate on employers by requiring them to provide the family medical leave another 24 hours.

This provision does not make a whole lot of sense, because if you have an employer that is offering comptime, there is no employee out there that is going to make a decision in which they are going to take unpaid family medical leave time off in lieu of the comptime.

It also is not appropriate and it is not fair for us, under the Miller substitute, to require private sector employees that are offering comptime to have to fully cash out accumulated overtime in the pay period in which they ask for it. As a private sector employer I could be facing a situation where I have an employee who might have acquired 80 hours overtime who might come into my office on a Friday and want to be cashed out and I would have to pay them that day. That is unfair. Please support H.R. 1.

Mr. CLAY. Mr. Chairman, I yield myself 20 seconds just to correct the gentleman. It would be unlawful for the gentleman from California [Mr. DOOLEY] to give overtime to his employees here on the Hill.

Also, there are no mandates in the Miller substitute, Mr. Chairman, as the previous speaker has stated.

Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, when I was a full-time law professor at Georgetown, one of the subjects I taught was labor law. I never thought I would live to see a debate on the House floor where we would be debating the dismemberment of the symmetry between the employer and the employee represented by the Fair Labor Standards Act.

My friends, this is one of the great statutes of the 20th century. It ranks right up there with the civil rights laws of the 1960's.

We have lost our way if the only way we can think of to bring updated benefits to workers is to trade off historic protections. This is a one-sided trade-off. Yes, the worker can make a decision. The worker can make a decision if the worker is willing to confront the greater power of the employer, and therein lies the problem with this bill.

This bill is being proffered in the name of women, yet working women would be the last to benefit from this bill. Why? Because America's low-wage workers most in need of overtime pay are women. They are the low-wage hourly workers, because half of the workers who moonlight in America today are women, because almost all the single parents who are struggling with little or no child support are women, yet the need for flexibility is overwhelming, and it is great, and it is felt by women as well as men. There are many alternatives.

Why do we not spread some of the innovative leave benefits that Federal workers have? Leave banks where employees bank their leave for others to use when they are in need; leave transfer, a one-on-one transfer, one worker to another; the Family Friendly Leave Act, a bill I wrote, where a worker can use her own sick leave to care for a sick family member; and there are many more. We can find them together, but only if we are willing to abandon the zero-sum-game approach represented by H.R. 1. Let us do that and sit down, and write a bipartisan bill.

Mr. GOODLING. Mr. Chairman, I yield myself 10 seconds just to say in relationship to the last statement, these protections are virtually the same procedures and remedies as for violations of the Fair Labor Standards Act under the Family Medical Leave

Act, signed into law, much praised by the President, and under the Age Discrimination in Employment Act are greater, greater than the National Labor Relations Act, which the lady spoke so reverently about.

□ 1400

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 minute and 30 seconds.

Mr. GEPHARDT. Mr. Chairman, I rise to oppose this bill today. The title of the bill or the phrase that is used to describe the bill makes it sound like a very appealing idea, the idea that workers should have the ability to have flex time to be able to change hours, to be able to have more time with their families. But when we examine the bill closely, we realize what is really happening here is a shift of power from workers to some employers; and I would never, ever say all employers, because there are many employers today, who as a matter of policy in their own business, allow flex time and work with employees to work out a way that they can spend more time with their families, but what is happening in this bill is a shift in power to those employers who want to use this as a way to get pay levels down through not paying overtime pay.

The biggest shift that has happened in our society in probably 100 years is not the television, it is not even the airplane or the computer, it is the lack of time that adults have to raise their children. So this bill could have been a bill that would be very positive in moving us in the right direction. It does not do that. I am sorry it does not do that. I wish it did do that. If it did that, I would be for it.

But it moves us in a direction that we ought not to be going. It moves us in the direction of allowing some employers who would want to use it in that way to reduce the amount of overtime pay going to employees, and not letting employees have any say in that decision.

Mr. Chairman, I urge Members to vote against this bill. I think we can do much better than this. The Family Leave Act should be amended. We should be moving in that direction. That is a very positive way to go. That leaves it within the power of employees to make those decisions. But this bill would move us in exactly the wrong direction in, again, an area that is probably more important to people than anything I can think of. Adults spend one-third less time with children today than they did 20 years ago. We have to do something about it. This bill is not the best way to do it. I urge Members to oppose this bill.

Mr. Chairman, I rise to oppose this bill today—because it is a betrayal of the hard-

working American families who endeavor daily to earn enough to feed and care for their children and keep a decent roof over their heads. Working families, because of this bill, will find that their everyday struggles will soon be repaid with time off, no pay, all at the convenience of their employers. Where I come from they call that a furlough.

I would caution everyone listening to this debate today, not to get caught up in the well-meaning, well-intentioned rhetoric of providing flexibility to hard-pressed workers who need time off to care for their families. This bill sounds like a remedy for working families, but is in fact an ill-advised panacea that will have the effect of denying workers a fair day's pay for a fair day's work.

We already know that there is a problem in the American work force of employees getting shortchanged by their employers. One business group, the Employment Policy Foundation, estimates that workers are currently being cheated out of \$19 billion a year in overtime pay. One in ten of every American workers who is entitled to overtime pay do not get what they earned. And now we are asked to pass a bill that will empower businesses to make their workers work longer hours, with even less pay and have less flexibility than they have now to take time off. How can we say this helps working families?

Our Republican colleagues have already missed one opportunity today to truly help working families by denying our efforts to consider the Democratic family leave bill which makes available to parents federally protected leave for family concerns like routine doctor visits and parent-teacher conferences. If you are truly sincere in your pledge to help working families you will set aside this raid on working Americans' paychecks and reconsider your opposition to expanded family medical leave. This is a proven, successful policy enacted by Democratic votes, opposed by Republican voices, which has already helped 12 million Americans to lessen the pain and anguish in the face of a family crisis. Now let us give those families the comfort of knowing they can go to their child's school to check on his or her progress with their teachers or to the family doctor when their children or elderly parents need attention even if it is not life-threatening.

I have talked with working mothers who have to fib to their bosses to get time off just to pick their children up when they get out of school early. Others tell me they actually have to take their sick children with them to the workplace when they are too ill to go to school because there is no one to stay home and care for them. These families need to be given options to deal with their daily problems.

This bill does not offer these families a real choice. Instead of giving flexibility to workers, it gives new flexibility to employers. It does not allow employees to use comptime when the employee needs it. Where, in a proposal that would impose new pressures on low-wage hourly workers—most of whom are women—to give up overtime pay upon which they rely to make ends meet, is there compassion for those mothers who have to make day-by-day decisions as they balance choices between caring for their families and providing a decent standard of living for them?

Today, we need to make the compassionate and sensible choice by rejecting this bill, the Republican Paycheck Reduction Act, and work to produce an agenda that puts the working family before the corporate personnel officer who is looking at the bottom line.

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

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] yields back 1 minute.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] is recognized for 3 minutes and 30 seconds.

Mr. STENHOLM. Mr. Chairman, this shows how reasonable people can have differing opinions on the same legislation. I rise in strong support of the Working Families Flexibility Act. I commend the chairman, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from North Carolina [Mr. BALLENGER] for their work on this bill, and particularly for reaching across the aisle to address many of the concerns that have been raised about this legislation. The willingness of Chairman BALLENGER to incorporate suggestions from Members of both parties has produced a bill that I believe is deserving of strong bipartisan support.

Mr. Chairman, I fail to understand the adamant opposition to this bill here in Washington, because I do not believe that same opposition exists across the rank and file workers of our country.

This bill represents a commonsense philosophy that giving employers and employees flexibility to work together in developing work schedules benefits both the employers and employees. All of us who are concerned about the demands of balancing work and family responsibilities should make it possible for employers to offer their employees options such as comptime to deal with these demands. One of the most positive trends in the workplace embraced by employers and employees has been the growth of creative work force policies and flexible benefit plans. We should be encouraging this trend, not punishing it through inflexible labor laws.

This bill would update our 60-year-old labor laws to provide another choice in the workplace, the ability of employees to accept compensatory time off instead of overtime pay. It is important to keep in mind this bill provides for compensatory time as an option that can be chosen but is not demanded or mandated. The decision to offer or accept compensatory time arrangements is voluntary for both the employer and employee.

I have opposed and will continue to oppose all mandated leave proposals because a federally-mandated benefit

can never be flexible enough to adapt to the diverse needs of employers and employees across the country. This bill provides the flexibility that will allow employers to work with their employees to develop work arrangements that allow individuals to balance their family and personal responsibilities against the demands of their jobs.

I am troubled by the argument made by some opponents of this bill that we should not pass this legislation that would provide increased flexibility for all workplaces because a few employers may abuse this option. As has already been pointed out, the bill contains several provisions protecting employees from abuse by unscrupulous employers. More importantly, I encourage my colleagues to think carefully before making a decision that will reduce the flexibility of all employers based on the example of a few bad apples.

I know many of my colleagues share my concern about the efforts of some of the media and elsewhere to exploit the misdeeds of a few public officials to attack this institution and undermine the credibility of all of us in public life. I would urge my colleagues to resist the temptation to apply this same type of unfair, broad-brush approach to businessmen and women.

I urge my colleagues to support workplace flexibility and family-friendly practices by voting for this bill.

Mr. MCGOVERN. Mr. Chairman, proponents of H.R. 1, the Paycheck Reduction Act, claim that it is designed to give workers more flexibility in their lives. But this bill is not about flexibility for employees, it's about flexibility for employers. No matter how many hours of compensatory time that an employee accumulates, this bill would give their employer full control over when that time could be used, or whether that time could be used at all. Under this bill, unscrupulous employers could coerce workers into taking accumulated comptime instead of hard-earned overtime, effectively stripping workers of much-needed time-and-a-half pay.

Mr. Chairman, H.R. 1 offers no real safeguards for employees in danger of being exploited by their bosses. Employers who file for bankruptcy could leave their employees with many unused hours of comptime. Unpaid, unsolicited vacation time doesn't exactly pay the rent or feed the kids.

Working families need real flexibility, such as that offered by the Family and Medical Leave Act. Expanding this landmark piece of legislation would give 15 million more workers the flexibility they need to balance work and family—with no loss of income or control over their work schedules.

Mr. Chairman, I ask my colleagues to ask themselves a very simple question: Do we really want to eliminate the 40-hour work week? This bill is a first step toward doing just that. Let's face it: If workers get so much from this bill, why do so many oppose it? Surveys have shown that the people who really matter in this debate—the working men and women whom this bill would affect—oppose the sub-

stitution of comptime for overtime by a margin of 3 to 1.

Mr. Chairman, this comptime bill is bad news for American workers, and I strongly urge my colleagues to reject it.

Mr. FAZIO of California. Mr. Chairman, I rise in strong opposition to H.R. 1 and encourage my colleagues to support the Democratic substitute being offered by Mr. MILLER of California.

We are all for worker and employer choice on the issue of comptime. Clearly, comptime can be a useful tool for those who would rather use the extra time to spend with their families than receive the overtime money. But that decision should be left to the employee and not be made as a unilateral decision to be made by the employer.

The President has already voiced his concern that H.R. 1 doesn't meet his standard for how comptime ought to be administered and his top advisors have recommended that he veto this bill.

This bill is a good example of how if the Republican leadership would have worked with the White House and the Democratic members on the committee on crafting bipartisan solution, we could have had unanimous support for a true comptime bill.

I am concerned that the way this legislation is drafted will allow those employers who are not inclined to pay overtime to coerce their employees either directly or indirectly by forcing them to take comptime. Further, this bill does not give or guarantee workers who do choose to take comptime the right to use it when they want or need to use it. Employers maintain control over when they want to grant comptime. Moreover, they are free to eliminate or modify comptime plans at any time without giving prior notice.

Perhaps the most egregious component of this bill is that H.R. 1 does not contain protections for workers whose employers go bankrupt or out of business, leaving them with worthless comptime. The garment, building services, construction and seasonal industries are particularly subject to thinly capitalized employers who go in and out of business quickly. Rather than dealing with this issue in a reasonable manner such as exempting such workers, H.R. 1 does nothing to address the very practical request.

I support the concept of comptime; however, in the reality of the workplace, most workers will not feel free to reject an employer's request that they take comptime in lieu of overtime pay.

Therefore, I ask my colleagues to reject H.R. 1 and send it back to committee and rework this bill so that it addresses the rights of America's working men and women.

Ms. LOFGREN. Mr. Chairman, the issue of comptime and flexible work schedules is extremely important among the workers and employers in my district, and I believe most Silicon Valley workplaces would benefit from changes in current requirements. Therefore, I would very much like to support legislation that would provide flexibility to employees and businesses, while protecting workers everywhere.

Unfortunately, H.R. 1 falls short of these objectives.

If we were certain that all employers in America would never try to be unfair to em-

ployees, then H.R. 1 would probably be a sound proposal. However, in that case, most of our labor laws would be unnecessary. Unfortunately, history has shown us that Federal labor protections such as the minimum wage, fair labor standards, workplace safety, and family and medical leave are necessary to protect many American workers.

While H.R. 1 might benefit both employees and employers in many work settings, it fails to protect many unrepresented, private sector workers in our country who are concerned about their job security, and are wary of taking actions against their employer to defend their rights. Amendments were offered in committee to improve worker protections, but unfortunately these were all defeated on party line votes. The Democratic substitute offered by Congressman MILLER includes specific provisions to ensure that comptime is voluntary, uniformly available, and more flexible for employees, and I support the Miller substitute.

I cannot support H.R. 1 as it is now written, but I am hopeful that after it is defeated, Congress will work toward useful reforms similar to Congressman MILLER's proposal. I, for one, am eager to sort through the controversial issues surrounding H.R. 1, because I would very much like to see a sound comptime bill become law in the 105th Congress.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 1, the Working Families Flexibility Act. Contrary to the title of this bill, the Working Families Flexibility Act would harm the lives of millions of America's working families.

H.R. 1 would amend the Fair Labor Standards Act to permit private sector employees to receive compensatory time off from work for work performed in excess of 40 hours. Under existing overtime laws, employees are required to receive cash wages at the rate of 1½ hours for each hour of overtime.

I oppose this bill because it fails to provide adequate safeguards to protect employees from being forced to accept compensatory time from unscrupulous employers. H.R. 1 permits employers who wish to save money at the expense of their workers to coerce employees into accepting compensatory time in place of overtime pay. As a result of their unequal bargaining positions, most employees would not feel free to reject an employer's request that they take compensatory time instead of cash overtime pay.

This bill has failed to incorporate reasonable safeguards to prevent employer abuses. Furthermore, the legislation's penalties are markedly inferior to those already provided in current law. Therefore, the proponents of this bill have failed to take any substantial steps to deter employers from forcing compensatory time instead of receiving a cash payment.

Even more alarming is language contained in H.R. 1 which permits an employer the authority to cancel an offer of compensatory time if the employer decides that the worker's time off would unduly disrupt the operations of the employer. Therefore, employers would have complete discretion over when compensatory time may be used.

In addition, this legislation does not safeguard workers who prefer to receive overtime pay from discrimination by management when future overtime work is available. This would

enable an employer to only offer overtime work to employees who had previously accepted compensatory time. This is extremely unjust, and would have a particularly harmful effect on unskilled, low-wage workers.

In fact, millions of workers depend on overtime pay just to maintain a decent standard of living. Although these workers may need to receive overtime pay, they may feel threatened by employers to receive compensatory time instead. Moreover, those employees who openly elect to receive overtime pay may be blackballed by employers so as to no longer receive overtime work. Employers may then elect to give overtime work to those individuals requesting compensatory time.

The administration has threatened to veto H.R. 1 because it weakens employees' rights and provides no protection against employer abuse. Fair and reasonable compensatory time legislation must provide real choices for employees and preserve basic worker rights. This bill does neither.

Mr. Chairman, H.R. 1, the Working Families Flexibility Act will hurt America's families. I urge my colleagues to join me in opposing this unjust legislation.

Mr. WELDON of Florida. Mr. Chairman, we have heard a lot of emotional rhetoric today that quite frankly has added little to the discussion of the real issues before us. I want to return the attention of the debate to the bill.

What is the Working Families Flexibility Act, and how would it impact regular Americans who go to work every day, pay taxes, and are torn between work and family? There are two questions that must be asked: Will this bill give employees flexibility to spend more time with their families? Does the bill ensure that the decision over whether to take compensatory time or overtime pay rests with the employee?

What we are about today is giving private sector employees the same right to work flexible hours that Federal, State, and local Government workers have enjoyed for more than a decade. Most Government workers I have talked to like and want this type of flexibility, and it is wrong to deny private sector employees these same rights.

Specifically, the bill before us states that employers are allowed to offer their employee a choice of receiving overtime compensation—for every hour worked over 40 hours in a 7-day period—in the form of 1½ hours of paid time off or 1½ hours of cash wages.

Back in 1938, a Federal labor law was put in place that requires employers to pay overtime pay with no option for giving flexible compensatory time instead. When this was put in place—59 years ago—most families had a parent who worked away from home and another who stayed at home. Today, in 60 percent of homes, both spouses work away from home. This is up by over 36 percent in just the past 25 years.

With more and more parents working outside of the home, survey after survey of American workers shows that Americans are increasingly torn between work and home and a more flexible work schedule is their top priority.

Why should we continue to deny private sector workers the flexibility they want and need? The Working Families Flexibility Act is

about allowing parents to choose to spend more time with their children.

Too often our society places too much value on money and too little on relationships with a spouse and children. Too many families around us are falling apart. Too many families want to spend more time with their children, but are denied this right because of a 60-year-old outdated law.

Opponents of the bill have raised the question of whether the decision on whether or not to take compensatory time or overtime pay rests with the employee. I agree fully that this decision must rest with the employee.

The bill before us has many provisions that guarantee that this decision rests with the employee alone, not the employer. In fact, the Working Families Flexibility Act offers private sector employees more protections than Government workers have today.

The bill makes it illegal for an employer to pressure employees to take compensatory time rather than overtime pay. Any employer who coerces, requires, or even attempts to pressure an employee to take compensatory time rather than overtime pay is subject to penalties which include double the amount in wages owed plus attorneys fees and cost. Also, civil and criminal penalties apply. The fact that civil and criminal penalties apply is guarantee enough to ensure that employees are the ones making this decision.

Finally, I must say that I am disappointed that the loudest opposition to this bill has come from Washington labor leaders. I'm afraid that in their attempt to stir anti-Republican sentiment and scare the American worker, it is the American worker who is struggling to balance time between work and family that will suffer without passage of this bill. Additionally, I would point out that the bill before us specifically protects collective bargaining agreements. Those governed by such agreements are free to set their own collective bargaining arrangements.

Clearly the Working Families Flexibility Act provides employees with the type of flexibility they want and it is clear that there are plenty of protections to ensure that this decision rests with the employee alone.

Mr. RUSH. Mr. Chairman, I speak today in strong opposition to H.R. 1, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for workers in the private sector.

This bill represents a draconian piece of legislation. It is aimed at dismantling basic protections for hourly workers—protections that were won nearly 60 years ago by organized labor. H.R. 1 poses a serious threat to the basic concept of the 40-hour workweek and requirements that hourly workers are paid overtime.

Unfortunately, many of my colleagues and the media are trying to portray this initiative as being prowomen, profamily, and proflexibility. In reality, H.R. 1 is extremely antiworker and antifamily.

H.R. 1 is dangerous because it opens the doors for employers to avoid paying hourly workers overtime. Therefore, H.R. 1 threatens to reduce the income and standard of living for working families. Millions of hourly workers, predominantly women, people of color, and people with disabilities, depend on overtime

pay to maintain a decent standard of living of their families. H.R. 1 would allow employers to avoid paying overtime.

H.R. 1 is particularly onerous because of mounting evidence that privatization is plunging hourly workers and their families closer to the edge of poverty. A recent study by the Chicago Institute on Urban Poverty examined the impact of contracting out the work performed by entry-level employees in 12 job categories. After privatization, wages and benefits fell 25 to nearly 50 percent, and half of the job titles studied each lost \$10,000 or more in annual wages.

H.R. 1 is anything but family friendly. Under the proposed law, employers have the power to constantly change a person's work schedule—60 hours 1 week, 20 the next—without any requirement to pay overtime. Can you imagine how difficult it would be for a parent or other caretaker to arrange child care to plan time with their families under these conditions?

Under the Republican bill, management, not workers, hold the power to decide when it is most convenient for workers to take their comptime.

Instead of considering H.R. 1, I urge my colleagues on both sides of the aisle, to pass legislation that expands the Family and Medical Leave Act. That is why I am a cosponsor of H.R. 234, the Family and Medical Leave Enhancement Act, introduced by my colleague from New York, Congresswoman CAROLYN MALONEY. H.R. 234 will allow workers to take unpaid leave to seek medical care for their children or elderly parents, or to participate in their children's education. And more important, it allows workers to have a voice in decisions about when they can take time off from work without risking their overtime pay.

The 104th Congress is already remembered for turning back the clock for working people when it passed welfare reform—abandoning a 60-year Federal commitment to helping those in need. Let us make sure that the 105th Congress does not go down in history for overturning another Federal guarantee to working people that has been in place nearly 60 years—the right to overtime pay.

Mr. KLECZKA. Mr. Chairman, I rise today in strong opposition to H.R. 1, the so-called Working Families Flexibility Act. This title could not be more untrue. A more appropriate title for this family unfriendly legislation is the Pay-check Reduction Act, because that is exactly what will happen to families if this bill passes.

H.R. 1 will allow employers to give their workers 1½ hours of compensatory time for every hour worked, instead of paying them time and a half. Employees stand to lose a great deal of money if this bill becomes law. They will not only lose their overtime pay, but also the money that would have otherwise been paid for their Social Security and unemployment benefits. While it is important that working fathers and mothers be allowed time off to go to their child's soccer game or see them in the school play, it is equally important to see that this is accomplished in a way that benefits the working parents, and not just their bosses.

Employers already have a great deal of flexibility under the Fair Labor Standards Act to accommodate their workers' requests for

time off for family or personal matters. In addition, workers today already have the opportunity to take unpaid leave under the Family and Medical Leave Act. This bill does not even guarantee that employers will grant time off for workers who choose to earn comptime instead of overtime pay. Only employers will have more flexibility under this act. When it comes time to decide which employees to give overtime work to, employers will always choose those who just want comptime over those that rightly want time and a half pay.

Last year, the U.S. Department of Labor handled over 60,000 cases that dealt with the loss of overtime pay. These workers were cheated out of millions of dollars. We should not validate this unfair, illegal practice by changing the law to allow employers to deny overtime pay. Last month, during a Senate hearing on comptime legislation, a lobbyist for the National Federation of Independent Business stated that small business "can't afford to pay their employees overtime. This flexitime is something they can offer in exchange that gives them a benefit." This lobbyist conformed that employers have no intention of paying their workers time and a half when they can require them to work without pay instead.

Our working men and women deserve better. They deserve pay for the overtime that they earn, instead of comptime that they can use only when their employer allows them to take it. I hope that my colleagues will join me in voting against this bill, which is an outright attack on the pocket books of American workers.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 1 the Paycheck Reduction Act of 1997, any proposed change in the workplace rules regarding overtime pay or compensatory time that does not take into consideration the rights of working Americans to equal and fair pay should not become the law of this Nation.

H.R. 1 is a pay cut for America's workers. A working mother, for example, who puts in 47.5 hours per week at \$6 an hour will earn \$307.50. Substituting comptime for overtime pay, however, will leave her with just \$240 per week—a 22 percent pay cut.

Any offers of what some would describe as voluntary compensatory time for workers should include protections which ensure that it is indeed voluntary.

In fiscal year 1996, the same year this body passed the first increase in the minimum wage in nearly a decade, the Department of Labor had 13,687 compliance actions of disclosed overtime violations. These represented nearly 50 percent of those in which FLSA minimum wage overtime monetary violations were found. The Wage and Hour Division found just over \$100 million in backwages due to overtime violations owing to nearly 170,000 workers.

Unfortunately, all too often when the debate on the floor of this body shifts, it cuts harshest into the American worker's ability to earn a livable wage, against his or her right to a safe work environment, or into the necessity of receiving just compensation for the work that they perform.

If we as Representatives of working Americans are going to talk about how best to help the working families of this country, we must

make it our first priority to ensure that they receive fair compensation for their work. H.R. 1 as it is currently written will not ensure that workers who depend on overtime pay receive it if they do not wish to receive compensatory time.

Those wage and hour violations involved a little more than one-half of 1 percent of all 6.5 million employers in the United States. For the sake of the 170,000 known workers who were affected by criminal overtime policies, we should not act without providing insurance that they will not fall victim again due to anything we might accomplish today.

We should keep in mind the need to ensure that employers are barred from denying a reasonable request for time off, that workers do not lose money because compensatory time is not credited for unemployment, pension, or Social Security. We must have absolute certainty that the most vulnerable to overtime violations—temporary, seasonal, part-time, and construction workers—are protected, and that employees have a direct remedy if an employer without just cause denies a request for compensatory time. The employer must be required to notify employees of their rights under any new law dealing with compensatory time. Finally, there must be penalties for noncompliance with any compensatory time law by employers who may attempt to take advantage of employees who have worked in good faith in expectation of comptime.

Ms. VELÁZQUEZ. Mr. Chairman, my colleagues, I am amazed at how far the Republican majority will go to keep hardworking American families in poverty. The Paycheck Reduction Act is their latest in a string of anti-family and anti-child proposals. The Miller substitute protects pay, benefits and time for working families. I urge all of you to support the Miller substitute and oppose H.R. 1.

This bill—on top of last year's welfare reform—will only make the difficult lives of working mothers a nightmare. The reality is that they already have a huge struggle. Many work two or three jobs just to make ends meet and keep their families together.

Consider a mom who puts in a 47 hour work week at \$6 an hour. She will earn \$308.00. By substituting comptime for overtime, she will only bring home \$240.00—a 22 percent pay cut. This is simply a price most families cannot afford. Faced with less money in their pay check, they will have to scrimp for even the most basic necessities.

Worse of all, comptime will not be voluntary. Do you truly believe a parent will be allowed to use the time when they need it most? Clearly, the majority cares more about making sweet heart deals with the privileged than helping hard working employees.

My colleagues, overtime is important to so many working families and their children. We, here in Congress, should not be undermining their standard of living. Support the Miller Substitute. Vote No on the Pay Check Reduction Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, H.R. 1 is bad for working women!

Families need flexibility! However, H.R. 1 is not the way to reach employee flexibility. Flexibility would allow employees to decide when to take comptime off. H.R. 1, on the

other hand, extends that flexibility to the employer.

The truth is, under H.R. 1, an employer has no obligation to grant a request for a specific time off. Further, the unduly disrupts language takes away even more flexibility from the employee. Employers may use this provision to the disadvantage of the employees when there is no serious injury to the work environment. Therefore, employers may actually punish employees with the selective use of comptime.

H.R. 1 is not the answer. What is the answer? The Family and Medical Leave Act should be expanded to give working families basic protection.

Families also need paycheck protection! Two-thirds of American workers oppose substituting comptime for overtime pay.

This bill will affect wage hour earners. 70 percent of those make \$10 an hour and under. The reality is that families in this income bracket do not have much discretionary income and may find it extremely difficult to postpone receipt of their paychecks.

Under H.R. 1 if an employee requests comptime and later chooses overtime pay, the employer may retain his earnings for 30 days. In addition, the use of comptime is not counted as hours worked.

Employees will lose money that would have otherwise been contributed toward Social Security and unemployment benefits.

I support employee flexibility. I even support comptime as long as workers rights are not infringed upon. However, in the interest of the hundreds of thousands of working constituents in my district, I cannot support H.R. 1.

Mr. PACKARD. Mr. Chairman, imagine not being able to attend your son's graduation or your daughter's parent-teacher conference because you could not get the time off of work. Graduations, birthday parties and family reunions are the moments that we live for. If we let these priceless moments slip away, they will be forever lost.

I know that families are working harder than ever before. Parents today put in many more hours than they did just a few decades ago to purchase the basic necessities. In addition, Moms and Dads are finding it increasingly difficult to balance work and family responsibilities. Between getting the kids off to school, making sure that dinner is on the table, paying the bills and walking the dog, there are but a precious few moments for family time.

Mr. Chairman, I understand the trade-off between time at home and time spent at work which many couples must endure. As a father of seven, I know that we want the best and the most for our children. This is why I am supporting legislation to amend outdated federal law to provide more work schedule flexibility. This will allow families more time to take their children to the doctor, to drive them to soccer practice and to attend the school play.

H.R. 1, the Working Families Flexibility Act, will allow employers the option of offering their employees the choice of paid time off in lieu of cash wages for overtime hours worked. As with cash overtime pay, compensatory time would accrue at a rate of one-and-one-half times the employee's regular rate of pay for each hour worked over 40 within a 7-day period.

I believe that the Working Families Flexibility Act offers a workable solution for both employers and employees who are attempting to achieve this balance. It will strive to improve the quality of life for our citizens while working to provide them with the precious time and opportunity to spend with their families.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the Working Families Flexibility Act (H.R. 1). I am a proud original cosponsor of this measure, which I believe is one of the most profamily, proemployee bills ever to come before Congress.

In San Diego County, families work hard to make ends meet. They have some of the country's longest commutes. They struggle to make time with their children. According to a Yankelovich poll cited in the June 16, 1996, Wall Street Journal, 62 percent of parents believed their families had been hurt by changes they had experienced at work, such as more stress or longer hours. And the Department of Labor finds that 70 percent of working women with children cite balancing work and family responsibilities as their No. 1 concern.

Families want more flexibility in their work schedules, to help accommodate soccer games, school awards, or just time with the children.

That's why the Working Families Flexibility Act is so important. Given the fact that many employees are working overtime, the Working Families Flexibility Act brings the Fair Labor Standards Act into the 1990's. It gives employees a choice: get paid time and a half, or take time and a half off with the family. All that's needed is a mutual agreement between the employer and the employee. As amended, workers can accumulate up to 160 hours of comptime. Any comptime that is not taken must be paid at time and a half. And all comptime must be cashed-out once a year into time-and-a-half pay, or when the employer requests it.

This is the right thing to do. Three out of five workers working overtime would like to take comptime instead of time-and-a-half pay.

Interestingly enough, Congress granted similar flexibility to public sector employers in 1985. But the private sector and small businesses are prohibited by the FLSA from offering this kind of family friendly flexibility to their own employees. If this kind of flexibility is good enough for government employees, it's good enough for the rest of America.

During the previous Congress, President Clinton joined the bandwagon in support of more flexibility in family work schedules. His proposal is represented by the substitute being offered by my colleague from California, Mr. MILLER. But the Clinton-Miller proposal does not do the job for America's working families. It creates unnecessary bureaucratic paperwork for employers. And it does not allow employees to bank any sizeable amount of their comptime, as the Working Families Flexibility Act does. Nevertheless, we appreciate the President's interest, and look forward to eventually having his support for this popular and bipartisan legislation.

The Working Families Flexibility Act gives working families a better chance to get what they want and what they need: Time with their children, with their family, friends, and loved ones. It includes important protections for em-

ployees and employers. It is a balanced, reasonable approach to the work and family environment of the 1990's. I urge all Members to support it, because families support it, too.

Mr. LUTHER. Mr. Chairman, I strongly support the Paperwork Elimination Act. This legislation has again passed the House Small Business Committee with unanimous bipartisan support. It was one of the top recommendations of the 1995 White House Conference on Small Business and builds on the success the 104th Congress had in reducing Federal paperwork demands on our Nation's small businesses.

I think Members of both parties can agree that Federal paperwork demands on small businesses have become too expensive, time consuming, and burdensome. It is estimated that business owners and ordinary citizens spend 6 billion hours per year responding to Federal reporting requirements ranging from employment forms from the Bureau of Labor Statistics to Internal Revenue Service returns. This time could be better spent developing new business initiatives that would lead to increased economic activity and job growth.

Having worked in and with small businesses for years, I have come to appreciate the frustrations small business owners feel when it comes to dealing with excessive Federal regulations. As I travel throughout Minnesota's sixth district, one of the most common complaints I hear from small business owners is how paperwork costs associated with complying with Federal regulations are hurting their ability to compete. We must recognize that small businesses often do not have the resources to keep pace with new and rapidly changing regulations.

H.R. 852 provides businesses with the option of electronically submitting information required to comply with Federal regulations. Small businesses and individuals can now send and receive mail, complete their financial transactions, and read magazines and newspapers from their own personal computers. There is no reason why businesses should not have the option of completing Federal Government forms by computer, so that interaction with the Federal Government becomes a more positive experience for business owners.

As a member of the Small Business Committee, I urge support for this legislation to reduce the paperwork burden on small businesses as they attempt to meet the Federal Government's information demands. Thank you.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to H.R. 1, the so-called comptime legislation and in support of the Miller substitute. America's workers need to know that this bill is a sham. It would effectively eliminate workers' fundamental guarantee of overtime pay—without providing any genuine flexibility in return.

I think every Member in this Chamber supports greater flexibility for working men and women. I raised three kids while working. I know how important it is for working parents to be there for their family.

Some working parents out there may be learning about this legislation for the first time, and may be saying to themselves, "This bill means I could attend my child's first school play, or high school basketball championship." Unfortunately, it is not that simple.

Under this bill, it would be too easy for an employer to coerce employees to take comptime instead of the overtime pay so many families depend upon. And under this bill, a worker who agrees to comptime instead of overtime pay—whether by choice or by force—has no guarantee they can use the time they earned when they need it most. Mr. Chairman, where is the flexibility?

My colleagues and I who oppose this bill want to make clear how a genuinely family friendly law would work. A profamily law, unlike this one, would give the employee—not the employer—the choice between time off and overtime pay. It would allow the employee—not the boss—to choose when to use comptime. Unfortunately, this bill fails to meet this fundamental standard.

Frankly, this bill is a step backward for working parents. It takes away important worker protections and could mean a payout for too many families. I urge my colleagues to vote against H.R. 1, and vote for the Miller substitute.

Ms. BROWN of Florida. Mr. Chairman, H.R. 1, the Working Families Flexibility Act of 1997 is also known as the Pay Reduction Act.

Today, millions of workers depend on overtime pay—just to feed their families and keep a roof over their heads. How cruel to consider this overtime pay as optional. Today too many people depend on overtime pay to survive. Their survival is not optional.

It is employers—not employees—who get greater flexibility from this bill. The bill does not contain necessary safeguards to assure that the employee's decision to accept comptime is truly voluntary.

The overtime provisions in the Fair Labor Standards Act both protect workers from excessive demands for overtime work, and, by requiring premium pay for overtime, provide an incentive for businesses to create additional jobs.

There is no doubt that American workers prefer pay for their overtime work—instead of comptime. Unfortunately, too many do not get paid. The Employment Policy Foundation, a think tank supported by employers, estimates that workers lose \$19 billion a year in overtime pay due to violations of the Fair Labor Standards Act.

Mr. KOLBE. Mr. Chairman, I rise in strong support of H.R. 1, the Working Families Flexibility Act of 1997. It is time that we grant private sector employees one of the benefits that many public sector employees have enjoyed for a long time. I congratulate the gentleman from North Carolina for bringing this bill to the floor for our consideration.

Mr. Chairman, one of the concerns I hear most often, in this era of the dual income family, is being able to balance children's needs with those of the job. For too long, employers who want to be flexible have been hamstrung by rules made for a bygone era. Finally, we are about to offer the tools to make life better for those families.

This bill would allow a working mother to bank sufficient overtime hours in a compensatory time account to accompany the Girl Scout troop on their weekend camping trip which leaves immediately after school on Friday. She could bank enough hours to take time off to meet with the teacher about her

daughter's progress. And certainly there could be hours to use to take care of the inevitable orthodontist appointments and doctors' appointments. She wouldn't have to take time off from work without pay to attend to these needs.

But for those men and women who would benefit more from additional cash, receiving overtime pay at the rate of 1½ hours for every hour worked would remain the standard. No one would be forced to take time off instead of taking overtime pay. Compensatory time is a modification to the overtime for pay rule that must be agreeable to both employee and employer. Employers don't have to offer compensatory time and employees don't have to accept compensatory time instead of overtime pay.

Mr. Chairman, I cannot imagine why some people try to make this sound like a bad deal for employees. The Acting Secretary of Labor states: "Any comptime legislation must effectively and satisfactorily address three fundamental principles: real choice for employees; real protection against employer abuse; and preservation of basic worker rights including the 40-hour workweek." And this bill meets all of those criteria. Obviously, it offers real choice for employees, because employees may choose whether or not to accept compensatory time if it is offered. Currently, there is no choice. The bill clearly protects against abuse. It states specifically that an employer may not intimidate, threaten or coerce any employee for the purpose of interfering with the right to choose compensatory time or payment of monetary overtime and it sets out penalties, payable to the employee. And finally it preserves, and enhances, basic worker rights including the 40-hour workweek. It actually allows private sector employees the same rights available to those represented by unions or who work in the public sector. It does not affect, in any way, the 40-hour workweek.

Further, it does not infringe on union powers because it does not apply to those workplaces represented by a union. All those benefits are covered by a collective bargaining agreement. Incidentally, compensatory time is one of the most commonly negotiated benefits for union employees.

I urge my colleagues to join me in voting for H.R. 1. This is a bill for our working families. To again quote the Acting Secretary of Labor: "Workers—not employers—must be able to decide how best to meet the current needs of their families." It is a bill I am proud to support.

Mr. SMITH of Texas. Mr. Chairman, if you want to make the workplace more family friendly, vote for the Working Families Flexibility Act.

This bill provides working mothers and fathers with more choice and flexibility. It provides workers with the choice of comptime pay or overtime. This option allows employees to balance family needs and career needs.

There are some things that money can't buy—time with your children, your parents, or your spouse. Comptime allows workers to buy more of all of these things.

If you want to free working families from the shackles of big government, vote for the Working Families Flexibility Act. This bill will make workplaces more flexible in the 21st century.

If you believe that Congress should live under the same laws that govern the private sector, vote for the Working Families Flexibility Act. Since 1985, Federal, State, and local governments have been able to offer their employees comptime. Shouldn't private-sector employees have this same option? This bill says yes.

Vote for our families. Vote for flexibility. Support the Working Families Flexibility Act—for our families, our workers, and our children.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. COMPENSATORY TIME.

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

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

"(1) GENERAL RULE.—

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

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

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

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

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

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

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

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 240 hours of compensatory time.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory

time off accrued during the preceding calendar year which was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

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

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

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

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

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

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

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

"(6) RATE OF COMPENSATION.—

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

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

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

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

"(7) USE OF TIME.—An employee—

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

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

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

SEC. 3. REMEDIES.

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

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

(2) by adding at the end the following:

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

SEC. 4. NOTICE TO EMPLOYEES.

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

The CHAIRMAN. No amendments shall be in order except those printed in House Report 105-31, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered as having been read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

An amendment designated to be offered by the gentleman from Pennsylvania [Mr. GOODLING] or his designee may be offered en bloc with one or more other such amendments.

It is now in order to consider amendment No. 1 printed in House Report 105-31.

AMENDMENTS EN BLOC OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, pursuant to the rule, I offer amendments en bloc numbered 1 and 2.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

AMENDMENTS EN BLOC OFFERED BY MR. GOODLING:

Page 4, insert after line 10 the following:

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

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

The CHAIRMAN. Without objection, the time for debate will be combined.

There was no objection.

Pursuant to House Resolution 99, the gentleman from Pennsylvania [Mr. GOODLING] and a Member opposed each will be recognized to control 10 minutes.

Does the gentleman from Missouri [Mr. CLAY] rise in opposition?

Mr. CLAY. No, Mr. Chairman, I do not, but I ask unanimous consent to claim the time allocated in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized to control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the first amendment would require that an employee have worked at least 1,000 hours in a period of continuous employment with the employer in the 12-month period preceding the date the employee agrees to receive or receives compensatory time off. For example, an employee would be eligible to receive comptime if he or she worked 40 hours a week for about 6 months with one employer or 20 hours a week for 12 months with one employer.

The second amendment would limit the number of hours' comptime that an employee could accrue to 160 hours. The bill reported from the committee had allowed an employee to accrue a maximum of 240 hours. Again, this amendment is designed to address some of the concerns, both of these amendments, that were registered during our markup.

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

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment makes very minor improvements in a very bad bill. H.R. 1 fails to protect vulnerable workers. It fails to safeguard employee wages. It encourages the abandonment of existing paid leave policies, and it invites further violations of the overtime law. The amendments before us exempt some part-time and seasonal workers. Many other workers who are not exempted remain subject to abuse.

H.R. 1 holds out the very real potential that a worker will be cheated out of 6 weeks of wages. The amendment before us limits that amount to 4 weeks of wages. Mr. Chairman, H.R. 1, with or without this amendment, is fatally flawed. It deserves to be defeated. However, I will accept the amendment because it provides very minor improvements in the underlying bill.

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

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI], a member of the Committee.

Mr. PETRI. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise in support of this amendment. As Members know, there has been a long debate over exempting certain industries from provisions of this bill. Construction workers and other seasonal employees, for example, often work on short-term projects and frequently change employers. As they move from job to job, it is unlikely these workers will ever be able to use comptime.

It has been pointed out that violations of overtime requirements typically are more likely to occur in these types of employment situations as well. Making comptime an option in industries where the relationship between the employer and the employee is transitory may in fact make it easier for unscrupulous employers to avoid paying overtime wages.

It is much better for both employers and employees to require, as this amendment does, that workers put in at least 1,000 hours over a 12-month period of continuous employment to be eligible for comptime. This amendment does that, and thus would ensure that an employee has a substantial relationship with an employer before the option of earning paid compensatory time in lieu of overtime wages can be made available.

This requirement will also help ensure that any agreement to receive compensatory time instead of overtime wages is made on equal terms. By adding this important provision, I believe that this amendment would substantially enhance the protections of this bill, and I would urge all of my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

In the first amendment, Mr. Chairman, we are dealing with the issue some raised that migrant workers could be hurt, construction workers perhaps, so we are dealing with that issue.

In the second there were those who were concerned that if you accrued too many hours and somebody went belly up, you would have all these accrued hours. Of course, we are reducing that, but nevertheless in bankruptcy, of course, wages and benefits are always one of that very top level that you deal with when you start going through the bankruptcy procedure. So I think we have accomplished in both instances what people were concerned about.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say this bill does not apply to any bankruptcy cases. Once again, I would say that I will accept the amendment. Of course, I will oppose the final passage.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. I yield back the balance of my time Mr. Chairman.

The CHAIRMAN. The question is on the amendments en bloc offered by the

gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 19, not voting 5, as follows:

[Roll No. 55]

AYES—408

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

Maloney (NY)	Pease
Manton	Pelosi
Manzullo	Peterson (MN)
Markey	Peterson (PA)
Martinez	Petri
Mascara	Pickering
Matsui	Pickett
McCarthy (MO)	Pitts
McCarthy (NY)	Pombo
McCollum	Pomeroy
McCrery	Porter
McDade	Portman
McDermott	Poshard
McGovern	Price (NC)
McHale	Pryce (OH)
McHugh	Quinn
McInnis	Radanovich
McIntosh	Rahall
McIntyre	Ramstad
McKeon	Rangel
McNulty	Regula
Meehan	Reyes
Meek	Riggs
Menendez	Riley
Metcalfe	Rivers
Mica	Roemer
Millender-McDonald	Rogers
Miller (CA)	Rohrabacher
Miller (FL)	Ros-Lehtinen
Minge	Rothman
Mink	Roukema
Moakley	Roybal-Allard
Molinar	Royce
Mollohan	Ryun
Moran (KS)	Sabo
Moran (VA)	Salmon
Morella	Sanchez
Murtha	Sanders
Myrick	Sandin
Nadler	Sanford
Nethercutt	Sawyer
Neumann	Saxton
Ney	Scarborough
Northup	Schaefer, Dan
Norwood	Schiff
Nussle	Schumer
Oberstar	Scott
Obey	Sensenbrenner
Oliver	Serrano
Ortiz	Sessions
Oxley	Shadegg
Packard	Shaw
Pallone	Shays
Pappas	Sherman
Parker	Shimkus
Pascrell	Shuster
Pastor	Sisisky
Paxon	Skaarg
Payne	Skeen
	Skelton

NOES—19

Campbell	Klink	Schaffer, Bob
Davis (IL)	Kucinich	Strickland
Delahunt	McKinney	Towns
Forbes	Neal	Velázquez
Hefley	Owens	Watt (NC)
Herger	Paul	
Hunter	Rush	

NOT VOTING—5

Carson	Rogan	Taylor (NC)
Kaptur	Spratt	

□ 1430

Mr. HERGER changed his vote from "aye" to "no."

Messrs. METCALF, SANDERS, ALLEN, CONYERS, and UPTON changed their vote from "no" to "aye."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Chairman, on rollcall No. 55, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105-31.

AMENDMENT OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, pursuant to the rule, as the Chairman's designee, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOYD:

Page 9, add after line 2 the following:

SEC. 2. SUNSET.

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

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from Florida [Mr. BOYD] and a Member opposed will each control 5 minutes.

Mr. CLAY. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time allocated in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized to control the 5 minutes.

The Chair now recognizes the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment simply puts in place a 5-year sunset, which at the end of that time will cause us, as a Congress, to review this act.

I have listened to the arguments over the last few weeks and read a lot about the arguments, and I think that in a perfect world, and if this bill works like it is supposed to, it will be a great piece of legislation to strengthen the relationship between employers and employees. Certainly, in its ideal form, H.R. 1 will allow workers and employees the flexibility to make decisions that will both strengthen families and build a better workplace.

By putting in place a 5-year sunset provision, the amendment ensures future congressional review of this act. We are sending a message, a positive message, to employers that we are serious about making this act work. We are placing a great deal of trust in our employees and employers to come together in this act.

The changing workplace and the changing dynamics that exist in two-income families make it essential that workers and employers forge an alliance. By ensuring congressional review of this act, those who remain concerned about protecting workers can assess the success of this act and make future adjustments, if necessary.

The changing workplace demands that we seek new solutions to problems. I believe that compensatory time flexibility will prove to be something that is valued by both workers and employers. If it does not work like it is

supposed to, this sunset act will certainly give us the opportunity in the future to review that and make the necessary changes.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of this amendment.

In the spirit of the debate on both sides of the question, if this is as bad as some of my colleagues say it is, then we sunset it in 5 years. If it is not, then this Congress can, in fact, make other reasonable adjustments to the subject at hand.

I continue to fail to understand why anybody would object to this legislation in its current form, but this amendment, we think, addresses many of the concerns by saying we are not going to do it forever if it turns out to be bad. We will, in 5 years, sunset it, and then we will not do the irreparable harm that we hear from so many who have been against this bill today.

Mr. Chairman, I rise in support of the Boyd amendment, and want to compliment him for his constructive proposal.

Many concerns have been raised about how employers may abuse the flexibility they are granted under this bill. I disagree with the views held by the opponents of this bill, but I respect their opinion. I readily admit that none of us can know for certain exactly what impact this bill will have. The Boyd amendment strikes a reasonable balance that allows us to let this good idea go forward for a test period. If the bill has half as many problems as the opponents claim it will have, and employers abuse it half as much as we have been led to believe, Congress will never reauthorize it. However, I believe that this bill will work to give employers and employees increased flexibility and that after it has been in effect for 5 years it will have earned even stronger support from employers and employees than it has today.

The significance of this amendment should not be underestimated. This amendment will require Congress to come back and review this act in 5 years. Those of us who support this legislation will have the burden to demonstrate that the law has worked as we anticipated. I believe that this approach of sunset legislation and requiring Congress to review how the laws we pass actually work in the real world would serve us well in other areas as well.

I urge support of the Boyd amendment.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I, too, want to rise in support of this amendment because I also think that some of the rhetoric on this piece of legislation has been overblown.

I think that the other side of the aisle is to be commended, in that they have moved in our direction and included some amendments and some ideas that we have suggested. I think we have a workable piece of legislation. If the problems that some people see are there, I think it will be solved

by this amendment. We will have a chance to come back and take a look at it.

I think this bill will work pretty close to the way it is put together, and I strongly support this amendment.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I want to commend my friend from Florida for bringing this amendment before us. I support this amendment. I think most folks here today also support the general concept of providing comptime for employees to spend emergency time with their family, or whatever else might need be done.

The real question is how can we craft this legislation in a way that both employees and employers are protected. I think the amendment of the gentleman from Florida is a good way to move forward in that. Certainly we want to get a good bill, but if there are problems, we should have it unsettle, and I support this legislation.

Mr. BOYD. Mr. Chairman, I yield myself the balance of my time to close by giving my thanks to the gentleman from Pennsylvania, Chairman GOODLING, and also to my leader, the gentleman from Missouri, Mr. CLAY, for allowing me to present this amendment.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, sunseting this bill is not the problem or the answer. Enacting H.R. 1 would be a terrible mistake. This bill does not provide employees with paid leave, it only allows employees to defer overtime pay. It does not provide a single employee the right to earn comptime, does not protect the right of workers to use comptime, and provides no protection where employers are unable to pay for comptime.

H.R. 1 increases employer control, not employee flexibility. Even more seriously, this bill, by reducing overtime costs, increases overtime work at the same time it undermines pay.

I oppose the bill because of the damage it will cause. However, I will accept the amendment because, at least, it places some time limit on the amount of that damage.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BOYD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 390, noes 36, not voting 6, as follows:

[Roll No. 56]

AYES—390

Abercrombie	Doggett	Kilpatrick
Ackerman	Dooley	Kim
Aderholt	Doollittle	Kind (WI)
Allen	Doyle	King (NY)
Andrews	Dreier	Klecza
Archer	Duncan	Klink
Armey	Dunn	Klug
Bachus	Edwards	Knollenberg
Baesler	Ehrlich	Kolbe
Baker	Emerson	LaFalce
Baldacci	Engel	LaHood
Ballenger	English	Lampson
Barcia	Ensign	Lantos
Barrett (NE)	Eshoo	Largent
Barrett (WI)	Etheridge	Latham
Barton	Evans	LaTourette
Bass	Everett	Lazio
Bateman	Ewing	Leach
Becerra	Farr	Levin
Bentsen	Fattah	Lewis (CA)
Bereuter	Fawell	Lewis (KY)
Berman	Filner	Lewis (GA)
Berry	Flake	Linder
Bilbray	Foglietta	Lipinski
Bilirakis	Foley	Livingston
Bishop	Ford	LoBiondo
Blagojevich	Fowler	Loftgren
Blumenauer	Fox	Lowe
Blunt	Frank (MA)	Lucas
Boehliert	Franks (NJ)	Luther
Bonior	Frelinghuysen	Maloney (CT)
Bono	Frost	Maloney (NY)
Borski	Furse	Manton
Boswell	Galleghy	Manullo
Boucher	Ganske	Markey
Boyd	Gejdenson	Martinez
Brown (CA)	Gekas	Mascara
Brown (FL)	Gibbons	Matsui
Brown (OH)	Gillmor	McCarthy (MO)
Bryant	Gilman	McCarthy (NY)
Bunning	Gonzalez	McCollum
Burr	Goode	McCrery
Burton	Goodlatte	McDade
Buyer	Goodling	McGovern
Callahan	Gordon	McHale
Calvert	Goss	McHugh
Camp	Graham	McInnis
Canady	Green	McIntyre
Cannon	Greenwood	McKeon
Capps	Gutierrez	McKinney
Cardin	Gutknecht	McNulty
Carson	Hall (OH)	Meehan
Castle	Hall (TX)	Meek
Chabot	Hamilton	Menendez
Chambliss	Hansen	Metcalf
Chenoweth	Harman	Mica
Christensen	Hastert	Millender-
Clay	Hastings (FL)	McDonald
Clayton	Hayworth	Miller (CA)
Clement	Hefner	Miller (FL)
Clyburn	Hill	Minge
Coble	Hilleary	Mink
Coburn	Hilliard	Moakley
Collins	Hinchee	Molinari
Combest	Hinojosa	Mollohan
Condit	Hoekstra	Moran (KS)
Conyers	Holden	Moran (VA)
Cook	Hooley	Morella
Cooksey	Horn	Murtha
Costello	Houghton	Myrick
Cox	Hoyer	Nadler
Coyne	Hulshof	Neal
Cramer	Hunter	Nethercutt
Crane	Hutchinson	Neumann
Crapo	Hyde	Ney
Cubin	Inglis	Norwood
Cummings	Istook	Nussle
Cunningham	Jackson (IL)	Oberstar
Danner	Jackson-Lee	Obey
Davis (FL)	(TX)	Olver
Davis (IL)	Jefferson	Ortiz
Deal	Jenkins	Owens
DeFazio	John	Oxley
DeGette	Johnson (CT)	Packard
Delahunt	Johnson (WI)	Pallone
DeLauro	Johnson, E.B.	Pappas
Dellums	Jones	Parker
Deutsch	Kelly	Pascarell
Diaz-Balart	Kennedy (MA)	Pastor
Dickey	Kennedy (RI)	Paxon
Dicks	Kennelly	Payne
Dingell	Kildee	Pelosi
Dixon		Peterson (MN)

Peterson (PA)	Schaffer, Bob	Taylor (NC)
Pickering	Schiff	Thomas
Pickett	Schumer	Thompson
Pitts	Scott	Thune
Pombo	Serrano	Thurman
Pomeroy	Sessions	Tiahrt
Porter	Shaw	Tierney
Portman	Sherman	Torres
Poshard	Shimkus	Towns
Price (NC)	Shuster	Trafficant
Pryce (OH)	Sisisky	Turner
Quinn	Skaggs	Upton
Radanovich	Skeen	Velázquez
Rahall	Skelton	Vento
Ramstad	Slaughter	Visclosky
Rangel	Smith (MI)	Walsh
Regula	Smith (NJ)	Wamp
Reyes	Smith (OR)	Waters
Riggs	Smith, Adam	Watkins
Riley	Smith, Linda	Watt (NC)
Rivers	Snowbarger	Watts (OK)
Roemer	Snyder	Waxman
Rogan	Solomon	Weldon (FL)
Rogers	Souder	Weldon (PA)
Ros-Lehtinen	Spence	Weller
Rothman	Stabenow	Wexler
Roukema	Stark	Weygand
Roybal-Allard	Stearns	White
Rush	Stenholm	Whitfield
Ryun	Stokes	Wicker
Sabo	Stump	Wise
Sanchez	Stupak	Wolf
Sanders	Sununu	Woolsey
Sandin	Talent	Wynn
Sanford	Tanner	Yates
Sawyer	Tauscher	Young (AK)
Saxton	Tauzin	Young (FL)
Schaefer, Dan	Taylor (MS)	

NOES—36

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

NOT VOTING—6

Fazio	Kanjorski	Kasich
Gephardt	Kaptur	Spratt

□ 1500

Mr. SHAYS and Mr. GILCHREST changed their vote from "aye" to "no." Mr. GEJDENSON changed his vote from "no" to "aye."

So the amendment was agreed to. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAZIO of California. Mr. Speaker, I was unavoidably detained on my way to the House floor and missed rollcall vote No. 56. Had I been present, I would have voted "aye" on the amendment.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105-31.

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS:

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

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from New

York [Mr. OWENS] and a Member opposed will each control 5 minutes.

Does the gentleman from North Carolina [Mr. BALLENGER] rise in opposition?

Mr. BALLENGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. BALLENGER] will control 5 minutes in opposition..

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the wee hours of this morning I was informed that my first grandchild was born, and I assure my colleagues I pursue my concern with the future of America with a renewed fervor. As a result of that, I would like to see an America that is for everybody, liberty and justice for all, and we share the prosperity.

I want to make it quite clear that we can have a comptime bill that serves everybody's need. We do not have to grab for it all. We can have a bill which allows the upper middle class people who want this to have it, and the same time let us exempt three-quarters of the work force who earn \$10 or less, three-quarters of the work force earn \$10 or less. This amendment says we should exempt them.

We just voted on a sunset provision. We can come back in 5 years and examine what happened and maybe add them then, but let us exempt them from this radical experiment in labor law. We do not need to do this. We can have a win/win situation by letting the two-thirds of the work force earning \$10 an hour or less not be a part of this bill.

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

Mr. BALLENGER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment prohibits, the amendment of the gentleman from New York [Mr. OWENS] prohibits, workers earning 2 1/2 times the minimum wage, currently \$11.88, or about \$23,700 for the full-time worker, from accepting compensatory time. Many of these workers would like to have that option. In fact one of the individuals who testified at our subcommittee hearing, Peter Faust, in support of compensatory time told us that he makes about \$20,000 per year.

Why should he and everybody else who makes less than \$23,000 be barred by the law from making this choice? Do the sponsors of this amendment not trust these workers to know what they want and what is best for them?

The Owens amendment is premised on the argument that lower income workers are inevitably at the mercy of their employers and so cannot make a free and voluntary choice about compensatory time. The bill addresses the issue of employers' voluntary choice for employees including those who

make less than \$23,000 with numerous employee protections.

Let me read what Mr. Faust said in his testimony. He said time is precious and fleeting. There are lots of ways to make money in this country and lots of ways to spend it. But there is only one way to spend time with yourself, family, or friends, and that is to have time to spend. When I look back on my life, I regret and always will that already those occasions when I needed to be there for my family and they asked me to be part of their life and I could not because I did not have time.

I say to my colleagues that this man begged us on bended knee not to exclude him from this bill, and I think almost anybody would recognize that he can make a rational decision as can all other people in that wage scale.

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

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York for yielding this time to me, and I rise in support of working Americans. Clearly I believe that working Americans trust us to do the right thing. The right thing is to support the Owens amendment that ensures that the legislation does not work to the detriment of the most vulnerable.

I wonder if the witness who testified making under \$20,000 realized that workers can lose money because comptime is not credited for unemployment. The bill bars employers from terminating or reducing, fails to bar employees from terminating or reducing vacation and sick leave, substituting them for comptime. The bill fails to protect employees who are most vulnerable to the overtime laws.

We can make this the kind of bill that supports working Americans by supporting the Owens bill that recognizes those who make under \$20,000 a year should, yes, have the option of taking comptime but not denying them the benefits that they so much need and giving them the flexibility that they can take the comptime that they do need.

Mr. Chairman, I think it is important that we recognize that, if we do this, let us do it right. Let us utilize the truths the American people have given us. They do not read between the lines, we do. Let us support the Owens bill and ensure it for the most vulnerable of those.

Mr. BALLENGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], a member of the committee.

Mr. GREENWOOD. Mr. Chairman, I oppose the Owens amendment, as I did when this amendment was raised in our committee, and I do it in all due respect to the gentleman who offers it.

But I consider this proposal to be insulting, patronizing, and discriminating to young people particularly, like my son.

My son works, and he does not make 2 1/2 times the minimum wage. He is working his way up the ladder, and he is working a heck of a lot of overtime. He is working that overtime because he is buying a car and insuring it, and he is taking all of his overtime in cash, and that is fine. Under this bill he would still have the right to take all of his overtime in cash.

But one of these days he might say, I want to go to my friend's wedding, and I need to take Friday and Monday off to do that, and my son is as entitled to make that decision on his account based on his needs as someone who makes twice as much money as he does. For that reason I think that the gentleman's amendment is discriminatory and should be rejected, and I yield back.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Owens amendment. The bill without the amendment would be a terrible blow to millions of American workers who work overtime for compensation.

What the Owens amendment is at least trying to do is to make it possible for the low wage worker not to be put under this pressure of having to work overtime for no compensation at all, for that promise of time off sometime in the future. The employer could require the worker to work overtime 160 hours with no promise as to when that compensatory time would be afforded the worker, not when they want to do something or they have to take care of a family problem or they want to go off on a vacation.

There is absolutely nothing in H.R. 1 which gives the employee the choice, the free choice, or the decision to take this time when they need it. It is an entirely employer based bill. Therefore without the Owens amendment it seems to me that, if we are concerned about the workers earning a living, we have to support the Owens amendment.

Mr. BALLENGER. Mr. Chairman, I only have one speaker left, and I reserve the balance of my time.

The CHAIRMAN. The gentleman from North Carolina has 2 minutes 15 seconds remaining, the gentleman from New York has 2 minutes remaining. The gentleman from North Carolina has the right to close.

Mr. BALLENGER. I have one speaker who will close.

Mr. OWENS. Mr. Chairman, as the person offering the amendment, do I not have the right to close?

The CHAIRMAN. The gentleman from North Carolina, representing the committee position, has the right to close.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

□ 1515

Mr. ANDREWS. Mr. Chairman, I thank my friend from New York for yielding me this time.

The issue raised by the amendment of the gentleman from New York [Mr. OWENS], which I strongly support, is how much leverage does the janitor who cleans the building have over the person who owns the building and pays his or her paycheck?

The way this bill is set up is it says that the employer will, I believe, have functional control over whether you choose cash or comptime. If you do not like what the employer chooses, you have the right to sue your boss. If you make less than \$10 an hour, I do not think you will get very far doing that.

The Owens amendment is pointed in the right direction. I strongly support it on behalf of all of the people out there who have no leverage, no leverage over that choice whatsoever. I commend the gentleman for offering it, and I support it.

Mr. OWENS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the AFL-CIO says there are no aspects of this bill that are truly protective of employee rights. Vote against this employer-driven attempt to rob employees of their pay and benefits in the name of family flexibility.

I have a number of union organizations representing workers who say the workers do not want this revolutionary change in the Fair Labor Standards Act. We can have a less revolutionary change by adopting my amendment and giving the 20 percent of the work force that has clamored for this, let them have it, and at the same time we protect the people at the very bottom who do not want to be deprived of their right to have cash to put food on their tables, to buy clothing. They need the money. They would like to have more time with their families, but they need the money most of all.

That is two-thirds of the work force out there making approximately \$10 an hour or less. We can protect them. This is a win-win situation. In the name of bipartisan cooperation, let us go forward. Let us not bully the people on the bottom.

That is what we are doing here. We are taking our power and we are using it as a hammer against the people on the bottom. Employers will take this cash in large amounts and invest it. They want cash. Why should they give somebody cash when they can give them comptime?

We can go forward in the name of bipartisan cooperation, break the logjam and move to show America that we care about everybody, the people on the very bottom as well as those on the top.

Mr. Chairman, I rise in vehement opposition to this mutilation of the Fair Labor Standards Act [FLSA]—the Working Families Flexibility Act—H.R. 1. At a time when there is overwhelming evidence to suggest that individuals are already being exploited, oppressed, and hoodwinked in the workplace, Congress is considering a bill that would eviscerate the protective armor of FLSA. As currently drafted, the bill does nothing more than offer employers many opportunities and temptations for de-regulated exploitation. Simply put H.R. 1 is a bad bill that misleads workers and the general public into believing that they will be given a greater degree of choice. H.R. 1 is an affront to the American worker; and the only way to restore some preservation of employee rights to this haphazardly drafted, antiworker bill is to protect that segment of the work force that would stand to suffer the most under this bill—low-wage workers. My amendment would accomplish just this.

This amendment would exempt workers who earn less than 2.5 times the minimum wage. This is equivalent to slightly more than \$10 an hour—or approximately \$24,000 a year for a full-time worker. In effect, the amendment would exclude the lowest paid and most vulnerable Americans in the work force. Tying the exemption to the minimum wage indexes the exemption to future increases in the minimum wage. Lower wage workers deserve and need the protection of this amendment for two very fundamental reasons: They are more likely to need the cash for overtime worked instead of compensatory time and they are more likely to be subjected to abuse by their employers as a result of this legislation. They should not be covered by H.R. 1.

First, families struggling to make ends meet cannot pay the bills and buy food and other necessities with comptime. I challenge my colleagues to deny that most workers, earning approximately \$10 an hour, need all the money they can earn more than they need time off. Public opinion polls show that families with two wage earners and comfortable incomes are in favor of more compensatory time. At the same time, the available evidence also shows that workers earning less than \$10 an hour, or its equivalent, prefer and need more take-home pay. In the real world, employers would naturally reward those employees who accept comptime over cash by giving them more overtime. It is painfully clear: The employee who demands to be paid in cash will face repercussions. He or she will not be asked to work overtime.

Second, lower wage workers are likely to be abused more than higher wage workers. Most employers do not intentionally violate the law; however, reports suggest that too many do.

In fiscal year 1996, the Department of Labor found overtime violations involving 170,000 workers. Low-wage workers are the most common victims of this abuse.

The Employer Policy Foundation, an employer-supported think tank in Washington, revealed that workers lose approximately \$19 billion in overtime pay each year.

A Wall Street Journal analysis of 74,514 cases brought by the Department from October 1991 to June 1995, found that industries such as construction and apparel were cited for illegally denying overtime to 1 in every 50

workers during this period. Overall, nearly 8 out of every 1,000 workers, or 695,280 employees, were covered by settlements, even though enforcement was limited.

If Congress is going to tamper with FLSA, at a minimum the two-thirds of the work force making nearly \$10 an hour must not be forsaken. I urge my colleagues to support this endeavor to exempt the most vulnerable workers.

The opposition to H.R. 1 is fierce. The administration, labor unions, and employee associations are not the least bit receptive to this Republican notion of worker flexibility.

In a letter to Congress, March 18, the Sheet Metal and Air Conditioning Contractor's National Association [SMACNA] and the Mechanical Electrical Sheet Metal Alliance state the following:

Currently one of the most abused and violated federal employment laws by irresponsible employers, the FLSA would be even less of an effective federal employment protection if H.R. 1 is allowed to become law.

They insist that "H.R. 1 invites greater FLSA fraud, lowers employee pay/benefit contributions and undermines employee work time discretion."

In a letter to Congress, March 18, the AFL-CIO emphatically states:

There are no aspects of this bill that are truly protective of employee rights. * * * Vote against this employer-driven attempt to rob employees of their pay and benefits in the name of family flexibility.

In a letter to Congress, March 13, the Union of Needletrades, Industrial and Textile Employees [UNITE] explains that:

The bill will encourage greater use of mandatory overtime—because instead of having to pay a premium for overtime when it is worked, companies can stall payment and hope workers forget they have money coming to them.

In a letter to Congress, March 3, the International Brotherhood of Teamsters argues that:

The FLSA established the 40-hour work week, the benchmark schedule working men and women use to maintain time for their families and normalcy in their lives * * * hours worked in excess of 40 must be paid at a premium rate. * * * The overtime premium requirement also provides an incentive for businesses to create additional jobs to the extent more work exists than can be accomplished within the normal work week, that helps reduce unemployment.

In a letter to Congress, February 4, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America [UAW] states:

It [H.R. 1] would enable employers to avoid paying overtime, thereby reducing the income and living standard of working families.

H.R. 1 does nothing more than permit an employee to make an unsecured loan to his or her employer. The poorest workers should be saved from the privilege of having to loan their hardearned money to their employers. The exemption for workers who make less than 2.5 times the minimum wage must be accepted. Today, we are here to turn back the clock on worker protections in this country. At the very least, I challenge my colleagues to stand up

for the two-thirds of the work force making approximately \$10 an hour. They stand to suffer the most under H.R. 1. Vote "yes" on this amendment.

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

Mr. BALLENGER. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of our committee.

Mr. GOODLING. Mr. Chairman, again, I ask my colleagues, how demeaning can we be in the Congress of the United States? As I indicated earlier in the debate, we somehow or other believe that employees cannot make decisions. Only we in the Congress of the United States can make decisions for them. That is demeaning. Any employee can make a decision, any employee should make a decision.

Now, this is even more demeaning. This is even more demeaning, because what we are now saying is that the lower your income, the less likely you will be able to make a decision. How demeaning can we really get?

I do not care whether they are making 10 cents an hour. They can make every decision they want to make, because they have that opportunity to make that decision. And in this legislation, only, only the employee makes the decision. If the employee, after they make a decision, decides "I do not like that decision," the employee can immediately say "I want to reject that contract I made and I want to cash out," and the employer has to cash out.

Please, please, give our employees much more benefit of the doubt than you are giving them. I have wonderful friends in every business and industry there is at every level and every one are very, very capable to make all of their decisions without any help from the U.S. Government.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of Congressman OWENS' amendment to H.R. 1.

Congressman OWENS' amendment would exclude people who make 2.5 times the minimum wage, which is \$11.88 an hour or less, from any change in the overtime pay rules.

On behalf of the 125,000 households in the city of Houston with incomes of less than or equal to \$25,000, I am supporting this amendment to this compensatory time legislation.

Any offers of what some would describe as voluntary compensatory time for workers should include protections which ensure that it is indeed voluntary.

In fiscal year 1996, the same year this body passed the first increase in the minimum wage in nearly a decade, the Department of Labor had 13,687 compliance actions of disclosed overtime violations. These represented nearly 50 percent of those in which Fair Labor Standards Act minimum wage overtime monetary violations were found. The Wage and Hour Division found just over \$100 million in back wages due to overtime violations owing to nearly 170,000 workers.

Unfortunately, all too often when the debate on the floor of this body shifts, it cuts harshest

into the American worker's ability to earn a liveable wage, against his or her right to a safe work environment, or into the necessity of receiving just compensation for the work that they perform.

If we as Representatives of working Americans are going to talk about how best to help the working families of this country, we must make it our first priority to insure that they receive fair compensation for their work. H.R. 1 as it is currently written will not insure that workers who depend on overtime pay receive it if they do not wish to receive compensatory time.

Those Wage and Hour violations involved a little more than one-half of 1 percent of all 6.5 million employers in the United States. For the sake of the 170,000 known workers who were affected by criminal overtime policies, we should not act without providing insurance that they will not fall victim again due to anything we might accomplish today.

We should keep in mind the need to insure that employers are barred from denying a request for reasonable time off, that workers do not lose money because compensatory time is not credited for unemployment, pension, or social security. We must have absolute certainty that the most vulnerable to overtime violations—temporary, seasonal, part-time, and construction workers—are protected.

According to the Employer Policy Foundation, an employer-supported think tank in Washington, workers lose approximately \$19 billion in overtime each year.

I want to thank and commend the commitment of my colleague from New York on the issue of fair and equal treatment for all of our Nation's workers.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 237, not voting 13, as follows:

[Roll No. 57]

AYES—182

Abercrombie	Carson	Engel
Ackerman	Clay	Eshoo
Allen	Clayton	Etheridge
Andrews	Clyburn	Evans
Bachus	Conyers	Farr
Baessler	Costello	Fattah
Baldacci	Coyne	Fazio
Barcia	Cramer	Filner
Barrett (WI)	Cummings	Flake
Becerra	Danner	Foglietta
Berman	Davis (FL)	Ford
Berry	Davis (IL)	Frank (MA)
Bishop	DeFazio	Frost
Blagojevich	DeGette	Furse
Blumenauer	Delahunt	Gejdenson
Bonior	DeLauro	Gonzalez
Borski	Dellums	Green
Boswell	Deutsch	Gutierrez
Boucher	Dicks	Hall (OH)
Brown (CA)	Dixon	Hamilton
Brown (FL)	Doggett	Hastings (FL)
Brown (OH)	Doyle	Hefner
Capps	Edwards	Hilliard

Hinchev	McCarthy (NY)	Sabo
Hinojosa	McDade	Sanchez
Holden	McDermott	Pitts
Hooley	McGovern	Sanders
Horn	McHale	Sandlin
Hoyer	McKinney	Sawyer
Jackson (IL)	McNulty	Schumer
Jackson-Lee	Meehan	Scott
(TX)	Meek	Serrano
Jefferson	Menendez	Sherman
John	Metcalfe	Skaggs
Johnson (WI)	Millender-	Skelton
Johnson, E. B.	McDonald	Slaughter
Kanjorski	Miller (CA)	Snyder
Kennedy (MA)	Minge	Stabenow
Kennedy (RI)	Mink	Stark
Kennelly	Moakley	Stokes
Kildee	Moran (VA)	Stupak
Kilpatrick	Murtha	Tauscher
Kleczka	Nadler	Thompson
Klink	Neal	Thurman
Kucinich	Obey	Tierney
Lampson	Olver	Torres
Lantos	Ortiz	Towns
Largent	Owens	Trafficant
Lazio	Pallone	Turner
Levin	Pascarell	Velázquez
Lewis (GA)	Pastor	Vento
Lipinski	Payne	Visclosky
Lofgren	Pelosi	Waters
Lowey	Peterson (MN)	Watt (NC)
Luther	Pomeroy	Waxman
Maloney (CT)	Poshard	Wexler
Maloney (NY)	Rahall	Weygand
Manton	Reyes	Wise
Markey	Rivers	Woolsey
Martinez	Rothman	Wynn
Mascara	Roybal-Allard	Yates
McCarthy (MO)	Rush	

NOES—237

Aderholt	DeLay	Inglis
Archer	Diaz-Balart	Istook
Armey	Jenkins	Dickey
Baker	Dooley	Johnson (CT)
Ballester	Doolittle	Johnson, Sam
Barr	Dreier	Jones
Barrett (NE)	Duncan	Kelly
Bartlett	Dunn	Kim
Barton	Ehlers	Kind (WI)
Bass	Ehrlich	King (NY)
Bateman	Emerson	Kingston
Bentsen	Ensign	Klug
Bereuter	Everett	Knollenberg
Bilbray	Ewing	Kolbe
Bilirakis	Fawell	LaHood
Bliley	Foley	Latham
Blunt	Forbes	LaTourette
Boehlert	Fowler	Leach
Boehner	Fox	Lewis (CA)
Bonilla	Franks (NJ)	Lewis (KY)
Bono	Frelinghuysen	Linder
Boyd	Gallely	Livingston
Brady	Ganske	LoBiondo
Bryant	Gekas	Lucas
Bunning	Gibbons	Manzullo
Burr	Gillmor	McCollum
Burton	Gilman	McCreery
Buyer	Goode	McHugh
Callahan	Goodlatte	McInnis
Calvert	Goodling	McIntosh
Camp	Gordon	McIntyre
Campbell	Goss	McKeon
Canady	Graham	Mica
Cannon	Granger	Miller (FL)
Cardin	Greenwood	Molinari
Castle	Gutknecht	Mollohan
Chabot	Hall (TX)	Moran (KS)
Chamberliss	Hansen	Morella
Chenoweth	Harman	Myrick
Christensen	Hastert	Nethercutt
Coble	Hastings (WA)	Neumann
Coburn	Hayworth	Ney
Collins	Hefley	Northup
Combest	Herger	Norwood
Condit	Hill	Nussle
Cook	Hilleary	Oxley
Cooksey	Hobson	Packard
Cox	Hoekstra	Pappas
Crane	Hostettler	Parker
Crapo	Houghton	Paul
Cubin	Hulshof	Paxon
Cunningham	Hunter	Pease
Davis (VA)	Hutchinson	Peterson (PA)
Deal	Hyde	Petri

Pickering	Scarborough	Strickland
Pickett	Schaefer, Dan	Sununu
Pitts	Schaffer, Bob	Talent
Pombo	Schiff	Tanner
Porter	Sensenbrenner	Tauzin
Portman	Sessions	Taylor (MS)
Pryce (OH)	Shadegg	Taylor (NC)
Quinn	Shaw	Thomas
Radanovich	Shays	Thornberry
Ramstad	Shirkus	Thune
Rangel	Shuster	Tiahrt
Regula	Sisisky	Upton
Riggs	Skeen	Walsh
Riley	Smith (MI)	Wamp
Roemer	Smith (NJ)	Watkins
Rogan	Smith (OR)	Watts (OK)
Rogers	Smith (TX)	Weldon (FL)
Rohrabacher	Smith, Adam	Weldon (PA)
Ros-Lehtinen	Smith, Linda	Weller
Roukema	Snowbarger	White
Royce	Solomon	Whitfield
Ryun	Souder	Wicker
Salmon	Spence	Wolf
Sanford	Stearns	Young (AK)
Saxton	Stenholm	Young (FL)

NOT VOTING—13

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

□ 1534

Mr. SOLOMON changed his vote from "aye" to "no."

Mr. VENTO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILCREST. Mr. Chairman, on rollcall No. 57, I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN. The Committee will rise informally to receive a message.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105-31.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. IN GENERAL.

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

"(r)(1) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than 1 1/2 hours for each hour of employment for which overtime is required by subsection (a).

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

"(A) pursuant to—

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

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

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

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

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

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

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

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

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

"(C) Not later than January 31 of each calendar year, each employer shall provide

monetary compensation to each employee for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through paid time off or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to paragraph (13).

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

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

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

"(B) for any other purpose—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in paragraph (4)(C), where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, that a pattern of violations of the Act may exist, or that such regulations are necessary or appropriate to assure that employees receive the compensation due them.

"(C) The Secretary shall issue regulations—

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

"(ii) prescribing the content of plans described in paragraph (2)(A)(i) and employee notification, including the provision of information regarding who is eligible for compensatory time and under what circumstances it may be earned and used and information re-

garding the impact, if any, that choosing compensatory time may have on the eligibility, accrual, and receipt of other compensation and benefits; and

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

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

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

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

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

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

"(ii) an employee of a public agency;

"(iii) an employee in the garment industry;

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

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

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

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

"(F) the term 'part-time, temporary, or seasonal employee' means—

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

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

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

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

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

SEC. 3. CIVIL MONEY PENALTIES.

The second sentence of section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.

216(e)) is amended to read as follows: "Any person who violates section 7(r) of this Act shall be subject to a civil penalty not to exceed \$1,000 for each such violation."

SEC. 4. CONSTRUCTION.

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

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

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

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

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

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from subsection 7(r), to allow employers to provide more compensatory time than allowed under subsection 7(r), or to supersede any limitations placed by subsection 7(r), including exemptions and limitations in regulations issued by the Secretary thereunder."

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

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

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

SEC. 6. EFFECTIVE DATE; SUNSET.

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

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

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that my amendment may be modified by the form that I have placed it in at the desk.

The CHAIRMAN. The Clerk will report the modification.

The CLERK read as follows:

MODIFICATION TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA:

Amendment No. 5 offered by Mr. Miller of California modified by (1) strike in the matter to be inserted by Section 2, "(E) The terms 'compensatory time' and 'compensatory time off' mean hours during which an employee is not working and for which the employee is compensated at the employee's regular rate in accordance with this section;" and redesignate thereafter accordingly; and (2) in section 3 by striking "The second sentence of section" and inserting in lieu thereof, "Section"; and by striking "to read as follows" and inserting in lieu thereof "by adding after the first sentence the following".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GOODLING. Reserving the right to object, Mr. Chairman, I just want to make sure I am correct in assuming this is not the 40-hour work week.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, my understanding is that that is not made in order by the Committee on Rules, and this is the one the gentleman has agreed to.

Mr. GOODLING. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from California [Mr. MILLER]?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from California [Mr. MILLER] and a Member opposed will each control 30 minutes.

Who rises in opposition to the amendment?

Does the gentleman from Pennsylvania [Mr. GOODLING] wish to claim time in opposition?

Mr. GOODLING. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will control the time in opposition.

PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Chairman, I believe there may have been an error in the timing on the last vote. There are a number of us, at least a half-a-dozen or more, who, when we got on the sub-way, saw a clock that indicated approximately 1 minute-plus seconds left to vote. Had there been the ordinary 17 minutes, it is our collective judgment that there would have been ample time to vote.

Perhaps there is some incongruity between the clock downstairs and the clock here. But if there is any way to reopen that vote, it would be the desire of at least a half-a-dozen-plus Members that that be done; 14 Members.

The CHAIRMAN. The Chair could not entertain that suggestion. The Chair would simply state that the final 2 minutes following the elapse of the clock are determined by the stopwatch. The stopwatch had gone an additional 2 minutes.

Mr. LAFALCE. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we offer this substitute, many of my colleagues on the Committee on Education and the Workforce, we offer this substitute because we do not believe that the legislation before us meets the test of flexibility, that it meets the test of voluntary, and that it meets the test of the right of the worker to choose when and how to use the comptime should they decide to opt into that system. We believe that the legislation before us denies that voluntary choice, allows the employer to have too much say, and we believe that it also denies the worker the right to say when they want to use that time.

This is a disagreement between the two sides. It has been a disagreement we have had from the time this bill was heard in committee.

We also offer this substitute for a very important reason for workers of this country. It is constantly suggested that somehow the choice of comptime is a wonderful thing and it is free, you just decide you want to work overtime and instead of getting overtime pay you take comptime.

Let me explain to the Members that this has serious ramifications for workers. The loss of the premium time, the loss of the premium time comes out of your work year sometime later. When you take your comptime, you would be taking it in a work week that you would otherwise be working. You will get reimbursed when you take your comptime at the regular rate, but if you had freely chosen to have overtime you would have had the overtime you worked and the week that you could keep working if you did not have comptime.

What does that mean? That means that there is a potential for somebody earning \$10 an hour, 140 hours overtime, according to CRS, up to maybe \$2,500, \$2,700 a year. At \$10 an hour that is a lot of wages in terms of family income. It has an impact on unemployment, because if the premium time is not counted in, if you lose that premium time, you lose the unemployment benefits.

In California it could be \$1,800 in unemployment benefits over 26 weeks.

□ 1545

So let us understand this: This is a decision that an employee must make very carefully. This is a decision that the employee must make in a very voluntary fashion. And if in fact the employee does that, then the employee who has earned those hours off, this is not a gift, this is earned by them working long days of overtime, the employee should be free to choose when and how.

They keep comparing it to family medical leave. It is one thing to go in to your employer and say, I have a sick child, a sick parent. We are giving birth to a baby in our family. I need time off. It is another thing to go in to your employer and say, I have a chance to spend 3 additional days with my kids at the lake. The employer looks at his schedule and starts weighing those two competing choices. But you earned this time. You earned this time. You worked late nights. You worked Saturdays and Sundays. Truly, you have got to have that choice.

That is why this substitute is being offered, because the underlying bill, H.R. 1, fails in each and every one of these categories to protect the voluntary nature of the decision, to protect the choice, to protect the flexibility and, most importantly, to protect the wages and the benefits and, even down the road, the level of your Social Security payments for those people who work. If they spend a career in comptime, they will lose a substantial portion of their remuneration of Social Security payments down the road.

So this is not just a delightful little decision that you make willy-nilly. This has consequences for those families. That is why the President drafted his comp bill in the manner in which he did, because this is a decision that must be weighed and workers must be fully informed.

The supporters of H.R. 1 like to suggest that just the standard of "take it or do not take it" is enough. It is not enough for the hard-working American families of this country.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I would like to ask the chairman of the subcommittee and the sponsor of the bill on behalf of the folks I represent, particularly union members whom I have heard from, is my understanding correct that nothing under H.R. 1 would change the 40-hour workweek?

Mr. BALLENGER. Mr. Chairman, will the gentleman yield?

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

Mr. BALLENGER. Mr. Chairman, the gentleman is correct. I thank him for emphasizing this point.

Mr. NEUMANN. So I am correct, then, that at any time worked, even 1

hour worked over the standard 40 hours, would entitle the employee to time and one-half pay? Am I correct that this is the case under current law and would be the case in the future under this legislation H.R. 1?

Mr. BALLENGER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct.

Mr. NEUMANN. Further, Mr. Chairman, would the gentleman confirm my understanding that under H.R. 1, employers could not force the individual employee or union which represents the employee to accept comptime as opposed to cash overtime as a condition of employment?

In other words, if the employee works overtime, is it correct that the employer must pay cash overtime wages if that is what the employee or the employee through his labor union chooses, instead of requiring the employee to take time off through comptime?

Mr. BALLENGER. Mr. Chairman, the gentleman is correct.

Mr. NEUMANN. Mr. Chairman, some union members from my hometown in Janesville, WI, particularly those that work in an automobile manufacturing plant, have expressed concern to me that their employer might require them to bank overtime hours and then use the hours at a specified time by the company, particularly during the 2-week period of time each year when the plant shuts down for model changeover.

My understanding is that under H.R. 1 the use of comptime is voluntary and that by "voluntary" means that the employer, whether an automobile manufacturer or some other type of company, would not be able to require that comptime, if chosen by the employee, be taken at a set period such as model changeover; is that correct?

Mr. BALLENGER. The gentleman is correct. Whether the agreement to accept comptime is negotiated by the union or by the individual employee, the use of comptime belongs to the employee who earned it. Neither the employer nor the union may require an employee to use comptime at a certain time.

Mr. NEUMANN. Mr. Chairman, I thank the gentleman for clarifying these important points to me.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the Miller substitute.

Mr. Chairman, I rise today in support of the Miller substitute and in opposition to this bill before us which weakens the Fair Labor Standards Act. The Miller substitute includes the needed safeguards without the penalties and disadvantages that are inherent in the basic measure before the House today.

For over 50 years, the 40-hour workweek has insured fair treatment and pay for working

men and women. There is no need to change this law today—the impact may well undercut workers' rights and benefits. No matter how you package these changes, the bottom line is that workers are at greater risk of being short-changed and pushed to a work schedule in line with the employers' interests, not their own needs.

If this House really were seeking to empower workers, they would place limits on the mandated overtime policy that frustrate family and personal life today.

Court decisions have provided the employer with the power to mandate employees to work overtime beyond their defined 8 hours. This measure would weaken the concept of premium pay for that mandated work and buy workers off on the cheap. In fact, this bill would encourage more overtime employer mandates at a tremendous inconvenience to the employee.

I find it ironic that after all the speeches I have heard from the Republican majority about working together and cooperation with the President since the last election, that one of the first serious pieces of legislation to reach the floor of this Congress is an initiative to strip away the longstanding and hard-fought rights of working men and women in this country which is opposed by the President. The bill before us today is a direct assault on the Fair Labor Standards Act and seriously erodes the traditional 40-hour workweek in an unbalanced manner—rejecting reasonable safeguards.

H.R. 1, the Working Families Flexibility Act, would allow employers to grant compensatory time to workers instead of overtime pay as long as there is a so-called voluntary mutual agreement or understanding. Although this may seem like a reasonable concept on the surface, but making a careful review and a realistic look at this legislation's predicate points to the harm to workers. Apparently, my colleagues, in support of this measure, intend to rely on the good nature of employers and assume an equal authority between employer and employee since this bill glosses over the facts and absurdly offers little to protect workers from obvious pressure and abuse that could, and would, occur if this measure is implemented. It makes me wonder if the advocates are connected to the real world of work.

The bill before us today is so wholly inadequate that the bottom line is that it comes down as antiworker legislation. The bill does little to stop employers from forcing their workers to accept comptime instead of pay—its anticoercing provision is weak and unenforceable; it does nothing to stop employers from offering overtime work hours only to workers who will choose comptime; it puts burdensome restrictions on the use of comptime by workers; and it does little, if nothing, to prohibit employers from hiring only workers that will accept comptime as a condition of their employment. The legislation therefore is seriously flawed.

Working families in this country are struggling to make ends meet. Many families depend on the additional income of overtime pay to get by. So when these families are forced to voluntarily mutually agree to accept comptime, they go without pay. Comptime does not pay the bills. This will mean a pay cut for many American families.

This legislation is not necessary. Employers can grant time off whenever an employee requests under the current law. This equation in this measure is a fabrication, making a trade-off which is not needed and can only hurt workers without adequate safeguards. The best safeguard is the current law in which the overtime is paid and the employers are open to grant time off and, in fact, guided by the Family Medical Leave Act recently enacted.

Finally, the claim that this measure is pro-working families, stands logic on its head. Would every major employee representative group oppose this measure if it were helpful to workers?

I urge my colleagues to defeat this bill.

Mr. MILLER of California. Mr. Chairman, I yield 2 1/2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise to support this substitute, which includes many of the Democratic amendments offered during the committee markup. Had the majority been interested in a true bipartisan, pro-family approach to comptime, it would have accepted our amendments. Instead they rejected every proposal designed to improve this bill.

The Miller substitute allows employees a real opportunity to choose in the use of comptime. For example, a worker who needs to spend a few days with a sick parent could use comptime when he needs it, not when it is OK with the boss. A mother who needs a week off during school vacation can count on using her bank comptime and not be subject to the last-minute whim of her employer.

The substitute safeguards employee wages and paid leave. It protects vulnerable employees such as part-time, temporary, and seasonal employees who have very little leverage in objecting to unreasonable management demands.

It protects the comptime of employees by reducing the maximum banked hours to 80. And it allows the Secretary of Labor to require that employers obtain a surety bond so that employee wages are insured against an employer who skips town or goes bankrupt.

The Miller substitute also insures that no employer can offer comptime unless it also offers at least 24 hours of leave for employees to participate in their children's school activities or to help an elderly parent with routine medical appointments.

Finally, Mr. Chairman, the Miller substitute protects employees against flagrant abusive behavior. This substitute gives families a real choice of flexibility in the workplace, and it ensures comptime will not be administered in an arbitrary and capricious manner.

Cynthia Metzler, Acting Secretary of Labor, recently wrote our committee expressing the President's intent to veto H.R. 1. In that letter she outlined the President's objections. First, H.R. 1

fails to provide real worker choice. Second, it fails to protect employees' protection against abuse. And third, it fails to preserve the 40-hour workweek.

Mr. Chairman, if this House is serious about helping employees balance their work and family responsibilities, we should adopt the Miller substitute.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 5 seconds to the gentleman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to the Miller substitute and in support of H.R. 1. While the Miller substitute claims to offer the option of comptime to workers, the truth is it would continue to deny them that option. Under the Miller substitute, huge groups, basically anybody that the Secretary of Labor deems should be excluded, would be prohibited from receiving the benefits of this comptime law.

In addition, the Miller substitute creates such a regulatory maze that no employer would ever offer comptime at such an option. In a time when the American public is calling for smaller government and less regulatory burden, this substitute is a major step backward.

The only real comptime proposal here is H.R. 1. Mr. Chairman, I have six children. As a working mother, I know the challenges of balancing a family and a career. I know what it is like not to be able to attend your daughter's swim meet or your son's soccer game because you have to work. With this bill, an employer could give a mother or father the opportunity to bank comptime. When a child got sick or had a recital or had to go to the dentist, she can take time from that bank and spend that time with her family. If she would rather receive overtime pay, she has that option. If she decides to cash in those hours, her employer would have to pay her within 30 days.

This is not a new idea. The public sector employees have had this opportunity for years, and we need to give it to the private sector employees.

I understand there are some workers that are afraid this will end overtime pay. This simply is not the case. When I explain to constituents what this bill means, they endorse it wholeheartedly. It is too bad that some Members, for political gain, have once again attempted to mislead hard-working Americans using scare tactics and inaccurate information. I believe the public is too smart for this. They support this bill, and they want that flexibility time.

Mr. Chairman, the President himself has talked about the need for flexible work schedules. This bill supplies that.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, these are tough times for many Americans as

they struggle to make ends meet while balancing the challenges of work and a family. Families rightly seek greater flexibility and paycheck protection to meet their obligations at home and on the job. Unfortunately, the Republican comptime bill makes it harder rather than easier for these families.

The Republican bill fails to ensure that employees can use the comptime when they need it, when they need to go to that soccer game, when they need to spend time with their youngsters. Worse, it could take valuable overtime pay out of an employee's pocket. It does not guarantee that employees would not be forced to take comptime instead of overtime pay. It does not guarantee that comptime would be offered to all employees and without any strings attached. And it does not guarantee that employees' comptime would be credited for the purposes of pension or Social Security.

We need to have strong protections for workers who depend on overtime pay. Two-thirds of those who earned overtime pay in 1994 had a total annual family income of less than \$40,000 a year and had an average wage of \$10 per hour or less.

That is why we need the serious protections that are provided by the Miller substitute amendment. The Miller substitute ensures that employees would choose if and whether to take the comptime rather than overtime pay so that employees would not be forced to give up overtime dollars. It protects employees vulnerable to overtime abuses. And it ensures, if comptime is offered, that all employees would be given the same terms so that extra hours are not given only to those who are willing to take comptime.

There are a number of amendments considered today, but the Miller substitute can fix the fundamental problems of the Republican comptime bill. I urge my colleagues to vote for the Miller substitute and against the Republican paycheck reduction act.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL], subcommittee chairman.

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

I oppose the Miller substitute. From my viewpoint, I spent some time reading this arcane piece of legislation last night. But it is some 15 pages of confusion. It is a comptime bill I think in name only. There are many objections, I think, one who reads this carefully would have. I think it is a masterpiece of convoluted regulatory maze. But I am only going to mention two points.

First of all, with regard to the definition of eligible employees, that is to say, those employees who would be eligible for compensatory time off in lieu of overtime, if one gets to page 10 and section 15(c), we will find that there is what I call negative definitions of the

employees who would be able to take advantage of this choice about which we have just heard.

It starts out by saying that the term employee does not include, and then it says, part-time, temporary, or seasonal employees. Then you have to jump over to another section for a definition of part-time, temporary, and seasonal employees. But I notice that, for instance, in that definition, anybody in the construction trades is automatically ipso facto determined to be part-time and so nobody in the construction trades, though they might have worked for the same employer for 40 years, would be able to have his compensatory time off choice.

It goes on to say that an employee will not include also anybody in the garment industry. It does not define garment industry, so we are going to have to let the Department of Labor, I guess the secretary will tell us what garment industry is. But if you happen to be classified in the garment industry, then you do not have any choice under this bill either.

□ 1600

Then it goes on to say, and this is really a beautiful, beautiful example of convoluted positioning, it says that an employee has to be one who is entitled to take not less than 24 hours of leave during any 12-month period to participate in school activities directly related to the educational advancement of a son or daughter of the employee, accompany such son or daughter to routine medical or dental appointments, and accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to an elder's care.

That is the President's wording in regard to the Family and Medical Leave Act, which, thus far, I do not think has had a hearing anywhere. But basically, as I construe this, what it is saying is that if an individual works for an employer who does not have that kind of leave, and it does not even define whether it is paid leave or unpaid leave, I guess we have to leave that up to the Secretary, too, but, anyway, if an individual is employed in a place of employment like that, they do not have a choice either.

Now, I would submit that that is probably most of America. Because most of America has not even had the chance to adjust, if and when the President's bill in regard to family and medical leave should pass.

It also goes on to say, oh, we have some more negatives we can talk about. And it says that an eligible employee, eligible for compensatory time out, for instance, should not be an employee exempted by the Secretary under (13)(B). That causes one to travel over to (13)(B), and (13)(B) says the Secretary may issue regulations regarding

classes of employees, including all employees in particular occupations or industries, and the Secretary can evidently exempt any industry, any occupation from being covered by this act.

So if an individual happens to be in an industry or occupation that the Secretary has found not to be qualified, then they do not have a choice under this legislation either. Basically, there is no choice for much of anybody in this legislation, as I read it.

The other point I thought we should know about is the fact that it is also stated, as I read it here, an employer who violates any provision of this subsection, now we are on page 7, can recover, and I quote, "Such legal or equitable relief as may be appropriate to effectuate the purpose of this section."

Do my colleagues know what that means? Compensatory damages or punitive damages unlimited. And, remember, he has also thrown a new discrimination cause of action into this legislation. Which means that if anybody has discriminated on any of these little subtle bases here, that is just an employer, then that employer can be sued for millions of dollars and be able to have put against him a judgment for compensatory and punitive damages.

Anyway, Mr. Chairman, I just thought people might like to know this. This is not a very good piece of legislation.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Chairman, I rise in support of my neighbor, the gentleman from northern California, Mr. MILLER, and his substitute amendment.

Mr. Chairman, I have worked for 30 years, and the working parents and families in my district are spending less and less time with their families and young children. They are driving too long to the office. Many of them get on airplanes to commute to make a sales call. Many find themselves looking for opportunities for flexibility, and when they hear the rhetoric of H.R. 1, many of them say, aha, perhaps there it is.

The truth is that H.R. 1 appears to be well-intentioned but, in my opinion, it does not offer the kind of flexibility, the kind of voluntary options and the real money that American workers want. The people of my district do not want to be forced into the position of deciding whether the commute to go to the soccer game is put at a vexing choice of whether they have the money to buy the soccer shoes.

This is about real wages, Mr. Chairman. This is about the opportunity to have people have the opportunity to spend the money that they expect to be earning. Paycheck protection is the fundamental right of all American workers. The opportunity to have pension and Social Security money put

forth by an employer is denied by H.R. 1.

I believe that we need to vote for this Miller substitute amendment.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in opposition to the Miller substitute because it basically removes all the benefits of the bill.

When I started working as a teenager, well, actually at 11, I started realizing real soon that government can get in the way when they kicked me out of the fields because I was too young, even though I needed to work. By the time I was in my 20's, I was running a corporation, helping women, mostly middle class women who had raised their kids, bring it all together.

If I had been a government employee or I had been a government employer, I had the ability to adjust times, but I could not do it as a private employer. So what I had to do was find uncomfortable options that neither one of us liked.

What this bill simply does is it does protect the 40-hour work week. It does not wipe it out. This amendment wipes out the ability to have flex time. The bill does assure protection for employees, but it does what 75 percent of the women in America polled said they wanted, and that is the ability to have more flexibility as they are taking care of their moms, sometimes their dads, their kids, and working. They have the ability to work with an employer and put together a package that works for them.

Why do we believe that we, as a government, are so good that we know how to put together people's personal lives? I do not really believe we do. I believe the protections, especially treble damages, that is pretty scary, are built into this bill for employers that would think that they should coerce. I think the 40-hour work week is protected.

I am not sure I will support the Senate bill. I think it might weaken the 40-hour work week. But I think, overall, American women will finally have a chance to be heroes, as they are, and be able to do it easier with flex time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Chairman, I rise in support of the substitute offered by my good friend and colleague, the gentleman from California [Mr. MILLER].

The Miller substitute to H.R. 1 is the real Working Families Flexibility Act. The Republican bill is an impostor that will result in paycheck reduction for all working families.

If the other side had been truly interested in helping working families, then we would have created a bipartisan piece of legislation and we would have been proud to present it to the American people. Instead, we have a bill

that was drafted behind closed doors and passed along party lines in committee. This is unfortunate because it is an opportunity missed.

I have been an employee for public service, I have been an employee in private business, I have been an employee of a large business, I have owned my own business, and I know that H.R. 1 could have balanced the need of flexible work schedules and the requirements of employers.

In my congressional district there are more than 25,000 people who make less than \$15,000 per year. In addition, there are over 52,000 women who work and support their families. These women need the security of knowing that they can depend on overtime pay or use comptime to take care of their children.

While I support the idea of flexible work schedules, and I wanted to support H.R. 1, the bill does not provide sufficient protections for working families. During the markup, the committee could have restored some balance to this bill. I joined my good friends, the gentlewoman from Hawaii [Mrs. MINK], the gentlewoman from California [Ms. WOOLSEY], and the gentleman from Massachusetts [Mr. TIERNEY] in offering a simple amendment that would have helped working families have a real choice and real flexibility, but, unfortunately, our amendment was turned down.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time to speak about an important issue to all working families.

Mr. Chairman, I rise in strong support of H.R. 1 and in opposition to the amendment of the gentleman from California [Mr. MILLER]. I think it is a poison pill for this bill and it would literally gut this excellent proposal.

Mr. Chairman, we have heard a lot of the distortions about what we are doing here. We have heard this legislation would take money and benefits out of the hands of hard-working individuals; that it would give employers the upper hand; that it would harm our working families, our hard-working families. If that is the case, why is it that President Clinton's pollster is saying that 75 percent of working families favor this bill, H.R. 1?

I think it is because they want the choice to take time off for their families instead of receiving overtime compensation. Currently, most employees have no choice. Government union employees do have this choice, but the rest of us do not. We have to take the pay even if we would rather have the time off.

The bill is for our workers and their families who do not have enough hours in the day to spend together. It is for the mom or dad who wants to go to

school to see their child's play, visit their teacher or attend a basketball game. It is for those of us who need to take extra time to go to the doctor or take our children to the doctor. It is for those of us that actually would sacrifice the overtime pay just to take an extra vacation or a few days off to be with our kids or take care of important personal items.

The most important part of this is to remember that this is paid leave that the worker has earned, not unpaid family and medical leave that often goes unused because, frankly, our workers cannot afford to take the time off. Employees can make an intelligent and informed decision about how to best use their overtime. Whether they use comptime or take the pay is a decision they should make, not some Washington bureaucrat.

The choice is simple, Mr. Chairman. Let us give our families and workers the choice they deserve. Support H.R. 1 and oppose the Miller amendment.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise in support of the Miller amendment and against H.R. 1. Give people the choice.

Mr. MILLER of California. Mr. Chairman, how much time have we consumed; or how much time is left to both sides?

The CHAIRMAN. The gentleman from California [Mr. MILLER] has 18 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 16 1/2 minutes remaining.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I was a working mother of four children. I also have 20 years of experience as a human resources professional. I know the challenges facing working moms and dads today. I know that for things to work at home, parents need real flexibility in the workplace. H.R. 1 does not help working parents because it does not let the employee choose when to use the comptime they have earned.

The Miller substitute, however, is real comptime. It is real flexibility. It gives employees three ways to use their comptime: automatically, for family emergencies; at the employee's convenience, with 2 weeks notice; and with less than 2 weeks notice when it does not unduly disrupt business.

The Miller substitute stands up for working moms and dads, allowing them the choices they need to perform their most important task: parenting. Let us vote for comptime that really means something. Vote for the Miller substitute.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in support of the Miller-Clay substitute to H.R. 1.

When I talk with my constituents, they tell me they want Congress to put aside partisan fighting and find commonsense solutions to important issues. On comptime, they tell me they want a bill which provides workers true flexibility and a true choice of when to use it.

I understand this issue firsthand. Before coming to Congress, I was a nurse. I still am a nurse. comptime would have been very attractive for me, since I put in long hours that kept me away from my family. But I also know that without real choice, there would have been many times when I would have been asked to work, wanted to take time off and been denied it. Instead of flexibility, I would have been left with no overtime pay and a comptime bank from which I could never withdraw.

The fact of the matter is the vast majority of employers will treat their workers right under comptime. But a small number will not, and any law we pass must protect the most vulnerable workers whose bosses will try to abuse the law.

I am proud to be an original cosponsor of the Miller-Clay substitute, because I believe it strikes the right balance between the needs of the employer and the employee. Under the Miller-Clay proposal employees get to decide when to use the comptime they have earned as long as it does not cause substantial or grievous injury to the employer.

More importantly, the Miller-Clay substitute provides sensible protections to employees who choose comptime.

□ 1615

Under this plan comptime counts as hours worked for overtime so employees will not be forced to work long hours later in the week. Employees can be assured that if their business goes bankrupt, the comptime hours they have accumulated will not be lost forever.

Finally, the Miller-Clay substitute gives workers 24 hours of leave to attend a parent-teacher conference or take a sick parent to the doctor. By helping workers who are struggling to make ends meet while caring for their family, the Miller-Clay substitute is truly family oriented.

Mr. Chairman, I urge my colleagues to vote yes.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the substitute and in support of H.R. 1. Under the substitute it occurs to me that the Secretary of Labor would be

empowered to deny comptime to basically anyone the Secretary wants. The provision strikes at the very heart of H.R. 1, which is giving freedom to workers and to employers.

The substitute creates a maze of new regulations and penalties. Employers simply will not offer comptime for fear of making some kind of an honest mistake and being taken to the cleaners.

There is only one proposal that meets the needs of workers and employers, and that is H.R. 1. The bill gives workers and employers what they want, the freedom to offer a new benefit, and the freedom to decline or accept it. H.R. 1 should be titled Working Families Freedom and Flexibility Act.

H.R. 1 breaks the barriers that have stopped the private sector from offering a benefit that Americans have been demanding for quite some time. This bill does so without a one-size-fits-all Federal mandate. Employers will be free to listen to their workers and decide whether to offer the benefit. Workers will be free to accept or refuse the benefit. They can use the comptime or they can take the overtime wages. It is entirely up to the employees.

Mr. Chairman, H.R. 1 is a win-win for America. It provides freedom to employers to offer a benefit without another bureaucratic government mandate. It provides freedom for workers to take the time that they have worked and use it to spend with their families or to take their overtime pay.

For nearly 210 years, Congress has passed laws to ensure that the American worker and the business sector have the opportunity to succeed. H.R. 1 continues that fine tradition. I encourage my colleagues to support this landmark legislation to reinvigorate the idea of freedom in the workplace and oppose the substitute.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank my friend from California for yielding time, and I rise in support of his substitute.

Mr. Chairman, it occurs to me that someone listening to this debate today might be awfully confused when they hear virtually everyone on our side say the bill before the House puts the whip in the hands of the employer and takes the choice away from the employee and hears virtually everyone on the other side say exactly the opposite is true. Let me tell my colleagues why I feel so strongly that we are right about this argument. It has to do with the way the underlying bill that we are seeking to amend is drafted.

If we have a situation where an employee who always chooses cash, or has always chosen cash in the past, is denied overtime in the future and an employee who always chooses comptime is given overtime in the future, I think it

is a fair conclusion that the other employees in that workplace might get the message that if you choose cash you do not get overtime. But if you choose comptime, you do. That effectively takes the choice away from the employee and puts it in the hands of the employer.

Our friends on the other side no doubt say that is not what the bill says. The bill says that you have to offer the employee the choice. That is true. That is literally what the bill says. But in practice let me tell my colleagues what I believe would happen. The burden of proof would be on the employee to hire a lawyer, go to court and show that the employer intentionally chose to discriminate or deny overtime to the employee who chose cash rather than comptime. The way you have to meet that burden of proof, with all due respect, is impossible. There is a saying in law that he or she who has the burden of proof loses. In this case it would be the employee who would have that burden of proof.

How would you meet the burden of proof? You would have to find a smoking gun. You would have to find a memo or an oral statement from an employer that would say, "Whatever we do, let's stop offering overtime to people who choose cash rather than comptime." Very few employers, first of all, I believe, would coerce their employees. I accept that. But even fewer employers are going to be stupid enough to let such a memo or oral statement be around. Very few people are going to meet this burden of proof.

We then have the assertion that an employee can cash out their comptime on demand. That may be what the written piece of paper says, but that is not the reality, Mr. Chairman, because the same person who is persuaded not to choose cash in the first place is very unlikely to go back to an employer and demand cash in the second place. On paper this sure looks like choice, but in the real world it sure looks like coercion.

The Miller substitute meets those objections. It would truly put the choice in the hand of the employee and not the employer. It would deal with the situation where an employee has accumulated comptime and the employer goes out of business by not permitting that situation to get out of hand and accrue. If you really want worker choice, support the Miller substitute.

Mr. GOODLING. Mr. Chairman, I yield 2 1/2 minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. I thank the chairman for yielding me time.

Mr. Chairman, I rise to oppose the Miller substitute and to express my strong support for the Working Families Flexibility Act. The Miller substitute would create such a regulatory maze with such heavy penalties that no

employer would ever offer comptime. Make no mistake, there is only one comptime bill before us, and that is H.R. 1.

H.R. 1 is very simple. It allows private sector employers to provide comptime in lieu of overtime pay under an agreement with their employees. If an employer chooses to make comptime available, the employees have the option of having their overtime compensated with cash or with paid time off. Employees who prefer to receive cash wages for overtime hours worked would be free to continue to receive cash payment for their overtime.

Mr. Chairman, this legislation does not change the 40-hour workweek for the purposes of calculating overtime. Employees who work more than 40 hours over 7 days would continue to receive overtime at 1 1/2 times their regular pay. If the employer and employee agree on comptime, then the paid time off would be granted at 1 1/2 hours for each hour of overtime worked. This arrangement for comptime must be a mutual agreement between the employer and the employee. It is entirely voluntary on the part of the employee. The legislation also protects employees from being coerced into comptime or overtime.

Mr. Chairman, I owned a small business, about 20 employees, before coming to Congress. My office policy was set up for exactly what this legislation would achieve. If one of my employees wanted to go to a track meet or had a parent-teacher conference during the workday, I simply asked them to make up the time later on. It was a casual, trusting relationship. That was until the Department of Labor told me that it was wrong to provide this kind of flexibility to my employees of balancing their work life with their family life.

But let me give another example, Mr. Chairman. There is an art theater in Montana, in a small town. They perform at night and on weekends. The theater has five employees who sometimes work 20 to 30 hours on the weekend in addition to their regular workweek. They prepare the stage, visit schools, pack and unpack props and other equipment. Currently these employees would willingly give up their time, but they are breaking the law. With a comptime option, Mr. Chairman, the employees could take off their time in subsequent workweeks to make up for their overtime.

Mr. Chairman, there are 50,000 small businesses in Montana. Ninety percent of them employ 50 or fewer employees. It is not the place of the Federal Government to deny those small businesses in Montana the opportunity to provide flexible workplaces.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, as a new member of the Committee on Education and the Workforce, I rise in support of H.R. 1 and in opposition to the amendment offered by my colleague from California [Mr. MILLER]. I am a strong supporter of the bill before us, H.R. 1, and was pleased to support it in the committee earlier this month.

Contrary to what my colleagues may hear today, the bill does not affect the 40-hour workweek or existing rights of overtime pay. It also has built-in protections and safeguards to ensure that employees are not coerced into choosing comptime. The base bill allows employees to decide how they want to be paid for their overtime work, either in dollars or comptime.

I once had a job where this policy was in effect, both as an employee as well as a boss, and I know that it works. When I no longer serve in this Congress, I would strongly prefer a job where I could put in a 40-hour week over 4 days and have a Monday or Friday off to spend time with my family, and I would think that that would be a worthwhile and attractive alternative to many of us in this Chamber today.

Today I have heard a lot about being forced to choose one or the other. That does not happen. What we want to do is give workers the opportunity to choose for themselves what they want. The opponents of this legislation have offered lots of amendments, but they have not offered an amendment to take away this benefit from those employees that today have exactly this type of practice in the workplace. My sense is if they did, that those employees that have that opportunity today would raise a real hue and cry against what this Congress would do.

Mr. Chairman, it works. I saw it work. We need to have this work for all employees and that is why I am glad to support this legislation this afternoon.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, the debate today really is about striking a balance, about finding a way to meet the demands for flexibility that employees all over this country have with our need to protect people from decisions that employers might make to the disadvantage of that employee. We are really talking about income protection here today.

I know that there has been some discussion about the importance of letting individual employees decide and I agree, that is important. We should let individuals decide. But I think that the other side protests a little too much about that, and the speeches we have heard about how demeaning it is to suggest that employees may need some protection really does not look at the issue in a reasonable light.

I know, because for many years my husband and I lived on overtime. My

husband is an autoworker. He works in 1 of the 12 automobile plants in my district. He has been an hourly worker for the entire time we have been married. Overtime for many years paid for our Christmas presents. It allowed us to take a summer vacation. It allowed us to make additional payments on our cars. If that income were not available to us, our life and our quality of life would have changed substantially.

Now, the argument is, is that the employee makes all the decisions under this bill. Of course that is not true. The reason that people have been so concerned on our side of the aisle about lower income employees is because the people who most need the money, low income employees, are the ones that are most susceptible to the kind of pressure that an employer could put on them. Employers can put that kind of pressure on an employee to choose time off rather than income, or they can pick and choose between employees about who will get the overtime, probably the one who will take time rather than money.

It is important that people realize while compensatory time is valuable, you cannot buy bread with it, and for people who need the income we have to be sure that this bill protects them and protects the money that they need each and every week.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of H.R. 1 and in opposition to the Miller amendment. The Miller amendment obviously would negate everything we are trying to do in H.R. 1.

One of my favorite bumper stickers simply says "Legalize freedom." I would like to think that is what we are doing here today, is legalizing freedom to some small degree. The workers in the public sector already have this right to use comptime. There is no reason why the workers in the private sector cannot have this same right as well.

□ 1630

The bedrock of a free society is that of voluntary contracts and it is easy for many of those who oppose this bill to understand that voluntary contracts and voluntary associations in personal and social affairs is something that we have to respect. But there is no reason why we cannot apply this to economic affairs as well. A true free society would permit voluntary contracts and voluntary associations in all areas, and it has not always been this way, as it is today, where social liberty and economic liberty are separate. It has only been in the 20th century that we have divided these two, and there is no reason why we cannot look at liberty in an unified manner. Those individuals

who want freedom of choice in personal and social affairs should certainly recognize that those of us that believe in economic freedom ought to have those same choices.

This great division has occurred and has led to a great deal of confusion in this country. Today, we are making this token effort to relegalize in a very small manner this voluntary contract to allow workers to make a freedom of choice on how they would like to use their overtime, taking the money or using it as comptime. There is no reason why we should prohibit this. It is legal in the public sector. There is no reason why we cannot legalize a little bit of freedom for the worker in the private sector as well.

Mr. Chairman, this act partially restores the right of employees to contract with their employers to earn additional paid time off from work in lieu of overtime pay when the employees works longer than 40 hours in a week.

I am pleased to support this bill, as it represents a modest step toward restoring the freedom of contract. Freedom to form employment contracts is simply a branch of the freedom of association, one of the bedrocks of a free society. In fact, another good name for freedom of contract is freedom of economic association.

When persons have the right to associate with whom they choose, they will make the type of agreements that best suit their own unique needs. Any type of Government interference in the freedom of association means people will be forced to adjust their arrangements to satisfy the dictates of Government bureaucrats.

For example, even though workers might rather earn compensatory time so they may have more time to spend with their children and spouses then accept paid overtime, the current law forbids them from making such an arrangement. But Congress has decided all Americans are better off receiving overtime pay rather than compensatory time, even if the worker would prefer compensatory time. After all, Congress knows best.

The Founders of the country were champions of the rights of freedom of association. Under the U.S. Constitution, the Federal Government is forbidden from interfering in the economic or social contracts made by the people. As we all know, the first amendment prohibits Congress from interfering with the freedom of association. There is nothing in the history or thought of the Framers to indicate economic association was not given the exact same level of protection as other forms of association.

In fact, the emphasis placed by this country's Founders on property and contract rights indicates the Founders wanted to protect economic associations from Government interference as much as any other type of associations.

Unfortunately, since the early years of the 20th century, Congress has disregarded the constitutional prohibition on Federal regulation of freedom of economic association, burdening the American people with a wide range of laws controlling every aspect of the employer-employee relationship. Today, Government

presumes to tell employers whom they may hire, fire, how much they must pay, and, most relevant to our debate today, what types of benefits they must offer.

Behind these laws is a view of the function of Government quite different from that of the Founders. The Founders believed Government's powers were limited to protecting the liberties of the individual. By contrast, too many in Congress believe Government must function as parent, making sure citizens don't enter into any contracts of which the national nanny in Washington disapproves.

I note with some irony that many of the same Members who believe the Federal Government must restrict certain economic association claim to champion the right of free association in other instances.

For example, many of the same Members who would zealously defend the right of consenting adults to engage in voluntary sexual behavior free from State interference. Yet they are denying those some individuals the right to negotiate an employment contract that satisfies these unique needs.

Yet the principle in both cases is the same, people should have the right to contract and associate freely with whomever, on whatever terms they choose, they choose without interference from the Central State.

As has been often mentioned in this debate, 75 percent of employees surveyed by the polling firm of Penn & Schoen favored allowing employees to take compensatory time in lieu of overtime. Yet Members of Congress, who not only claim to favor freedom of association but claim to care for the workers, will not allow them the freedom to contract with their employees for compensatory time.

What arrogance and hypocrisy. If employees feel that compensatory time would benefit them, and employers, eager to attract the best employees, are willing to offer compensatory time, what right does Congress have to say "No, you must do it our way?"

Congress has no right to interfere with private, voluntary contracts whether between a husband and wife, a doctor and patient, or an employer or an employee.

Mr. Chairman, it is time to lift the federally imposed burdens on the freedom of association between an employer and employee. As a step in that direction, I will vote for the unamended Working Family Flexibility Act and I call on all my colleagues who support individual liberty and freedom of association to join me in supporting this pro-freedom, pro-worker bill.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, today I rise in opposition to the Miller substitute and in strong support of the underlying bill, H.R. 1. The Miller substitute has many problems, among them it effectively denies comptime to many American families by setting up classes of ineligible workers, and as my colleague from Illinois, Mr. FAWELL, so ably showed, it makes unlikely an employer would ever offer comptime to employees because of a new maze of Federal regulatory requirements.

As my colleagues know, Mr. Chairman, as I have listened to this debate it has stimulated me to go back and read this bill. This is not rocket science. This bill is only eight pages long. Basically what this bill says is, on page 3, an employer can provide comptime to employees only if, A, the employees union agrees to it, or B, the individual has chosen to receive comptime in lieu of mandatory overtime compensation. And what happens then if an employee decides he does not like it? Well then you move on to the next page, page 5, an employee may withdraw an agreement described in this paragraph at any time. An employee may also request in writing that monetary compensation be provided at any time for all compensatory time accrued that has not been used. And then, Mr. Chairman, what happens if an employer abuses this? Well, then they are subject to the Fair Labor Standards Act of 1938.

Mr. Chairman, this is a very good bill. If my colleagues would listen to one side and the other side, they would wonder who is telling the truth. My suggestion is: Read the eight pages of this bill and vote for H.R. 1 and vote against the Miller substitute.

Mr. MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to thank my colleagues who have joined in this debate this afternoon.

There is a very fundamental, a very fundamental difference between these two pieces of legislation. We believe that one of the fundamental differences is about really preserving the truly voluntary choice by the employee, about truly voluntary flexible scheduling by the employee and making sure again that preserving the choice of the employee about when to use his time. We also have a very fundamental difference, and a number of my colleagues from the other side of the aisle spoke to it. We believe that there are people unfortunately in this country who are very vulnerable workers, who work in industries with a long history of running on their workers' pay, on not sending their contributions to the State unemployment board, of not sending the tax contributions to the IRS, of not paying into Social Security. Unfortunately, some of these people may be well intentioned but rather under capitalized, and they constantly are taking what the employee has earned and using that to run their business, and then the employee is left holding the bag. It happens to tens of thousands of employees all of the time in this country. Hundreds of thousands of employees have been denied overtime that they have worked for and that they have earned according to the Department of Labor.

So what are we saying? We are saying in those industries where you have a history of these kinds of activities,

the Secretary of Labor ought to be able to say whether or not those employers ought to be able to engage in comptime because let us understand what one does with comptime:

"You agree to work overtime. You agree to work more than 8 hours, more than 40 hours. You agree to work at night. You agree instead of going home at the end of your shift you're going to stay and do some additional work. A lot of that work is real hot and it's real heavy and it's real dangerous, but that's what you agree to do and you've earned that. You should be protected then against the ability of an unscrupulous employer to run on the obligation."

Mr. Chairman, I appreciate that a number of speakers have gotten up and spoken about that provision of this bill, but we do believe, we do believe, that those people ought to in fact be protected. They can exercise the choice, but they ought to know what the choice is about, and if it is in an industry, then the Secretary of Labor ought to try and determine whether or not we ought to put these people's wages, these people's wages at risk in the case of where we have a history of unscrupulous employers.

So there is a fundamental difference about these two pieces of legislation. I would hope, I would hope that those who are truly interested in providing the real choice of comptime versus overtime and real flexibility for families to use it when they need it and can help their families will vote for the Miller substitute.

Mr. Chairman, I yield back the balance of my time with my understanding the gentleman from Pennsylvania will be the last speaker.

Mr. GOODLING. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 6 minutes.

Mr. GOODLING. Mr. Chairman, I rise in opposition to this substitute offered by the gentleman from California [Mr. MILLER].

I have to wonder where we have been the last couple years because the last time we had this legislation before the committee in the last session of Congress there were no amendments offered in committee, and there was no substitute offered on the floor. This year there were some amendments offered in committee, and we took some of those and included them in my amendments here on the floor, but only one amendment was offered from the other side. So, as my colleagues know, where have we been all of this time?

I have many objections to the substitute. First of all, I do not question the intention of the substitute, but I do very pointedly say that it positively guts the whole bill, and I can substantiate that by saying, well, there are seven broad areas that we are exempting, and then if that is not enough, we

get down to the point where we say, "and the Secretary can exempt anybody else," so we could end up no one has the opportunity, except again the public sector, which has had that opportunity for a long, long time.

The substitute prohibits comptime for all part-time temporary seasonal employees, all employees in the garment industry, all employees not entitled to take 24 hours of leave per year for family member, for school activities or routine medical care; all employees in the construction industry; all employees in agricultural employment. The part-time prohibition is further defined to prohibit comptime for any employee working less than 35 hours per week, and there is no specific definition of the construction of the garment industry. The agricultural employee, construction and garment prohibitions appear to extend to all the employees even if they could be a secretary that has worked there full-time for 15 years.

Now beyond all of that, all these specific exemptions with respect to the use of compensatory time, the Miller substitute takes what has been a fairly straightforward rule and now makes it so convoluted that I cannot imagine that anybody would understand who is eligible, what is available, and what is not available.

Now we talk over and over again about the protections in the bill, and again I want to repeat, as I have many times today, H.R. 1 says, "You can use your comptime for any purpose so long as you give reasonable notice and the use does not unduly disrupt the employer's operation." These are the exact same tests as in State and local government and similar to that in the Family and Medical Leave Act for medical leave.

The Miller amendment says that if any employee is using comptime for purposes covered by the Family and Medical Leave Act or any comparable State law, they do not have to give any notice, and it does not matter what the impact is on business for any purpose. If they give 2 weeks' notice, they follow one rule; if they do not give 2 weeks' notice, they follow another rule. As I said, it becomes very confusing and convoluted, and then of course there is unlimited punitive compensatory damages to be awarded, far beyond even our civil rights legislation.

So let me just wrap up by saying reject the substitute and listen again. I think we have all agreed now that the 40-hour work week is saved. I think everybody now who has read it agrees to that. We know that it gives private sector employees the same opportunity the public employers have but with more protection than they have. We know that employees are just as good in the private sector as employees are in the public sector, just as bright, just

as able to make decisions as anybody in the public sector, and therefore we should give them the same opportunity that we give those in the private sector.

We do not want to say to those in the private sector that because they are in the private sector, somehow or other only the Federal Government can determine whether they should have this opportunity. It is the employee's choice. The employee is completely protected to make that choice. The employee can cash out when they want to cash out. The employee can break the contract that they made if they decide that they do not really want to do that. So it is a win, win, win situation for the employee because we have protected them in this legislation.

So again I ask my colleagues, reject the substitute which guts the entire bill and vote yes on H.R. 1.

One additional comment:

These staffs on both sides have worked day and night, and I certainly want to pay tribute to them for all the work that they have put in. It was not only Members that were working; there were staff members who were working, as I said, day and night.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. Mr. Chairman, I do not know if they got compensatory time or not, or overtime. I hope we were within the law in relationship to our employees.

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I know that the gentleman from Missouri [Mr. CLAY] and myself would like to join in commending the staffs. They have worked long and hard on this legislation, and I would also like to thank the chairman of the committee in the spirit of Hershey this year. We had a wonderful opportunity to offer amendments, and we appreciate that opportunity in committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment to H.R. 1, the Working Family Flexibility Act offered by the Honorable GEORGE MILLER.

I appreciate the need for the American worker to have the flexibility to choose between overtime pay and compensatory time.

Without this body's action on this issue, many employees in this country have compensatory time as an accomplished fact of their work life. These compensatory time agreements may be provided as a part of binding labor contracts or informal or formal work agreements.

The Fair Labor Standards Act does not require employers to pay overtime based on hours worked in a single day. When an employee who normally works five 8-hour days a week needs to take a few hours off during the week, the employer can let the employee leave work early 1 day and stay late the next without having to pay overtime, so long as the total hours worked for the week is no more than 40.

Employers can also accommodate an employee who needs to take time off 1 week by letting them take the time off without pay. If the employee is concerned about the loss of pay, the employer can authorize the employee to work enough overtime another week to make up the lost time.

The problem with making any changes to the overtime pay requirements is the impact on workers face loss of pay due to employer violations of overtime pay laws.

Complaints under the Fair Labor Standards Act may involve alleged violations of minimum wage, overtime, recordkeeping, and/or child labor requirements. The Wage and Hour Division received nearly 35,000 complaints in fiscal year 1996.

In fiscal year 1996, 13,687 compliance actions disclosed overtime violations. These represent nearly 50 percent of those in which Fair Labor Standards Act monetary—minimum wage or overtime—violations were found.

The Wage and Hour Division last year found just over \$100 million in back wages due to overtime violations owing to nearly 170,000 workers.

If there were only well intended employers and well meaning employees their would be no need for rules and regulations to govern the work environment.

I believe that this amendment to H.R. 1 will offer necessary protections to American workers who may not work in the conditions that we could endorse with an open compensatory time bill.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 237, not voting 2, as follows:

[Roll No. 58]

AYES—193

Abercrombie	Clement	Etheridge
Ackerman	Clyburn	Evans
Allen	Condit	Farr
Andrews	Conyers	Fattah
Baldacci	Costello	Fazio
Barcia	Coyne	Filner
Barrett (WI)	Cramer	Flake
Becerra	Cummings	Foglietta
Bentsen	Danner	Ford
Berman	Davis (FL)	Frost
Bishop	Davis (IL)	Furse
Blagojevich	DeFazio	Gejdenson
Blumenauer	DeGette	Gonzalez
Bonior	Delahunt	Gordon
Borski	DeLauro	Green
Boswell	Dellums	Gutierrez
Boucher	Deutsch	Hall (OH)
Boyd	Dicks	Hamilton
Brown (CA)	Dingell	Harman
Brown (FL)	Dixon	Hastings (FL)
Brown (OH)	Doggett	Hefner
Capps	Doyle	Hilliard
Cardin	Edwards	Hinchey
Carson	Engel	Hinojosa
Clay	English	Holden
Clayton	Eshoo	Hooley

Hoyer
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 John
 Johnson (WI)
 Johnson, E. B.
 Kanjorski
 Kennedy (MA)
 Kennedy (RI)
 Kennelly
 Kildee
 Kilpatrick
 Kind (WI)
 Kleczka
 Klink
 LaFalce
 Lampson
 Lantos
 Lazio
 Levin
 Lewis (GA)
 Lipinski
 Lofgren
 Lowey
 Luther
 Maloney (CT)
 Maloney (NY)
 Manton
 Markey
 Martinez
 Mascara
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McDermott
 McGovern
 McHale
 McIntyre
 McNulty
 Meehan
 Meek
 Menendez
 Millender-
 McDonald
 Miller (CA)
 Minge
 Mink
 Moakley
 Mollohan
 Moran (VA)
 Morella
 Murtha
 Nadler
 Neal
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor
 Payne
 Pelosi
 Peterson (MN)
 Pickett
 Pomeroy
 Poshard
 Price (NC)
 Rahall
 Rangel
 Reyes
 Rivers
 Roemer
 Rothman
 Roybal-Allard
 Rush
 Sabo
 Sanchez
 Sanders
 Sandlin
 Sawyer
 Schumer
 Scott
 Serrano
 Sherman
 Skaggs
 Skelton
 Slaughter
 Smith, Adam
 Snyder
 Spratt
 Stabenow
 Stark
 Stokes
 Stupak
 Tanner
 Tauscher
 Thompson
 Thurman
 Tierney
 Torres
 Towns
 Traficant
 Turner
 Velázquez
 Vento
 Waters
 Watt (NC)
 Waxman
 Wexler
 Weygand
 Wise
 Woolsey
 Wynn
 Yates

NOES—237

Aderholt
 Archer
 Army
 Bachus
 Baesler
 Baker
 Ballenger
 Barr
 Barrett (NE)
 Bartlett
 Barton
 Bass
 Bateman
 Bereuter
 Berry
 Bilbray
 Bilirakis
 Billey
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bono
 Brady
 Bryant
 Bunning
 Burr
 Burton
 Buyer
 Callahan
 Calvert
 Camp
 Campbell
 Canady
 Cannon
 Castle
 Chabot
 Chambliss
 Chenoweth
 Christensen
 Coble
 Coburn
 Collins
 Combest
 Cook
 Cooksey
 Cox
 Crane
 Crapo
 Cubin
 Cunningham
 Davis (VA)
 Deal
 DeLay
 Diaz-Balart
 Dickey
 Dooley
 Doolittle
 Dreier
 Duncan
 Dunn
 Ehlers
 Ehrlich
 Emerson
 Ensign
 Everett
 Ewing
 Fawell
 Foley
 Forbes
 Fowler
 Fox
 Franks (NJ)
 Frelinghuysen
 Gallegly
 Ganske
 Gekas
 Gephardt
 Gibbons
 Gilchrest
 Gillmor
 Gilman
 Goode
 Goodlatte
 Goodling
 Goss
 Graham
 Granger
 Greenwood
 Gutknecht
 Hall (TX)
 Hansen
 Hastert
 Hastings (WA)
 Hayworth
 Hefley
 Herger
 Hill
 Hilleary
 Hobson
 Hoekstra
 Horn
 Hostettler
 Houghton
 Hulshof
 Hunter
 Hutchinson
 Hyde
 Inglis
 Istook
 Jenkins
 Johnson (CT)
 Johnson, Sam
 Jones
 Kasich
 Kelly
 Kim
 King (NY)
 Kingston
 Klug
 Knollenberg
 Kolbe
 Kucinich
 LaHood
 Largent
 Latham
 LaTourette
 Leach
 Lewis (CA)
 Lewis (KY)
 Linder
 Livingston
 LoBiondo
 Lucas
 Manzullo
 McCollum
 McCrery
 McDade
 McDermott
 McHugh
 McInnis
 McIntosh
 McKeon
 McKinney
 Metcalf
 Mica
 Miller (FL)
 Molinari
 Moran (KS)
 Myrick
 Nethercutt
 Neumann
 Ney
 Northup
 Norwood
 Nussle
 Owens
 Oxley
 Packard
 Pappas
 Parker
 Paul
 Paxon

Pease
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Pombo
 Porter
 Portman
 Pryce (OH)
 Quinn
 Radanovich
 Ramstad
 Regula
 Riggs
 Riley
 Rogan
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Roukema
 Royce
 Ryun
 Salmon
 Sanford
 Saxton
 Scarborough
 Schaefer, Dan
 Schaffer, Bob
 Schiff
 Sensenbrenner
 Sessions
 Shadegg
 Shaw
 Shays
 Shimkus
 Shuster
 Siskisky
 Smith (MI)
 Smith (NJ)
 Smith (OR)
 Smith (TX)
 Smith, Linda
 Snowbarger
 Solomon
 Souder
 Spence
 Stearns
 Stenholm
 Strickland

NOT VOTING—2

Frank (MA) Kaptur
 Messrs. HOUGHTON, RILEY, and SMITH of Texas changed their vote from "aye" to "no."
 Mr. HILLIARD and Mr. KENNEDY of Massachusetts changed their vote from "no" to "aye."
 So the amendment in the nature of a substitute, as modified, was rejected.
 The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, pursuant to House Resolution 99, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 222, noes 210, not voting 1, as follows:

[Roll No. 59]

AYES—222

Aderholt	Gillmor	Packard
Archer	Gingrich	Pappas
Army	Goode	Parker
Baker	Goodlatte	Paul
Ballenger	Goodling	Paxon
Barr	Goss	Pease
Barrett (NE)	Graham	Peterson (MN)
Bartlett	Granger	Peterson (PA)
Barton	Greenwood	Petri
Bass	Gutknecht	Pickering
Bateman	Hall (TX)	Pickett
Bereuter	Hansen	Pitts
Berry	Harman	Pombo
Bilbray	Hastert	Porter
Bilirakis	Hastings (WA)	Portman
Billey	Hayworth	Pryce (OH)
Blunt	Hefley	Radanovich
Boehner	Herger	Ramstad
Bonilla	Hill	Regula
Bono	Hilleary	Riggs
Boyd	Hobson	Riley
Brady	Hoekstra	Rogan
Bryant	Hostettler	Rogers
Bunning	Houghton	Rohrabacher
Burr	Hulshof	Ros-Lehtinen
Burton	Hunter	Roukema
Buyer	Hutchinson	Royce
Callahan	Hyde	Ryun
Calvert	Inglis	Salmon
Camp	Istook	Sanford
Campbell	Jenkins	Saxton
Canady	John	Scarborough
Cannon	Johnson (CT)	Schaefer, Dan
Castle	Johnson, Sam	Schaffer, Bob
Chabot	Jones	Sensenbrenner
Chambliss	Kasich	Sessions
Chenoweth	Kelly	Shadegg
Christensen	Kim	Shaw
Coble	Kingston	Shays
Coburn	Klug	Shuster
Collins	Knollenberg	Skeen
Combest	Kolbe	Smith (MI)
Cook	LaHood	Smith (OR)
Cooksey	Largent	Smith (TX)
Cox	Latham	Smith, Linda
Crane	LaTourette	Snowbarger
Crapo	Lazio	Solomon
Cubin	Leach	Souder
Cunningham	Lewis (CA)	Spence
Davis (VA)	Lewis (KY)	Stearns
Deal	Linder	Stenholm
DeLay	Livingston	Stump
Dickey	Lucas	Sununu
Dooley	Manzullo	Talent
Doolittle	McCollum	Tanner
Dreier	McCrery	Tauzin
Duncan	Dunn	Taylor (MS)
Dunn	Ehlers	Taylor (NC)
Ehlers	Ehrlich	Thomas
Emerson	Emerson	Thornberry
Ensign	Everett	Thune
Everett	Ewing	Tiahrt
Ewing	Fawell	Upton
Fawell	Foley	Walsh
Foley	Fowler	Wamp
Fowler	Fox	Watkins
Franks (NJ)	Franks (NJ)	Watts (OK)
Frelinghuysen	Frelinghuysen	Weldon (FL)
Galegally	Galegally	Weldon (PA)
Ganske	Ganske	White
Gekas	Gekas	Whitfield
Gibbons	Gibbons	Wicker
Gilchrest	Gilchrest	Wolf
		Young (FL)

NOES—210

Abercrombie	Barcia	Blagojevich
Ackerman	Barrett (WI)	Blumenauer
Allen	Becerra	Boehlert
Andrews	Bentsen	Bonior
Bachus	Berman	Borski
Baesler	Berry	Boswell
Baldacci	Bishop	Boucher

Brown (CA)	Horn	Pallone
Brown (FL)	Hoyer	Pascrell
Brown (OH)	Jackson (IL)	Pastor
Capps	Jackson-Lee	Payne
Cardin	(TX)	Pelosi
Carson	Jefferson	Pomeroy
Clay	Johnson (WI)	Poshard
Clayton	Johnson, E.B.	Price (NC)
Clement	Kanjorski	Quinn
Clyburn	Kennedy (MA)	Rahall
Condit	Kennedy (RI)	Rangel
Conyers	Kennelly	Reyes
Costello	Kildee	Rivers
Coyne	Kilpatrick	Roemer
Cramer	Kind (WI)	Rothman
Cummings	King (NY)	Roybal-Allard
Danner	Kleczka	Rush
Davis (FL)	Klink	Sabo
Davis (IL)	Kucinich	Sanchez
DeFazio	LaFalce	Sanders
DeGette	Lampson	Sandlin
DeLaunt	Lantos	Sawyer
DeLauro	Levin	Schiff
Dellums	Lewis (GA)	Schumer
Deutsch	Lipinski	Scott
Diaz-Balart	LoBiondo	Serrano
Dicks	Lofgren	Sherman
Dingell	Lowey	Shimkus
Dixon	Luther	Sisisky
Doggett	Maloney (CT)	Skaggs
Doyle	Maloney (NY)	Skelton
Edwards	Manton	Slaughter
Engel	Markey	Smith (NJ)
English	Martinez	Smith, Adam
Eshoo	Mascara	Snyder
Etheridge	Matsui	Spratt
Evans	McCarthy (MO)	Stabenow
Farr	McCarthy (NY)	Stark
Fattah	McDade	Stokes
Fazio	McDermott	Strickland
Filner	McGovern	Stupak
Flake	McHale	Tauscher
Foglietta	McHugh	Thompson
Forbes	McKinney	Thurman
Ford	McNulty	Tierney
Frank (MA)	Meehan	Torres
Frost	Meek	Towns
Furse	Menendez	Trafficant
Gejdenson	Metcalf	Turner
Gephardt	Millender-	Velázquez
Gilman	McDonald	Vento
Gonzalez	Miller (CA)	Visclosky
Gordon	Mink	Waters
Green	Moakley	Watt (NC)
Gutierrez	Mollohan	Waxman
Hall (OH)	Moran (VA)	Weller
Hamilton	Murtha	Wexler
Hastings (FL)	Nadler	Weygand
Hefner	Neal	Wise
Hilliard	Oberstar	Woolsey
Hinchee	Obey	Wynn
Hinojosa	Olver	Yates
Holden	Ortiz	Young (AK)
Hooley	Owens	

NOT VOTING—1

Kaptur

□ 1721

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1, the bill just passed.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MASS MAILINGS

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

Mr. THOMAS. Mr. Speaker, I seek this time to engage the gentleman from Delaware in a colloquy in regard to his amendment on the fiscal year 1997 appropriation bill that discloses the costs of mass mailings.

I yield to the gentleman from Delaware (Mr. CASTLE) for purposes of clarification of his amendment.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from California for yielding to me.

My amendment provides for greater disclosure of franked mass mail costs than is currently provided. It requires that the statement, "this mass mailing was prepared, published and mailed at taxpayer expense" be printed on each mass mailing. It requires that on a quarterly basis the total number of pieces and the total cost of such mass mailings sent by each Member of Congress be disclosed to the public.

It also provides for piece and cost comparisons based on the number of addresses that are in each district.

Mr. THOMAS. Mr. Speaker, the gentleman indicated that his amendment included the term "total cost." By total cost, notwithstanding what those words mean, did the gentleman mean to include the associated printing and production costs of mass mailings such as computer time, print costs, paper costs, and ink costs?

Mr. CASTLE. Mr. Speaker, if the gentleman will continue to yield, my primary concern has been the cost of mailing franked mail. I have been a staunch supporter of reducing the franked mail appropriation and am very pleased by the effort that has been made in recent years to rein in these costs, mostly under the gentleman's tutelage.

The cost of mailing franked mail as presently reported does not differentiate between unsolicited mass mail and constituent response mail. Thus watchdog groups which report on how much of a Member's franked mail budget is used are unable to make this distinction, which I believe is an important one.

It is the responsibility and obligation of Members to respond to their constituents, and I think the public supports this use of taxpayer dollars. Unsolicited mass mail falls into a different category. Yet the public has no way of knowing how much Members are spending to mail unsolicited mass mail. This is the issue I was trying to address with my amendment.

The other body's administrative system makes it easy for that body to report its Members' mailing costs and production costs of franked mail. However, given that the House does not yet have a system set up to do this and given that production costs were not

the target of my amendment, I believe that Members should not be required to report production costs.

Mr. THOMAS. Mr. Speaker, I thank the gentleman because the House does not yet have a way to capture the printing and production costs. If the purpose of the gentleman's amendment, as stated, is to disclose to the public the mailing costs of mass mailings, that can easily be accomplished.

I thank the gentleman for his clarification as well as for his efforts in reforming the use of the frank.

□ 1730

PROPOSED RESCISSION OF BUDGETARY RESOURCES AFFECTING THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105-57)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

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

The proposed rescission affects the Department of Energy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 19, 1997.

TWENTY-FIFTH ANNUAL REPORT ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

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

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

for peace and freedom in the world. Most of all, we must come together as one community to meet our challenges.

Our Nation's leaders understood this a quarter-century ago when they launched the modern era of environmental protection with the National Environmental Policy Act. NEPA's authors understood that environmental protection, economic opportunity, and social responsibility are interrelated. NEPA determined that the Federal Government should work in concert with State and local governments and citizens "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

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

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 19, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A SUCCESSFUL BIPARTISAN RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I think we have established a bit of a tradition by now that when those of us that have been involved in putting together the bipartisan retreat in Hershey are here to talk about that, we will make the symbolic gesture of going to the other podium and talking to our colleagues on the other side of the aisle, in part.

It has been interesting in the days since the weekend in Hershey to notice how many references have been made to the retreat to Hershey, to civility, both in debate on the floor and in the committee hearings that I have been a part of. I hope that is good evidence of things sort of taking seed, anyway. I know we have a great deal of work to do to make good on the beginnings that occurred at the retreat at Hershey, PA.

Before getting into a little bit of that, I just want to recognize and ex-

press my deep thanks to all that were involved in planning the weekend; my cochair, the gentleman from Illinois [Mr. LAHOOD], and the other members of the planning committee that worked literally for months and months and months together, a gratifying experience in its own right, to put together with the help of some great outside experts a plan for the weekend.

Those colleagues included the gentleman from North Carolina [Mrs. CLAYTON], the gentleman from California [Mr. DREIER], the gentlewoman from Missouri [Mrs. EMERSON], the gentlewoman from Florida [Mrs. FOWLER], the gentleman from Texas [Mr. HINOJOSA], the gentleman from New York [Mr. HOUGHTON], the gentleman from Ohio [Mr. SAWYER], and the gentleman from Texas [Mr. STENHOLM].

As I think most of our colleagues are aware, we came away from the weekend in Hershey with many excellent ideas. Those are going to be reviewed and vetted and scrubbed and we hope then produced as recommendations coming out of the continuing work of the planning committee, that I hope now can be called an execution committee. We have met once since the weekend and will be meeting again.

Among the things we have already put in place, and Members will be advised of this by correspondence to their office, is a briefing on the retreat, the evening of April 16, from 5 to 7 p.m., downstairs in HC-5, where we hope our colleagues who were not able to attend the weekend, and their spouses, if at all possible, can join many of us who were there and our spouses for an opportunity to review some of what went on that weekend, to take a look at a video that is being compiled of the opening session, which included remarks by the Speaker and the Democratic leader, as well as a truly inspirational talk by the historian David McCullough.

We will have a time for socializing a bit, as well as dealing substantively with what went on in the weekend at Hershey and what our hopes are for carrying forward in very concrete terms the many, many good ideas that came out of that weekend.

Mr. Speaker, I yield to my good friend, the gentleman from Illinois [Mr. LAHOOD], for any comments he might wish to make at this point.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman, and I too want to add my thanks to all of those who worked so hard on making the retreat possible, including the Pugh Charitable Foundation, the Aspen Institute, and the Congressional Institute. Those folks contributed mightily to making our weekend a success.

But in large measure it was successful because of the Members who came, the 200 Members, about equally divided between Republican and Democratic Members, and then about 150 spouses

and 100 children, and the weekend was a success because of the fact that Members took the time to come. The kind of encouragement that Members have been exhibiting to carry on the suggestions that were made at the weekend I think means a great deal.

I hope that our group can get together and come up with some recommendations. I think many of the recommendations have a great deal to do more with running the House, the institution of the House, how to make it more effective in the sense that people have a chance to debate, knowing that there are going to be differences, there are going to be partisan and political differences, but in reality when we leave the floor and the vote has been cast people will continue to talk to one another and carry on discussions beyond the House floor, and it does not relegate itself to the extent that Members will not carry on conversations after they leave the House floor.

Mr. SKAGGS. The gentleman's point is very well made. There have been some who have wanted to misconstrue our efforts in this regard as somehow getting rid of disagreement, which could not be further from the truth.

We recognize, I think, that representing this big country of ours—

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SKAGGS. Mr. Speaker, I ask unanimous consent for 1 additional minute.

The SPEAKER pro tempore. That request may not be entertained by the Chair. The gentleman's time has expired.

Mr. SKAGGS. Mr. Speaker, if I may finish this one sentence.

The SPEAKER pro tempore. The gentleman's time has expired.

ORDER OF BUSINESS

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent to take the place of my colleague, the gentleman from Colorado, [Mr. MCINNIS], in the 5-minute rotation today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LOCKHEED MARTIN TO ROLLOUT F-22 ON APRIL 9 IN MARIETTA, GA

Mr. CHAMBLISS. Mr. Speaker, I yield to the gentleman from Colorado, [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman very much for yielding.

Just to complete the thought with my friend from Illinois, we just wanted to make sure that folks understand that our purposes are not to eliminate disagreements, which are inevitable, given the strongly held views that we have on the many important issues facing the country.

What we do believe is that we can replace what was becoming ever more sour debate among us with healthy debate which will live up to the expectations that I think the country and we hold for this institution.

Mr. CHAMBLISS. Mr. Speaker, reclaiming my time, I rise today to celebrate what I think is going to be a very historic moment in the national security of this country. On April 9, 1997, in Marietta, GA, at the Lockheed Martin plant we will have the rollout of the F-22.

I rise today along with my colleague from the 7th District of Georgia, [Mr. BARR], to talk about this historic event and to say that it marks the dawn of air dominance for the United States of America in the 21st century. The F-22 will be the fighter for the United States of America in the future.

The F-22 contains three major characteristics that will allow the United States of America to maintain the air dominance that we have been able to maintain in every major conflict over the last 40 years. Those three attributes, those three assets, are: stealth, integrated avionics, and supercruise.

Folks, this is one heck of an airplane that Lockheed Martin has put together, and I rise today with my friend from Marietta to celebrate this historic moment.

Mr. Speaker, I yield to the gentleman from the 7th District of Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank my distinguished colleague from the 8th District for yielding. The gentleman from the 8th District has been a very, very strong and consistent supporter of our military, and particularly recognizes the need to maintain air superiority and air dominance well into the next century, a role which the United States of America has not forsaken since the early days of World War II.

As the gentleman has indicated, the F-22 fighter, which I am very proud to say is being assembled in the 7th District of Georgia at the Lockheed Martin facility at Dobbins Air Reserve Base in Marietta, GA, is the aircraft that will do that.

The roll-out that the gentleman mentioned on April 9, Wednesday, is something that I and my colleagues hope will be witnessed by Members throughout this Chamber as well as from the Senate. This truly will be an historic event, witnessing the rollout of this unique aircraft.

This aircraft, as the gentleman from the 8th District has indicated, not only will fly faster than anything out there today, it will have stealth capabilities that go far, far beyond any aircraft in any country in the world, and it has the capability of delivering weapons systems before the enemy, whether it is an aircraft or land installation, even

knows that aircraft is there. As a matter of fact, they will probably never know what hit them with the F-22.

I appreciate again the work that the gentleman from the 8th District has done in working in his position on the Committee on National Security to ensure the appropriate funding and development of this most unique aircraft.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman, and I wish to congratulate Lockheed Martin for the superb job they have done in the development of this airplane.

I also wish to congratulate the U.S. Air Force for the work that they have done in moving this project forward.

Mr. Speaker, we look forward to April 9.

CIVILITY AND THE BIPARTISAN RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. SAWYER] is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I come to join my colleagues today who are taking this opportunity to speak on behalf of the retreat that took place 10 days ago or so. I do so in a way that we really did not have time to do at the retreat itself.

What I would like to do today is to share with my colleagues in substance an article that was published 9 years ago in *The Atlantic*. It was the cover story. It was entitled "Why Study History?" It begins with a recollection of the election of 1892, over a century ago, in which the author, Paul Gagnon, describes the election as one of exchanges between Grover Cleveland and Benjamin Harrison, which were notably superficial, sometimes unsavory, and avoided most of the toughest questions facing America at the time.

It probably sounds familiar to many Americans. Cleveland and Harrison were not simpletons, but like most political leaders, as the author points out, they knew more than they dared to say and worried more than they dared to show.

The Committee of Ten, organized in that year to elevate the level of public debate, put civic education at the top of the school agenda because they saw a need to raise the level of political debate in the country.

We still need to do it. Not much has changed since then, and it was that which was a motivator behind the retreat itself.

The author pointed out in that article in 1988 that it takes a real understanding, a bone-deep understanding of democracy, to know how hard it is to preserve civilization or to better human life. And in describing what it takes, he touched on the kind of thing that I think we need to understand as a product of the retreat we undertook.

As he pointed out, the kind of work we do is difficult because it asks people

to accept the burdens of living with tentative answers and with unfinished and often dangerous business. It asks us to accept costs and compromises, to take on responsibilities as eagerly as we claim rights, to honor the interests of others while pursuing our own, to respect the needs of future generations, to speak the truth and do the right thing when falsehood and the wrong thing would be more profitable, and generally to restrain our appetites and expectations. All this while working to inform ourselves on the multiple problems and choices of our Nation.

□ 1745

It is easy enough to lay out these kinds of wholesome values when things are going well, to remember the attitudes that we learned in classroom lessons and repeat over and over throughout our lives, and it is not even so hard to practice them provided that a certain level of morale prevails. There is no trick to virtuous behavior when things are going well. Most people will hold ethical attitudes, without much formal instruction when they feel themselves to be free, secure, and justly treated.

The truly tough part of all of this is to prepare us for the more difficult times. The question is not whether we will remember the right phrases but whether we will turn words into practice when we feel wrongly treated or fear for our freedom or security. It is particularly difficult when we see others in the public or private sector appear to flout every value that we would hold highly for one another. The chances for democratic principles to survive such crises depend on the number of representatives and indeed the number of citizens who remember how free societies have responded to these kinds of times in the past, how we have acted to defend ourselves and emerge from the bad times. Citizens need to tell one another, and we need to tell one another, and we need to tell those that we represent before it is too late what struggles have had to be accepted, what sacrifices borne and comforts given up, to preserve freedom and justice.

I can think of no single commentary that more completely strikes the recognition that we faced in Hershey, that it will not solve all of our problems of personal acrimony within the Congress, but it was never intended to do that. The retreat helped remind us that we can disagree with one another on matters of philosophy and belief while treating one another with respect personally. There will always be partisan differences, there should always be partisan differences.

The retreat was not intended to end them, but really to serve as a starting point, to build understanding among Members of the House and understanding that each of our personal outlooks has validity. Even if they do not

agree, it will help reduce tensions. It is a baseline from which to build and the dialog that began in Hershey has provided the foundation for the rebuilding of civility within the institution, to understand where we all have been and where we all are going.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleagues, Congressman DAVID SKAGGS and Congressman RAY LAHOOD, for reserving this special order. I was among Members of this legislative body who traveled to Hershey, PA, earlier this month for the bipartisan congressional retreat. I am pleased to share the success of this undertaking with my colleagues on both sides of the aisle.

In short, the bipartisan congressional retreat provided us with the opportunity to engage in candid discussions of how we can improve the working environment of the House. We focused on how Members currently deal with differences of opinion and how improvements can be made in this area.

Mr. Speaker, in my opinion, this was the finest retreat that the House of Representatives has held during my entire tenure in Congress. While we are accustomed to having House Democrats gathered for retreats and Republicans holding separate retreats, I can say that the Hershey retreat was truly bipartisan. More than 200 Members of the House, and an equal number of family members were in attendance at the Hershey retreat. In my case, I was pleased to have my wife, Jay, my daughter and her husband, as well as two of our grandchildren, join me at the retreat. The retreat afforded the opportunity for Members of Congress, many of whom have only spoken to one another in passing, to commune with one another and have dialog in order to learn more about each other. The retreat provided our families this same opportunity. When we saw our children and grandchildren playing together, it encouraged us to come together. Our bipartisan retreat also included excellent breakout sessions. The small group setting allowed us to have informal discussions without the uncivility that we have experienced in the House. Further, the occasion to have breakfast, lunch, and dinner together provided an opportunity at each session to visit with someone whom we had not visited with before. By the time we were ready to return home, it was obvious that all who attended the retreat felt a sense of kinship.

Mr. Speaker, those of us who attended the retreat also came away with a much greater understanding of the history and traditions of the House. As Members of Congress, we belong to the finest legislative institution in the world. All of us have an obligation to treat it in that manner.

MARGIE JANOVICH'S SACRIFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, 1 week ago today, we buried a lady from my district by the name of Margie Janovich. The story of Margie

Janovich I shared last week with the American people, a story that she had struggled with the fight of cancer for 18 months, but I wanted to come back today and share the story again because it is such a moving story and tomorrow is the beginning of the debate with the partial birth abortion bill.

Margie's story, for those of you who have not heard, this is a family, Margie and her husband Joe had 9 children in this picture and I do not know, Mr. Speaker, if the camera can get a picture of this or not, but Margie was 44 years old when she passed away last week, and Margie died of cancer. She had been diagnosed with thyroid cancer, and at the time that Margie was diagnosed with thyroid cancer she was 5 1/2 months pregnant. As a matter of fact, she was pregnant with this little gal, Mary.

Well, Margie, because of her pro-life views and because she believes that life is the most sacred thing that could ever be given from God, said she was going to forgo cancer treatments so she would not risk hurting her unborn child. And so she waited until little Mary was born and the thyroid cancer spread. It spread to her breasts and into her lungs and 18 months later it eventually took her life.

But before it took her life, her 9 children, Nick and Tina, Jim and Terry and Mike and Joe and Danny and Andy and precious little Mary, experienced something that few children in America experience, and that is a mother who not only loved them but gave her life for them. And someday when her husband Ron sits down to tell little Mary what act of sacrifice and what her mother did to deliver Mary safely into a world, into a country that does not value life, I think it will be a story that will touch Mary forever.

As I think of tomorrow's debate, and think of the 25 million children we have murdered in America because of convenience, because of choice, I think of my conversation with Margie Janovich 1 week before she passed away. She always had a smile on her face, and when I went in to visit her in the hospital she asked me now, are we going to have the votes this year to override a veto on the partial birth abortion? She always was thinking about how we could protect more lives. She was always thinking about someone else, thinking about her family, thinking about her children and thinking about the unborn.

I had a chance this week on Sunday to go over and see Ron and see the kids, I saw Andy and Danny and Tina. It has been a difficult 18 months for them, but they have experienced something because of what their mother gave that few children in America will be able to experience, and that is the love of a mother for her children. I think of the issue of convenience, and I think of the issue of sacrifice, because

that is really what abortion is all about.

It is about a choice, but the choice occurs prior, prior to conception. The choice occurs whether or not you are going to get into bed with someone. The choice occurs far before the issue of an unborn life. And Margie Janovich understood this choice. She understood the choice of life. She understood the issue of taking an unborn life, and she decided for her the best thing to do would be to protect life.

But even under the partial birth abortion bill that we are going to be debating tomorrow, Margie could have taken the route of an abortion, because her life was in danger. So the bill tomorrow that we are going to be debating would have allowed for that exception. You will hear a lot of rhetoric tomorrow about an amendment talking about health of the mother. But the health of the mother could be anything, from emotional distress to financial distress, to a number of things.

I hope that the American people are watching tonight as they decide to call and to get active and get involved and call their Representatives, because tomorrow is the debate, and tomorrow as we decide, I hope the American people will remember Margie Janovich and her 9 children and the sacrifice that she made for her little baby, Mary.

THE BIPARTISAN RETREAT IN HERSHEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. HINOJOSA] is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today to speak about the bipartisan retreat in Hershey, PA. We came together in an effort to bring greater civility to the House of Representatives, and that is exactly what I feel we accomplished. We wanted to set a tone of cooperation and compromise for the 105th Congress. We proved that it could be done. As freshman Representative, JO ANN EMERSON from Missouri and I recruited over 60 percent of the 74 Members of our 1996 class. We made sure that our young class is included in the struggle to unite our House of Representatives. Both of us served as part of the planning team and coleaders of the small group sessions. The participants in planning this event spanned the range of ideological, geographic, ethnic and seniority differences.

This diversity was also reflected by those attending the retreat, as evidenced by the participation of the Speaker of the House, NEWT GINGRICH, Majority Leader DICK ARMEY, Minority Leader DICK GEPHARDT, and Minority Whip DAVID BONIOR.

Acrimony seemed to be the trademark of the past 104th Congress. Upon coming to Washington, it was very apparent to me that the House of Representatives was at a crossroads and

that, more than anything, efforts needed to be made so that we could have a level of trust in each other. It was imperative to strive to achieve this goal in order to be able to effectively work together and, in turn, to be productive. Ultimately, that is what all of our respective constituencies elected us and sent us here to Washington to do.

On a personal note, I received a letter this week, and I want to share it because it shows that there are people out there in the country who believe that we can do it. It says:

My dear friend, Congressman HINOJOSA:

Thank you for seeing us on Monday. I was glad to see you. I must tell you that you now have the job for which you were born. Normally wild horses could not drag me to any part of that government bureaucracy, but knowing that you were there somehow made it seem more believable, that real people walk those hallowed halls and were going to make a real difference. And from what a person reads in the newspapers and sees on CNN and C-SPAN, it appears that real people are few and far between. Isn't that just the way, they tell us all of the bad stuff and none of the good stuff, and I know that there are some fine Congressmen and Congresswomen. Keep up the good work. Keep on representing the common folks like us in south Texas.

Fondly, your constituent, Phyllis Griggs.

I want to say that it was a pleasure to be in Hershey, PA, and to see that there is a lot of spirit and enthusiasm to get the job done.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. LAHOOD. I thank the gentleman from Texas for yielding.

Mr. Speaker, I wanted to rise and say that one of the highlights of the bipartisan retreat was the speech that was delivered by David McCullough, who is a Pulitzer prize winning author and historian and contributed so much to making our retreat so successful.

Mr. Speaker, I include the remarks of David McCullough for the RECORD so that for those who did not attend the retreat, they can read the CONGRESSIONAL RECORD tomorrow and this will be a part of the RECORD, so that people in the future will have a chance to read the remarks that he delivered at our retreat, which I think inspired all of us that were there.

BIPARTISAN CONGRESSIONAL RETREAT—
PLENARY SESSION SPEAKER
(By David McCullough)

Well, Amo, you've taken my breath away and your invitation to speak here is as high a tribute as I've ever received. I feel greatly honored but also a strong sense of humility. And I hope it won't seem presumptuous if I—in what I say today—appear to know your job. I don't. If I can help you in what I say, if I can help the country, then I will be very deeply appreciative of the chance to be here.

Your speaker welcomed you to Pennsylvania, I do so too as a Pennsylvanian, by

birth and by education and as one who loves this state. There is more history here than almost anywhere else in our country. Our most important, our most sacred historic site—Independent Hall—is less than 100 miles from where we sit, as the crow flies. And if you come to Pennsylvania, you can always learn something, at whatever stage in life.

Last year, Rosalee and I came back to Philadelphia. We pulled up in front of the hotel in a big, shiny, rented car and the doorman, a handsome fellow in full regalia, opened the door for Rosalee. I popped the button for the trunk and I could see him getting the luggage out. I got out and walked around the back of the car and he looked up and said: "Well, Mr. McCullough, welcome to Philadelphia; it is wonderful to have you here." And I thought, "I wonder if he knows me because of my books or because of the work I do on public television?" And so I said, "If you don't mind, I'd like to know how you know who I am?" And he said, "the tag on your suitcase."

You can't but help learn a great deal in this session and as Speaker Gingrich said, this event is unprecedented in the long history of the U.S. Congress. A gathering like this never happened before. And how wonderful that your children are here—the next generation—some of whom may also be serving in Congress. We have the future with us too. And we have the past.

Now many people think of the past as something far behind, in back of us. It is also possible to think of it as in front of us, in the sense that we're going down a path that others have trod before, and some very great people; we are in their footsteps. And it is in that spirit that much of what I have to say will be said. I want to talk about history; I want to talk about purpose, and because there's an old writer's adage, "Don't tell me, show me." I want to conclude by showing you.

"We live my dear soul in an age of trial," he wrote, in a letter to his wife. In the seclusion of his diary he wrote, "I wander alone and ponder. I muse, I mope, I ruminate." He was a new Congressman and he was about to set off for his first session in Congress. John Adams, heading for his very first Congress—the Continental Congress in Philadelphia in 1774—and he was very disturbed, very worried.

"We have not men fit for the times," he wrote, "we are deficient in genius, education, in travel, fortune, in everything. I feel unutterable anxiety." The next year when he returned for the second Continental Congress he found that the whole atmosphere had changed. This was after Lexington, Concord, and Bunker Hill. This was a time of pressing need and America, he decided, was a great, "unwieldy body."

"Its progress must be slow, it is like a large fleet sailing under convoy, the fleetest of sailors must wait for the dullest and the lowest. Every man in the Congress is a great man," he wrote, "and therein is the problem—an orator, a critic, a statesman, and therefore every man upon every question must show his oratory, his criticism, and his political abilities." In 1776, in the winter—in the dead of winter—with the temperature down in the 20s, John Adams set off again from Braintree on horseback to ride 300 miles. Nothing unusual then; we think of communications and transportation as two different subjects. In the 18th century, transportation and communication were the same. Nothing could be communicated any faster than somebody on a horse.

He arrived back in Philadelphia—this is early in 1776, and bear in mind this was the

year of the Declaration of Independence—and he wrote: "There are deep jealousies. Ill-natured observations and incriminations take the place of reason and argument." Inadequate people, contention, sour moods, and from his wife, Abigail, John Adams received a letter in which she said: "You cannot be I know, nor do I wish to see you, an inactive spectator." She wants him to be there for all it is costing her, for all the difficulties she is having, caring for the family and running the farm. And then she adds, "We have too many high-sounding words and too few actions that correspond with them."

1776. History * * * History is a source of strength. History is a source of strength. History teaches us that there is no such thing as a self-made man or woman. We all know that. We all know the people who helped. Teachers, parents, those who set us on the right track, those who gave us a pat on the back, and when need be, those who have rapped our knuckles.

History teaches us that sooner is not necessarily better; that the whole is often equal to much more than the parts; and what we don't know can often hurt us deeply. If you want to build for the future, you must have a sense of past. We can't know where we're going if we don't know where we've been and where we've come from and how we got to be where we are. A very wise historian, who was the Librarian of Congress—Daniel Boorstin—said that to try to create the future without some knowledge of the past is like trying to plant cut flowers.

History is an aid to navigation in troubled times; history is an antidote to self-pity and to self-importance. And history teaches that when we unite in a grand purpose there is almost nothing we cannot do.

Don't ever forget the great history of your institution—your all-important institution. All of us, all of us want to belong to something larger than ourselves. I'm sure it's why you're in Congress; I'm sure it's why you decided in the beginning, "I'm going to give up this and do that, and it's going to be difficult for my family"—because you wanted to serve something larger than yourselves. It's at the heart of patriotism; it's why we are devoted to our churches, our universities, and, most of all, to our country.

With that kind of allegiance—that kind of devotion—we can rise to the occasion in a greater fashion than we have any idea. And we've done it time and again, we Americans. Think what your institution has achieved. It was Congress that created the Homestead Act. It was Congress that ended slavery. It was Congress that ended child labor. It was Congress that built the Panama Canal and the railroads. It was Congress that created Social Security. It was Congress that passed the Voting Rights Act. It was Congress that sent Lewis and Clark to the West and sent us on voyages to the moon.

Some acts of Congress like the Marshall Plan or Lend Lease, as important as any events in our century, were achieved under crisis conditions. But it doesn't have to be a crisis condition. It can be an ennobling, large, imaginative idea. A big idea.

Much of what has happened in our time has been determined by outside forces. In the Depression, the national aspiration—the national ambition—was to get out of the Depression. In the Second World War, the national aspiration—the national ambition—didn't need to be defined, it was to win the war. In the Cold War, the national aspiration was to maintain our strength against the threat of the Soviet menace, but at the same time, maintain our open free way of life.

But now the Cold War is over. And outside forces are not determining the national ambition. So what is it going to be?

Because we have the chance to choose. You have the chance to choose. And as important as balancing the budget may be, as important as restoring civility and law and order in the cities may be, as important as fourth-grade testing may be, or school uniforms, they aren't the grand ennobling ideas that have been at the heart of the American experience since the time of John Winthrop and the ideal of the City on the Hill.

And we have the chance to do that. We have the chance to create that—you have the chance to do that. There has never been in any of our lifetimes a moment of such opportunity as now with the Cold War over. And if we just lift up our eyes a little and begin to see what we might be able to do, we too—we in our time—could be cathedral builders. We can be a great founding generation, like the founding fathers. And what a wonderful uplifting, thrilling, unifying sense of purpose that can provide. America itself at the very beginning was a big idea; the biggest idea in the political history of the world. That could happen again.

John Adams, who was one of the most remarkable of our Founding Fathers and whose wife Abigail has left us a record unlike that of any other spouse of a political leader of that time, set something down on paper in the Spring of 1776 that ought to be better known. It's called *Thoughts on Government*. It was originally written as a letter to the eminent legal scholar, George Wythe of Virginia. It was about twelve pages long and when other Members of Congress asked him for a copy he sat there, by candlelight, at night in a room in a house across the street from the City Tavern in Philadelphia, copying it all down. And then Richard Henry Lee of Virginia suggested that it be published.

Keep in mind please that it was written before the Declaration of Independence. And listen to the language, listen to the quality of the language, which of course, is the quality of thinking. That's what writing is: thinking. That's why it's so hard.

"It has been the will of heaven that we, the Member of Congress, should be thrown into existence in a period when the greatest philosophers and lawgivers of antiquity would have wished to have lived." Right away, you see, he's saying, it is the will of heaven, there are larger forces than we ourselves, and he's applying the moment against the standard of the past: antiquity. It is to a very large degree, a lesson in proportion. "A period when a coincidence of circumstances without an example has afforded to thirteen colonies at once an opportunity at beginning government anew from the foundation and building as they choose." New, unprecedented, and they may choose. "How few of the human race have ever had an opportunity of choosing a system of government for themselves and for their children." And here is the sentence I dearly love. "How few have ever had anything more of choice in government than in climate."

He proposed a bicameral legislature. "A representative assembly," he called it, "an exact portrait in miniature of the people at large," balanced by a second "distinct" smaller legislative body that it may "check and correct the errors of the other." Checks and balances. There was to be an executive whose power was to include the appointment of all judges, and command of the armed forces, but who was to be chosen—and you'll like this—who was to be chosen by the two

houses of legislature and for no more than a year at a time.

At the close, he also wrote this—and think about this please, as maybe a clue to what the cathedral we build might be. "Laws for the liberal education of youth are so extremely wise and useful that to a humane and generous mind no expense for this purpose would be thought extravagant."

Then after another month or so he sat down and wrote a letter to a friend back in Massachusetts, a fellow son of Liberty. April, 1776. Carved into a mantelpiece at the White House, in the State Dining Room, is the prayer—the wishful prayer taken from a letter Adams wrote to his wife Abigail after his second or third night as President in the White House—the first American to occupy the White House as President—in which he says, "May only wise and honest men rule here."

I offer for your consideration the possibility that what I'm about to read might be carved, if not in a mantelpiece, somewhere in our Capitol where it would have appropriate attention. I can think of almost no other line from any of the founders so appropriate, so pertinent, to what you face—what we all face—not just in problems, not just in personal animosities or contention or rivalries, but what we face in the way of opportunity: to be builders as they were. Because he establishes both a way and a warning: "We may please ourselves with the prospect of free and popular governments. God grant us the way. But I fear that in every assembly, members will obtain an influence by noise not sense, by meanness not greatness, by ignorance not learning, by contracted hearts not large souls. There is one thing my dear sir that must be attempted and most sacredly observed or we are all undone. There must be decency and respect and veneration introduced for persons of every rank or we are undone. In a popular government this is our only way."

I salute you all. I salute you as a fellow citizen, as a fellow American, as the father of five children, as the grandfather of nine children. I salute you as one who has spent a good part of his working life trying to write some of the history of your great institution.

Our country deserves better—from all of us. But we look especially to our leaders as we should rightfully do. And there are no more important leaders than you. We don't expect you to be perfect. We do expect hard work, diligence, imagination, a little humor, civility, and especially, the sense that there is really no limitation to what we, a free people, can do. And that, with the grace of God, and a common sense of purpose, there is no limit—which has always been at the heart of the vision of America since the beginning.

Mr. HINOJOSA. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. SKAGGS. I just wanted to commend the gentleman in the well and his colleague from the incoming class, the gentlewoman from Missouri, JO ANN EMERSON, who made a tremendous difference in our efforts to plan this undertaking and see it through to a successful conclusion.

I think he made the very important point that no organization as large as this one is able to get anything done if we do not have some minimum level of trust in each other, especially across the aisle. You cannot accomplish that if you do not spend a little bit of time getting to know each other. That was

part of what this retreat was about. It is primarily not just about good feelings but the fact that without some minimal level of trust and mutual respect, we cannot get the country's work done, and that is what we are all here to do.

FLORIDA'S RELEASE OF VIOLENT CRIMINALS MARKS SAD DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WEXLER] is recognized for 5 minutes.

Mr. WEXLER. Mr. Speaker, today is a very sad day for Floridians and for all Americans. Nearly 1,000 criminals who have committed the most heinous crimes imaginable have been released from Florida's prisons without serving nearly their full sentences. Once again the victims and their families will relive the worst nightmare, knowing that the criminal who destroyed their lives is free to commit the crime again.

This is an outrage, and Congress must stop it now. Imagine it was your 6-year-old son who was sexually molested by a friend you trusted enough to bring into your home. Imagine it was your wife or sister who was brutally raped. Imagine it was your 17-year-old son who was repeatedly stabbed to death. These are not hypothetical examples. All of these vile criminals were among the 1,000 prisoners already released from Florida's prisons.

□ 1800

The criminals who committed these heinous crimes are now walking free due to a U.S. Supreme Court decision that creates a so-called constitutionally protected right to gain time, an early release mechanism created by Florida officials in 1983 to alleviate prison overcrowding. History shows that a frighteningly high percentage of these criminals will molest, murder, and rape again and again.

Last month Floridians saw a chilling example of what happens when violent felons are released from jail prematurely. Lawrence Singleton was released after serving only 8 years, only 8 years of his 14-year sentence for raping a 15-year-old girl, severing her forearms, and leaving her for dead. This young girl lived. But last month Singleton struck again and murdered a Tampa woman.

How many Floridians must die because of this absurd U.S. Supreme Court decision? The whole premise of gain time is a contradiction. Releasing violent prisoners before they serve their full sentence is just plainly wrong. A child molester, a murderer, or a rapist has earned absolutely nothing. For years Florida was known as the crime capital of the United States. The U.S. Supreme Court has slapped law-abiding Floridians in the face.

That is why Congressmen FOLEY, MCCOLLUM, and I today filed a bipartisan constitutional amendment empowering States to keep their violent offenders behind bars and allowing the American people the opportunity to exercise common sense when our Supreme Court has failed to do so.

Our sheriffs can catch them, our State attorneys can prosecute them, our judges and juries can sentence them, our State legislatures can appropriate the money to build the prisons. But after all, this ridiculous loophole sets these violent people free.

Something is dramatically wrong when a technicality and interpretation by judicial decree overrides good sense, good judgment, and good government when as many as 16,000 dangerous criminals are free to terrorize our neighborhoods and when the Supreme Court places the rights of violent criminals above the rights of law-abiding citizens.

The Constitution of the United States must be changed.

REFUSE TO SUPPORT LESS PAY FOR WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, H.R. 1 is a disgrace to American workers. In the last several days workers from all over my district have come to Washington to ask me to vote against this bill. Those working constituents do not want their pay reduced by a Congress out of touch with the American work force.

Let me repeat that. Those working constituents do not want their pay reduced by a Congress out of touch with the American work force.

Mr. Speaker, a vote for this bill is a vote for a pay cut for the workers.

H.R. 1, the Working Family Flexibility Act of 1997, is also known as the pay reduction act. Today millions of workers depend on overtime pay just to feed their families and keep a roof over their heads. How cruel to consider this overtime pay as optional. Today too many people depend on overtime pay to survive. Their survival is not optional.

Mr. Speaker, it is employers, not employees, who get greater flexibility from this bill. This bill does not contain necessary safeguards to ensure that the employee decision to accept comptime is truly voluntary. The overtime provision in the Fair Labor Standards Act protects workers from excess demands, from overtime work, and by requiring a premium pay for overtime provides an incentive for businesses to create additional jobs.

There is no doubt that the American workers prefer pay for their overtime work instead of comptime. A recent poll by Peter Hart found that the

American worker prefers pay for their overtime instead of comptime by a margin of 64 to 22 percent. Unfortunately too many workers do not get paid for overtime. The Employment Policy Foundation, a think tank supported by employers, estimates that workers lose \$19 billion a year in overtime pay due to violations of the Fair Labor Standards Act. Why should we give managers more control and give workers less money? A worker who was forced by management to take comptime instead of overtime pay is being required to take a voluntary pay cut.

Mr. Speaker, I refuse to support less pay for workers.

SUCCESS AT HERSHEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOUGHTON] is recognized for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, before I talk I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I simply want to state that with regard to the recent retreat at Hershey, two things: First, while my colleagues were enjoying a retreat, I was on a work weekend. That was my district, and my schedule called for me to meet a group of tourists from Washington, DC, and so I did my duty. I wanted you to know that I worked hard that weekend making sure that you were hosted well.

But the second notation I want to make is that universally with every member of the Hershey staff, waitress, busboy, every single person who worked there and who dealt with the Members of Congress and their families, the mood and the comment was absolutely unanimous to the effect that they were met with courtesy on the part of the Members and their spouses and their children, that everybody was well behaved, that the requests were all met handily. In short, they were glad to have the Members of Congress and their families at the retreat at Hershey.

For me it was a good exercise in doing my job, but more than that, it was good to see all of the Members at the resort area in Hershey.

Mr. HOUGHTON. Mr. Speaker, the gentleman from Pennsylvania did his job well, as did Governor Ridge. It was an honor and a pleasure to be with him. Thanks very much. Maybe New York will be the hospitable State the next time we have a meeting.

Mr. Speaker, my friends, I would like to talk just a second about the bipartisan retreat. It was a wonderful experience. I am not going to duplicate the comments that my bosses, the gentleman from Colorado [Mr. SKAGGS], the gentleman from Illinois [Mr. LAHOOD] and the gentleman from Ohio [Mr. SAWYER] have mentioned, but I would just like to add one or two com-

ments to something which was really I think really a definitive moment in the history of this Congress.

Here we were, 220 of us, approximately 550 people up there, talking as we should talk, talking to citizens, talking as concerned citizens. Maybe one of the most impressive things as far as I am concerned was the inclusion of the spouses. You know, many times life, whether it is in politics or business, whatever it is, it is sort of a solo act; but here we were as families talking and expressing ourselves and sharing ideas. It was enormously healing.

You know bit by bit, whether it is again in a family or a business or something else, we sort of drift apart, and all of a sudden we realize that this thing has been apart and we are looking down into a chasm. We have got to pull it back together, and I think that is what happened: Very, very important.

I got a letter prior to going there from some people out in Washington near Seattle, St. Stephen the Martyr Roman Catholic Church, and let me just read a little bit about it because this is sort of the genesis of what we were doing out there.

It said: "Dear Congressman, as the new term of office begins it is our desire that all of our elected leaders strive to work together."

Now, this was not prompted at all. "Regardless of political alliance, the potential for stalemate and impotence in leadership decisions exists due to separate party agendas. It is necessary in the best interests of your country, of my country, that there be teamwork and compromise and strength of purpose. You are paid by us. We expect you to behave with dignity and integrity."

Now, I am not going to read the rest of this letter, but you get the gist of it. I mean, these people are involved right here with us every day. They see us, they send us here, they expect us to deal in the same manner that they would deal with their parishioners, or with their family or with their fellow citizens, and that is why this thing was so special.

Let me just say one other thing. I had a wonderful opportunity this morning to go down to the Mall and see the opening of the World War II memorial. Bob Dole was there, the first public appearance I think he has made since the election. He gave an enormously effective and emotional speech, and I hope that other people will be able to read it or listen to it. One of the things he said is that "you know we here represent young people who died for a future they will never realize."

You know, I just thought of that because of the responsibility it puts on all of us. Here were those young people in with World War II, as there have been in other wars, who risked their

lives, lost their lives for a future they would never be able to experience themselves.

It gives us a tremendous sense of obligation to do what is right here, and so I was proud to be a part of this experience. I hope it is not a flash in the pan. I hope it will continue. I hope the whole spirit of Hershey will be a spirit that we can look back on and say it was well worth our while.

COMPTIME/CHUMPTIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I wanted to come to the floor this evening because I wanted to talk about the bill that we just passed here, H.R. 1, the comptime bill, flexibility time bill, what the gentlewoman from California [Ms. WOOLSEY] called the chumptime bill.

I would first like to commend CBS Evening News for their March 18 Eye on America story reported by Sandra Hughes. I called CBS and requested a transcript because I want to read that transcript now.

The opening shot, for those who did not see it, was a door opening and a woman by the name of Etta and her family walking out, and a narrator says: "Just after dawn, just east of Charleston, the daily struggle begins for Etta Williams." And Etta sees her kids off to school, and a narrator says: "Even though she was working up to 60 hours a week as a cook at the local Pizza Hut, Etta says she had to go on food stamps to feed her family because her manager was not paying her for all the hours she worked."

Etta says: "They go in, they take your hours, they delete it from your pay."

The narrator says: "This minimum wage mom has joined a dozen other employees suing Pizza Hut saying the company deleted countless hours from their weekly paychecks."

Etta Williams continues: "It is stealing from the poor, stealing, and they are getting rich off of it."

The narrator says that we tried to talk to her manager at Mount Pleasant, SC, Pizza Hut, and the employees called the police.

Then there is a segue to Gregg Dedrick who is a senior vice president eloquently situated in a nice plush office, and he says: "I would say it is unfortunate she feels that way. I think we are a fair employer, we want to pay people a fair day's pay for the work they do, and we have processes in place to resolve those discrepancies."

The narrator then says: "But a former manager at a Pizza Hut in Walterboro, SC, told us a far different story. 'Pam Chapman is that former manager who says: I have to live with

this. The thought of going and taking hours actually stealing from the employees."

Pam Chapman admitted that every week she entered the computer and deleted hours from workers' payroll. Pam Chapman says: 'I have been through 3 previous managers and every last one of them did the same thing.'

Then CBS concludes the story by saying all of this comes on the heels of a CBS news investigation into similar allegations at Albertson's grocery stores. In that report which was played as a recent Senate hearing on overtime workers in four States who are suing the grocery store chain claimed they were cheated out of millions of dollars in back pay.

□ 1815

Jenni Perry was a bookkeeper. Jenni says, "I was told by my store director to change, falsify, whatever you want to call it, time cards."

Then CBS goes on to say, "We wondered just how common these kinds of wage complaints are, so we asked the United States Department of Labor. They sent us this, and it was a great big, huge book, a printout, really, about this thick. Last year alone, more than 12,000 companies were fined a total of \$100 million for not paying employees for all the hours they worked."

Etta Williams ends by saying, "It is not only stealing from me, they are taking away from my children too," which is why Etta Williams decided, in order to protect her family, she was going to have to stand up for herself.

Now, the bill that we passed today has very real implications for the millions of Etta Williamses that are out there across this country, and for the benefit of my constituents, I want to make it clear to them what this is about.

This bill is not family legislation and it needs to be vetoed by the President.

BIPARTISAN RETREAT IN HERSHEY A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I am one of the fortunate Members of the House of Representatives who got the unique opportunity of attending the bipartisan retreat. I must admit, Mr. Speaker, when I was initially invited, I felt, well, this will be just another feel-good session, or it will just be another one of these innocent, well-designed things that would lead to failure.

I want to say, Mr. Speaker, that it was not. It was tremendously successful. I am an experienced educator and an experienced civic-minded person. I have been on many retreats. In my opinion, this was one of the better ones

that I have been fortunate enough to attend.

First of all, I think that it is time the House of Representatives realized that it does take getting away from the 435 seats that we sit in on the floor of this House, many times. It takes that because the institution itself has divided us geographically from the way we sit on this floor. This retreat did a lot.

I want to commend my colleagues, the gentleman from Colorado [Mr. SKAGGS], the gentleman from Illinois [Mr. LAHOOD], the gentleman from New York, [Mr. HOUGHTON], the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], the minority leader, the gentleman from Missouri [Mr. GEPHARDT], and the gentleman from Ohio [Mr. SAWYER]. Because of the efforts they put forth in planning this and making it happen, we owe them a debt of gratitude.

I welcomed the opportunity to meet outside of work with many of my colleagues, many of whom I had never met before, even though I had seen them passing in the hall. The event was well planned and well organized. Discussion group leaders were extremely helpful, and the sessions were productive. It was wonderful to see so many of my colleagues together with their families.

The presentation by Dr. McCullough, a great scholar, a great writer, was extremely revealing and very provocative, because I have been here 4 years and that was the first time I heard a scholarly approach to the historical perspective of this House.

He gave us a reason to feel that we should be proud of all of the merits that perhaps the American public does not realize as to what this House has done. He did it in such a way, he did not pander to us, he dealt with facts and said we should be very proud. I think that proudness, Mr. Speaker, coming from each one of us, would certainly inhibit some of the incivility we have seen on the floor.

Will it increase civility on the floor? I think it will. I think it improved the respect that we have for each other. I think it gave us a strong perspective of why the House is so important and why our decisions that we make here every day are very important and how they benefit the people of this country.

The design of the workshop was superlative. It was not thrown together. It had goals, it had objectives, it had ways to reach the goals that we sought so well. It had an evaluation so that we could say to the committee, that is what we saw this year; when you have this again, maybe these are some improvements that we would like to see.

I think it was a very, very good use of the money of the people who sponsored it. It was a team-building kind of device. Industry and business, they know how to do these kinds of things, that is, to take you away from the

workplace and have you face your colleagues, to have you dialog and to have you meet each other's families. I think this Congress as an institution could take a lesson from business and industry, and this retreat did that. It created that kind of team-building.

There were many good readings which I liked very much. They sent each one of us some pre-readings, and if we read it, it set the tone of what we were there for, and they had research studies that showed. So it was not just a fun thing, even though we did have fun, but it was based on very sound research, and we had very good scholars and good speakers behind it.

It was issue-oriented, family-friendly. It just did me proud as a grandmother to see the families there with their children and the children enjoyed it so much. Was the retreat good? Yes. Was the retreat successful? Yes. The retreat gave us an objective or an outcome that it would take us years to reach if we had not moved out of these 435 seats.

So I want to say to the people who sponsored it, we want it repeated again next year. It was the best.

PARTIAL BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, tomorrow we will vote on the very important issue of partial birth abortion. I would like to address that subject for a few minutes. I have practiced obstetrics and gynecology for more than 30 years and have delivered thousands of babies. I have never needed to, nor have I known of any circumstance where the partial birth abortion procedure was necessary for the health of the mother. Quite to the contrary, it is my most sincere conviction that the procedure itself is quite dangerous to the mother.

When it was first said by the right-to-life advocates that this procedure was being done frequently, I was reluctant to believe this possible, considering its danger and its grotesque nature. It was only after the admission by the proponents of abortion that, indeed, it was done frequently, and on healthy babies, that I was willing to consider that we had slipped to the point where this operation is promoted as an acceptable medical procedure.

The notion that this procedure should be available for the protection of the health of the mother is disingenuous to say the least. As a physician who encountered inter-uterine fetal death in the second and third trimester, I have never entertained the thought of performing this procedure because of the risk to the mother.

Using the mother's health as an excuse for abortion reminds me of what I witnessed in the 1960's as an obstetrical

resident. Physicians defying the law were using an illegal loophole, saying that if an individual threatened suicide it was a justification for abortion. It was a matter of course to make a phone call and get a commitment from a sympathetic psychiatrist to say yes, he would sign the papers, and that is all it took.

It is one thing to defend abortion because one sincerely believes it should be legal, but it is another thing to distort the truth, fudge the statistics, and pretend that it is done for the health of the pregnant woman. This should be exposed for the falsehood that it is.

I am convinced that abortion is the most important issue of the 20th century. Whether a civilized society treats human life with dignity or contempt will determine the outcome of that civilization. Supporters for legalization of abortion in the 1960's never dreamed it would come to the debate that we face today over this grotesque procedure, the partial birth abortion.

In determining whether or not this country endorses this procedure, we make a moral statement of the utmost importance regarding the value of human life.

The legislative approach for abortion is of lesser consequence than the issue itself. Abortion regulation, like all acts of violence, traditionally and under the Constitution were dealt with locally until 1973 when the courts chose to legalize nationally the procedure. Removing the issue from the jurisdiction of the Federal courts so States could deal with all of the problems surrounding abortion would be more in line with the traditional constitutional approach to government. Obviously, all funding by any government ought to be prohibited in a society that pretends to protect human life and defend individual liberty.

It is now a worn-out cliché that abortion is defended in the name of women's rights and freedom of choice. But claiming to protect the freedom of one individual can never be an excuse to take the life of another. Life and liberty are never in conflict. Life and convenience may well be. The inconvenience and responsibility of caring for a hungry, crying baby at 3 a.m. never justifies baby killing, nor is an inconvenient baby in the womb a justification for its elimination.

For those who cry out for choice, let me point out that someone must speak out for the small, the weak, and the disenfranchised so their choice for life is heard.

No one in this body can challenge me on my defense of personal choice in all social, personal, and economic matters, but I do not accept the notion that choice means the right to take the life of a human being. That is a mockery of the English language and truth.

Those so bold who today would argue that choice means not only the killing

of the unborn but the partially born as well, I say to you, where are you when it comes to real choice in economic transactions, hiring practices, gun ownership, use of private property, confiscatory taxing policy, taking personal risks, picking schools for our children, medications and medical procedures not yet approved by the FDA? Let me hear no more about choice as the excuse to kill. Please, with due respect, pick another less offensive word.

This great debate over life has lasted now for over 30 years, and it took the partial birth abortion procedure to crystallize vividly exactly what this debate is all about. The deliberate killing of a half-born infant, with heart beating, arms and legs flailing, and a chest struggling for a first breath by aspirating the infant's brain is, to many of us, an uncivilized, abhorrent and unacceptable procedure.

Yet, we as a nation, now without a moral bearing, appear frozen as to what to do. The debate has boiled down to this: Should the police be called, or should the abortionist be paid a handsome fee?

For now, the best we can do is make a statement that there is a limit, and we have reached it. Hopefully some day there will be enough respect for local governments to handle problems like this, but we must forcefully acknowledge that the defense of all liberty requires the respect for all life.

DISCRIMINATION: TWO WRONGS DO NOT MAKE A RIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mrs. FOWLER] is recognized for 5 minutes.

Mrs. FOWLER. Mr. Speaker, the debate over affirmative action is not about whether discrimination exists in America today, because we all know that it does. The debate is over whether granting preferences based on race or gender is the way to eliminate that discrimination.

Webster's defines discrimination as, "a difference in treatment or a favor on a basis other than individual merit." Is that not what current affirmative action programs are all about, making decisions based primarily on gender and race?

The central tenet of all affirmative action programs is to give preferential treatment to someone not based on individual merit.

□ 1830

Individual merit ranks second to considerations of race or gender. It is clear that today's affirmative action programs fit under the definition of the word "discrimination." That brings us to the crux of this argument: Does it make sense to fight discrimination with discrimination, or do two wrongs make a right?

The answer to both, in my opinion, is no. Our country was built on the ideal of equal opportunity for all, and the original intent of affirmative action programs was to help provide a level playing field for those who were not getting that opportunity. Unfortunately, once the Government got hold of it, that program which started out with the best intentions became a hire-by-the-numbers system involving quotas, set-asides, preferences, numerical goals, and timetables. What has been left out of the equation is the notion of individual merit, the important question of, Is this the best person for this job?

Today's affirmative action programs harm our society, both by lowering standards and by leaving the beneficiaries of the program to doubt their own ability. As a woman, I know beyond a shadow of a doubt that women can compete with any man on an equal playing field. I find the assumption that we need preferential treatment in order to succeed insulting.

Have women had a harder time advancing up the corporate ladder and getting access to educational opportunities? There is no doubt about that. But is affirmative action the way to create more opportunities for women, a quota here, a set-aside there, or should we be focusing on removing the barriers that keep women from advancing and succeeding on their own?

The Glass Ceiling Commission, started by former Labor Secretary Elizabeth Dole, takes a second approach. It has been tremendously effective. The Commission identified the barriers in the workplace that keep qualified women from moving up the corporate ladder. It then set about working with companies to find ways to remove those barriers, allowing women to advance on their own merit and qualifications.

Much of this process involves changing long-held beliefs, attitudes, and prejudices. Elizabeth Dole created the Glass Ceiling Commission from her firsthand knowledge of the kinds of barriers, both institutional and personal, that women face in both academia and the workplace. She was 1 of only 24 women in her Harvard law school class of 550, and I have heard her many times recount the disturbing yet not surprising comment made by one of her male classmates to her on her first day of class back in 1962. He said, "Elizabeth, what are you doing here? Don't you realize there are men who would give their right arm to be in this law school, men who would use their legal education?"

Not only was this man's attitude toward women at Harvard law school wrong, but he was certainly wrong about Elizabeth Dole using her legal education. Affirmative action programs treat the symptoms. What we should be treating is the illness itself.

The problem with just treating the symptoms of discrimination with further discrimination in the form of affirmative action is that you make the underlying illness worse. You intensify feelings of resentment and prejudice among the very people from which we need to eradicate it.

If women and minorities are to be treated equally, and with respect, too, it is time to stop dividing our country along race and gender lines. Let us get back to traditional forms of affirmative action involving nondiscriminatory outreach, recruitment, and marketing efforts, and empower all Americans by providing equal opportunity in an atmosphere of strong economic growth.

AMERICA'S FUTURE LIES SECURELY IN THE HANDS OF OUR FAMILIES

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes as the designee of the minority leader.

Mr. HULSHOF. Mr. Speaker, there has been a lot of discussion about what came out of Hershey, PA. Of course, the tone of civility and discussion about civility was probably the predominant theme. However, there were matters of substance.

In fact, David McCullough, an award-winning author, provided some pretty inspiring comments for those of us who chose to attend. Mr. McCullough invited us, really, to take stock of history so we could get a perspective of where we want to go as a Congress and what agendas we wish to promote. Mr. McCullough pointed out that, of course, back in the 1860's when Abraham Lincoln was sworn in as President, as our 16th President of this country, the national agenda was focused around the civil strife that our country was enduring.

Moving ahead in history through the Great Depression, the national ambition was, of course, to pull ourselves out of the Depression, as well as with World War II and eventually the cold war with the growing Soviet menace. All those things had outside forces essentially dictating what the national policy was to be.

Mr. Speaker, now that the cold war is over, I think outside forces no longer are dictating our national agenda. I think we stand on the verge of a historic opportunity. I believe it is time, Mr. Speaker, that we create a new vision for this country. The newly elected Members of the Republican class of the 105th Congress have been speaking out in a positive way about the new vision that we hope to foster in the coming months and years ahead.

Last week, Mr. Speaker, Members may recall we focused as a class on

community renewal. We touted real life success stories from individual districts that showcased creative ways that faith-based charities and private industries and communities were reaching out to the poor and needy, and ways to help the poor and needy, and ways Government could be a partner, rather than a parent.

Tonight, Mr. Speaker, our class has decided to focus on the family, and ways that this institution can help promote a family friendly agenda. We believe that strong families can make for a better America. In that fashion, Mr. Speaker, I am happy to yield to the newest member of our class who joined us after a special election in December. I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, at the start of a school year, a teacher noticed that one of her students was particularly well behaved. Her manner was, in fact, exemplary. As the weeks went on she noticed even more because it stood out so much in her class. At one point she finally approached the young child and asked, Who taught you to be so polite and so kind-hearted? And the little girl laughed and said, really, no one. It runs in our family.

Enduring traits that built America run in America's families: That of individual responsibility, of caring for your neighbors, of contributing to the community in which you live and grow up and work, being involved in your church, in your Boy Scout troop, helping to build the community in which you live. America's future lies very securely in the hands of our families.

This year in the 105th Congress, the Republican leadership and the Republican Congress will take significant steps to make a real difference in our lives and in our families' lives. We will continue to bring the budget into balance, to rein in the IRS, and to lower interest rates. We must, because today most of us pay more in taxes than for food, clothing, and shelter combined. A balanced budget means lower rates on our mortgages, our student loans, and our car loans, and annual savings of about \$857 for a typical American family.

It is also time, and we are going to work hard, to restore safety to our streets and neighborhoods by waging a real war on drugs and violent crime. We want parents to be able to spend more time with their children, so today we have passed a family friendly workplace policy that Members are going to hear more about tonight. We will work to ensure our children inherit a clean, healthy environment, and receive the quality education they need to survive and succeed in this increasingly competitive world.

We face a lot of challenges, but America is blessed with hardworking,

sturdy families. I believe so strongly in families because my family believes so strongly in me. My dad was killed when I was young, and my mom raised five of us by herself. She taught us by her example to take responsibility for ourselves, to practice our faith each day, and to give back to the community in which we live.

In our family my mom is a true American hero. If you look around your family and around your dinner table, and around the gatherings during the holiday, and listening on the phone when you visit with your family, you will likely see a hero or two whose personal sacrifice is the reason for your success and for the success of our country.

Tonight, in the next few minutes, we are going to hear from the Republican freshman Members from across this country, led by our President, who is going to talk about the changes and improvements we are going to bring to the quality of life of America's families. It is important because America's families are the foundation for America, and we can, with their help, we can meet every challenge America faces today.

Mr. HULSHOF. I thank the gentleman, and I especially welcome him to our group, and I appreciate very much the leadership that he has taken on this particular issue. I think his points are well taken. We have begun that road. We have got a great distance to travel, and we look forward to working with the gentleman during this 105th Congress.

Mr. Speaker, I am happy to yield to the gentleman from Texas [Mr. PAUL], another Texan, and I do not know necessarily that Texans have a corner on family virtue, but I am happy to yield to my friend.

Mr. PAUL. Mr. Speaker, I appreciate the gentleman yielding. I am delighted the gentleman has called this special order tonight, and I am pleased I can participate in it.

Earlier today we had a vote on the Working Families Flexibility Act. This came out of the committee I had been working on, and I was a strong supporter of this. We did promote this as a family-oriented piece of legislation.

As we all know, this piece of legislation allows more choices for the family in the way they can spend their overtime or their time off. Obviously, this is a benefit to the families. In one way I was a little disappointed that we had to go through it, because if we live in a free society it is assumed that you can make these agreements with your employer, but under the circumstances it was not available to many of our families unless we passed this piece of legislation, so I was delighted we were able to do that.

During that debate I mentioned that one of my favorite bumper stickers says simply "Legalize Freedom." Any

time we do that in this Congress, I am very pleased.

The other thing I would like to suggest, along with our nice title there, "Strong Families for a Better America," I would like to put a subtitle there and say, "Freedom is Family-Friendly." I think the more freedom we have, the stronger our families are.

We have seen a tremendous effort, sincere efforts, over the past 30 or 40 years with the promotion of the welfare state. It is always done in the name of helping people and families, but quite frankly, there is very little evidence to show that the \$5 trillion spent on the welfare system has strengthened our families. As a matter of fact, I think it has done quite the opposite.

In the same sense, these many funds were spent to strengthen education, and if we look at our educational system, it has not helped. If we have an educational system that is not working hardly, are we doing much benefit to our families?

So, I think the opposite of the statement, freedom is family friendly, I think big government is not. I do not believe that if power and responsibility and authority and responsibility gravitates here to Washington that it is beneficial to the family. The more freedom we have, the more local options we have, the more choice we have for our families, I think the better off we are.

Obviously, families would have a lot more choices if they had a lot less taxes, so we have emphasized that as well. I think our reducing taxes on families and giving tax credits for children would certainly be a great benefit.

I would like to bring up very briefly one subject that is dear to my heart, because it involves families. It is generally believed by many in this country that the women's movement was the main reason why women went out to work. Quite frankly, I think there are a lot of women who were forced to work in order to take care of their families in the best way they can see fit. This to me was so often a reflection of inflation because of the cost of living. I believe that eventually we have to address this subject and deal with it to make sure our families have the greatest opportunity possible that we can provide for them.

Mr. HULSHOF. Mr. Speaker, I think the gentleman's points are well taken, particularly as far as the workplace is concerned. I think that of course when you have two-parent families and both parents are having to work to pay the tax bill, I think what we have done today, again, is a step in that direction as far as helping provide some balance in the workplace with more flexibility for employees, and again, this is just a step, I think, in the right direction.

I know that the dean of our Republican delegation, the gentleman from Missouri, JIM TALENT, who is the chair

of the Committee on Small Business, also has measures that he will be addressing, like home-based businesses and really promoting ways that home-based businesses can help balance the job as well as family responsibilities.

□ 1845

Mr. PAUL. Mr. Speaker, I think it is interesting to note that the workers in the public sector have already had this right. I think it was only fair that we give this to the individual workers throughout the country.

Mr. HULSHOF. Mr. Speaker, I think the gentleman is correct. I think that the misnomer, perhaps some of the misinformation about the flexibility act is that somehow it abolishes the 40 hour work week which of course it does not.

I see the gentleman from Alabama is in the well of the House. I yield to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I appreciate the gentleman yielding to me.

As most of my colleagues in the freshman class probably realize, probably more than I thought possible, how important my family is to me and how important it has been to me. One of the primary reasons I ran for this office was to protect my family. Primarily, my first granddaughter.

When she was born 2 years ago, she was \$187,000 in debt. Today she is \$200,000 in debt. We must come together on both sides of the aisle and produce a balanced budget this year, because we cannot continue to make our children and our grandchildren pay for the debts of our generation. We must allow them the opportunity to begin life with the same opportunities that we have.

Unfortunately, today working families across this country gather around kitchen tables each week and wonder why they cannot make ends meet. They wonder why they work longer, why they have to take second jobs. And they feel like they are literally running in place. Many families have given up the American dream that their children will achieve a higher standard of living than their parents or grandparents. In my opinion, the best way we in Congress can help the American family is to once and for all balance the Federal budget.

What will a balanced budget mean to you and your family? A balanced budget will result in no less than a 2 percent drop in interest rates. To put this in perspective, the cost of a \$75,000 mortgage would be reduced by as much as \$37,000 over 30 years. A family would save \$2000 on \$11,000 in student loans. The real beneficiary of a balanced budget, Mr. Speaker, would be the American family.

I guess that is one of the reasons that today I cosponsored the Working Families Flexibility Act, and I want to commend all of those who helped pass this

legislation today. This will give the private sector employees the same opportunity as public sector employees to spend time with their families. By taking comptime from work instead of overtime pay should they choose to do so in this fast paced day and age where two-income families continue to rise, families will be able to increase this valuable time together because of the Working Families Flexibility Act.

My commitment to families is also why I cosponsored H.R. 902, the Family Heritage Preservation Act, which will repeal the estate tax. Most of the families in this country work hard all of their lives for two reasons: They want to provide a better standard of living for their own families, and they want to leave the fruits of their labor to their children and to their grandchildren. However, today many families are forced to sell off the family farm or the family business just to pay the Government's estate tax.

It is time we stopped the Federal Government from confiscating up to 55 percent of a lifetime's accumulation. Seventy percent of all the small businesses do not survive to the second generation because they have to liquidate all or a part of the assets just to pay the estate tax. Furthermore, 87 percent will never be passed on to the third generation.

Mr. Speaker, our families are and will continue to be the backbone of our society, and it is incumbent on each of us to help protect and preserve those who ultimately will decide our very future.

I call on the rest of my colleagues, especially in this freshman class, to support this family friendly legislation that the Republican Party has promoted this year and in past years.

Mr. HULSHOF. Mr. Speaker, I certainly appreciate the comments of the gentleman and know that prior to his election here to this esteemed body that he had quite a probusiness background and certainly a very successful career. We are glad and honored that he is one of our number, and we look forward to continued success in the well of this House.

Mr. RILEY. Mr. Speaker, we look forward to the gentleman's continued leadership. I want to take this opportunity to tell all the Members of this class how much they have meant to me personally and how I look forward to working with all of them in the days to come.

Mr. HULSHOF. Mr. Speaker, I yield to the gentleman from Colorado [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I cannot think of a better topic to discuss tonight, and I commend you on your leadership for bringing this topic forward and giving us this opportunity, because this whole topic of focusing on families and the impact that legislation that we pass

here in Washington and what that means for families across the country is precisely the reason I came here in the first place.

I believe very firmly that we should be motivated in every piece of legislation that we pass, from the comptime bill that we dealt with today to balancing the budget and our assessment of tax policy and how we lead the country should be driven from the perspective of how it impacts families.

Clearly one of the pillars that many of us hold in common and bringing us here tonight is our belief that families represent the most central and essential social unit in American life. I know that is true in Colorado and in your home State as well. And for all of us here, having families regarded as a central social unit, essential in everything that we believe to be the focus of American life includes welfare, for example.

When we talk about welfare reform, when we saw this Congress, the 104th Congress pass welfare reform back to the States, once again we saw that maintaining the integrity of families was at the center of that effort.

What we are seeing right now in all 50 States is they deal with reforming welfare systems on a State by State basis, just as this Congress envisioned. We are seeing programs that encourage self-sufficiency, that encourage work, that reward honest hard work rather than dependency, that carry on a legacy that Americans have traditionally enjoyed, one that suggests that young children should have hope and should be able to aspire to have wonderful jobs, to be self-sufficient and to be able to take care of themselves.

When we look at health care, the clearest difference that I have discovered, as a new Member and a freshman, is the difference of opinion that we see here between those who believe on occasion that it is in the end the Government's responsibility to provide for the health care of individuals versus our vision that we wish to empower families to provide health care for their children and ultimately be responsible for the health of their kids. A clear difference, a clear distinction.

But I hope that we are successful in continuing to keep our family focus at the center of the health care debate, too. With respect to wages, it is we who believe that we need to find whatever strategy we can come up with here in Congress to increase the family wages and the earning power of American families, rather than have them continually look for more and more hand-out from their Government. So increasing wages, increasing the ability to seek opportunity is certainly essential to us.

And all of our efforts that deal with trying to strengthen our economy, be they our efforts to try to reduce capital gains tax or estate taxes that we

discussed 2 weeks ago, all designed to try to increase the economic power that we enjoy as Americans and in America that promote and strengthen American families.

Public education is another topic that I know we are going to be dealing with quite a bit. Those of us here really believe that it is ultimately the responsibility of parents to teach their children. We bear the responsibility as parents, and we in fact employ public school districts and public school teachers to assist us in that job. That is again a focus that we need to maintain and be very forceful about here on the floor in every single bill that we pass.

Finally the institution of marriage, something that is ridiculed on occasion, something that comes under attack right here in this body and throughout the country. It is something that I know you share the same intent that I do, to restore the integrity of the institution of marriage, to realize that a family, two parents, a child with two parents has a tremendously greater chance of succeeding and surviving in American society than those who are struggling with families that are operating and trying to make a go of it singlehandedly. It is very difficult. We want to do everything we can to support them.

I want to share something with you and for the rest here, this is a picture of my daughter. If you have a chance to come to my office, you can take a look at it a little closer. My daughter Sarah is 6 months old, 6 months old.

Sarah, on the day of her birth, owed \$19,000 to the Federal Government. That was her obligation to the Federal debt. That was her obligation to pay for things that, frankly, this Congress did not have the courage to pay for in years past. They did not think she would mind.

Well, she probably is going to be furious when she learns to discover this on her own and understand what that means. That is what she owed on the day of her birth. Over the course of her working life, the interest on that debt will amount to almost \$200,000. It is quite a burden we have saddled this child with. I know I keep this picture with me. I refer to it often and look at this little girl because this happens to be my girl, but it could be anybody's child. It could be yours. It could be any child in America. They have no reason to grow up in a world where they are saddled with that kind of debt, with that kind of a burden that has been placed upon them.

I think we owe it to Sarah. We owe it to every child in America that hope and opportunity is something that will be closer and closer and a chance to achieve that and within their grasp. That is what I am committed to. I know you are committed to that, too, and the people in your fine State and the rest that are here today.

I just want to pledge to you and to all here assembled and all those who are watching this debate today and observing that not a day will go by that this U.S. Congress is in session and convened that I will not be fighting for everybody's American family, keeping little girls like Sarah foremost in my mind in how we conduct our business and keeping my family and your family and every American family first and foremost in our daily deliberations.

Mr. HULSHOF. Mr. Speaker, I appreciate very much the remarks, especially the commitment to family. I know the gentleman touched on through his remarks some discussion about relief, tax relief. And certainly I think that is, of course, what we are learning as new Members of Congress, that that is the challenge that lays ahead of us, trying to fashion some tax relief for middle income families and all Americans. I know estate tax relief, I think the gentleman referred to, is an area that I have a special interest in.

I also know it is something that our friend from Mississippi cares deeply about.

I yield to our new Member, the gentleman from Mississippi [Mr. PICKERING].

Mr. PICKERING. Mr. Speaker, I want to thank Mr. HULSHOF for putting this together for new Members of Congress so that we can talk about the importance of family and the importance of families to the success of our country.

I have four children, four boys, ages 7, 5, 3 and 1. Our campaign slogan was, "If not your support, your sympathy." And tonight they are at home watching.

I miss them but I hope as they watch what I do here in this body and what I try to do to serve my country that at the end of my days they will see that what we were all about is not just about taxes and spending and the issues that come before us, but it is about strengthening and supporting and sustaining the key to our success, our family, of having a culture that discourages violence and crime, that promotes strong education, that seeks to remove the barriers and the penalties and the punishment that we now see too often placed on families. And if we can be a part of that, then I will be very proud of my service and that I hope my four boys will think that we did something to make their generation live in a free and prosperous and moral country.

In May 1988, President Ronald Reagan visited the Moscow State University and before leaving held a short question and answer session with some of the students. He made a statement that I think is appropriate tonight.

President Reagan said, "Progress is not foreordained; the key is freedom."

For our families to make progress and succeed, our families must have freedom. Freedom to grow, to prosper,

to spend time with their children, freedom from an overly burdensome government.

Sonny Montgomery served in this district before I did. He met the challenge of his day helping build a strong defense and contain communism to give my children and to give us the freedom and the prosperity that we enjoy today. Men like Bob Dole.

I believe the challenge of my generation, the challenge that we face today is strengthening and providing the environment for families to prosper. We will have to make some tough decisions as we go forward. The American family today is gripped by taxation, regulation. It seems to punish those things we believe in: marriage, investment, work.

□ 1900

It seems to side against families trying to raise their families consistent with their faith and their values. We are trying to propose legislative solutions that help; that bring common sense and lift the load and the burden from the family.

What are some of the ideas that we are talking about, some of the solutions, the alternatives to the failed old policies that have mortgaged our future? What we want to do is provide hard-working families more time for their children and more money for their pockets, and the ability to pass on not only their good name but the fruits of their labor without the fear of the IRS.

We want to pass the Working Families Flexibility Act, on which we voted today. We want a balanced budget. We want to end the marriage penalty and to implement a family tax credit. We want to end the death tax, the inheritance tax.

Tonight I want to tell a few stories about families back home in my district. A man named Chester Thigpen, 85 years old, has worked his entire life to provide for his family, his wife Rosett and four children, two boys and two girls.

Mr. Thigpen's first day of work was back in 1918. On that day his labor yielded him 35 cents. Today he is a successful tree farmer, with several hundred acres of prime timberland. He has been a tree farmer for over 40 years and he has worked daily to ensure a bright future for his children.

He is an example of the American dream. He is the first African-American to win the honor of the Mississippi Tree Farmer of the Year and the National Tree Farmer of the Year.

But what threatens him and his family today? It is not pine beetles, it is not tornadoes, it is not termites. His farm is in jeopardy because of the death tax, the inheritance tax.

He has worked hard his entire life and would like to leave what he has done to his children, to give them the

fruits of his labor. In Proverbs it says that a good man leaves an inheritance for his children's children. Mr. Thigpen wants to do this, yet our Federal Tax Code wants to confiscate it, to take it away. He has been successful, so our Government wants to penalize him.

He did not work his entire life to see his farm, his inheritance that he wants to leave to his children, taken away. The Thigpens say to their children, "Let what you do be an asset to your community." They have lived that. They are testimonies and they are examples of that.

We need to stand for Mr. Thigpen and his family, to do away with an estate tax that punishes hard work, that takes away the inheritance he wants to leave his children. It is clearly the worst example that we have in our tax system, to tax people from their grave. Taxation without representation in its purest sense. It is a horrible, horrible example that must be changed.

I want to talk about hard-working families that now pay more in taxes than they pay in clothing, in transportation, in their mortgages and their rents. They pay all of that, more than that, in taxes.

In 1948, the typical family of four paid 3 percent of its income to the Federal Government in direct taxes. In 1994, the equivalent family paid 24.5 percent of its income to the Federal Government. We do not need another 46 years of growth in taxes, we need 46 years of growth in prosperity for our children and our children's children. This is our battle for our generation, to preserve the freedom, to support our families.

I will close with one last example of another family in my district from Pearl, Mississippi, Bobby and June Pickle. They have two boys, Brett and Lake. Mr. Pickle said, and I quote, "Taxes eat us alive."

When they had their first son, Brett, June, their mother, quit her job. She wanted to stay home to raise and nurture her family, but she could not afford to do so. The bills were too high, the taxes were too high, and she was forced to go back and work.

It is time to change our priorities. Family tax credits that we are proposing will help families who choose to have a mother or a father stay home with their children. Hopefully they will have the economic freedom to do that.

There are many things that are important in this Congress, none more important than supporting, strengthening and sustaining our families. The gentleman from Oklahoma, J.C. WATTS, is a good leader on the Community Renewal Act that will help us move families from welfare to work, that will help strengthen the values that we cherish, to look to nongovernmental solutions, faith-based and community-based organizations, to help strengthen families and communities.

All this and more we can do to strengthen our families.

I thank the gentleman for granting me this time tonight and look forward to working with all the Members in this body to do everything we can to support our families.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for giving us some human faces and human life examples as to why we need as a Congress to create a new vision, I think, especially the story that the gentleman from Mississippi told about his constituent, Mr. Thigpen, and the estate tax.

Today in our committee hearing in the Committee on Ways and Means, we had several individuals who testified about the ravages of the estate tax. Certainly as the son, only son, of a Missouri farm family, I know firsthand whereof the gentleman speaks, of the plight of millions of Americans whose pursuit of the American dream becomes a nightmare when the realities sink in that a family business has to be liquidated, or perhaps a family farm has to be auctioned off on the steps of the courthouse just to pay the Federal tax.

I know our family as well as millions of family members across this country have invested not only money into family businesses but their hearts and souls. I know family businesses often take the risks and then navigate those treacherous straits of regulation. And just as open waters and calmer seas lie on the horizon, the Federal Government crashes a tidal wave over the bow of the boats of these family-owned businesses. I applaud the gentleman for his comments.

I also recognize my friend from New Jersey, who also is a leader in his community. I know that last week he provided some inspiring comments about success stories in his district about community renewal, and I am happy to yield to him now.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, most of us know the famous line from the movie *The Wizard of Oz*, where Dorothy clicks her heels together and says "There's no place like home." Well, more and more business owners, just like Dorothy, are sharing the same sentiment that there is no place like home.

Over 14,000,000 business owners around this country work out of their home, Mr. Speaker. Each of us know people who work from their homes: consultants, salespeople, lawyers, doctors, accountants, graphic designers, bookkeepers, and the list goes on. But beyond their jobs, many of these people are parents. The advent of fax machines, the Internet and teleconferencing has literally changed the face of doing business. No longer are businesses confined to large office buildings.

Last week I announced that I have introduced legislation, H.R. 955, the Family Freedom Home Office Deduction Act of 1997 that, if enacted, will literally help America's families.

Seventy percent of all home-based businesses are started by women. I was pleased to announce the introduction of this legislation at the site of the New Jersey Association of Women Business Owners' State luncheon. I was joined by many business owners from the 12th District of New Jersey who successfully run home-based businesses.

Each of these people expressed support for the legislation, and many of them mentioned that running a home-based business gave them the opportunity to both work and take care of family commitments. While they could start and run a business, they could also go to doctors' appointments with their children, attend a teacher's conference or do numerous other things with their children.

Operating a home-based business takes away many of the constraints that currently prohibit parents from being able to attend to important events in their child's life.

As we were getting ready to make the announcement, a woman who has been active in the home-based business issue approached me. She had written a book about starting a home office, a home-based business, and expressed support for my bill. In fact, she autographed her book and signed it, "To MIKE PAPPAS. There is no place like home."

So many of the issues that we will take up this year, and so many of the proposals that private industry is undertaking, seek to create a more family-friendly work environment and promote family values. We have acknowledged so many times before that families are working harder and longer just to keep up as their tax burden has risen and college costs have soared through the roof.

Many parents spend every last minute, sometimes working two jobs themselves, just to pay the bills and try to save for their children's education. Sometimes, though, as they work so hard to provide and save for their family, they are unable to be there for the family members. How can we expect parents to monitor what their children are watching on television if they are not able to be at home? How can we expect parents to monitor their children on the Internet if they are not at home? For many, the simple solution is the home office.

Think about it for a second. Parents can still work, can still pursue greater prosperity and can do it while being at home with their children. Whether it is the father who wants to be there for his children or the mother who works as a consultant, working from home has become increasingly appealing.

The Tax Code should reflect the modern business environment of America and the IRS should recognize its impact on our future. Currently, the IRS severely restricts the ability of home-based workers to deduct the expenses relating to their home office.

I think that all of us, on both sides of the aisle, can agree that giving parents the opportunity to spend more time with their children would have a positive effect on America's families.

As we stand here tonight on the brink of a new century, dreaming of the future, embracing the next advance in technology, we must not forget and we must strive to maintain our country's greatest asset, our families.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's comments, and in looking about I am happy to see my colleague from Kansas.

If I could share this quick personal story, not to certainly comment upon my colleague's age, but I recall sitting in front of a black and white television set in the mid 1960's and watching the Olympics and cheering the gentleman on to victory and to an Olympic medal. It is an extreme honor to have the gentleman from Kansas joining us as a new Member, and I would yield to the gentleman from Kansas [Mr. RYUN].

Mr. RYUN. Mr. Speaker, I thank the gentleman for the time and thank him for yielding.

I also thank the gentleman from New Jersey for having mentioned the great State of Kansas in his comments about the movie "Gone With The Wind" and the "Wizard of Oz." Kansas is a great State and I am pleased to represent the second District.

I am also pleased that my freshmen colleagues have chosen to come and speak on a subject that is dear to all of us, and that is the family. As a father of four children, ranging in ages from 21 to 26, I know how important this subject will be to them and their future families.

Normally, we send our children to school as freshmen, but in this case my family, our children, sent me to Congress as a freshman, and it is a pleasure to be here and serve the second District and to also speak on how important this issue is for families.

Mr. Speaker, it is important, I believe, that we look at the issue of balancing the budget, because what it does, it protects not only our children and our future children, but it protects our Nation. The current national debt is approximately \$5 trillion.

Just how much is \$5 trillion? Well, if we paid a million dollars a day for 365 days, that is every day of the year, it would take us 13,699 years to pay off our national debt.

It is also a terrible tragedy when we saddle our children born today with a debt. They owe the Federal Government \$200,000 just on the interest on the debt alone. That is something we

need to correct. That is why balancing the budget is imperative.

Balancing the budget would reduce the interest rates, according to Federal Reserve director Alan Greenspan, by as much as 2 percentage points. What does that mean? Well, that means that for a typical family, it would save them in these particular areas: Say a student loan, a typical student loan, it would save them \$216 per year. It means if a family had a typical car loan, it would save that family as much as \$180 a year.

For a family that is purchasing a 30-year mortgage on a \$50,000 home, with 15 percent down, it would mean that it would save them \$1,230 of their hard-earned money. It means that a family who would be purchasing, let us say, a \$100,000 home, putting down 15 percent, again on a 30-year mortgage, it would mean a savings of \$2,160 back to families, back helping them in the areas that they should be receiving an award.

We all agree we are facing a tremendous budget crisis. The reason we are facing the budget crisis is not because we are taxed too little, it is because the Government simply spends too much.

I know, Mr. Speaker, like all of us that are seated here, we have to learn to balance our checkbook. That is what we are really asking the Government to do, is not to spend more than it really has.

□ 1915

The \$1.6 trillion in revenue that makes up the President's budget request is not the Government's money; it is the product of hard work and sacrifice that belongs to American families and Kansas families. It is hard earned money. They should be receiving their rewards. The Nation's capital does not create wealth. All the money that sits in the U.S. Treasury was taken from someone's pocket; that is, the hardworking taxpayers.

I would like to put that money back into the pockets of the American people, back to the people of the Second District. They simply are taxed too much. We need to make those changes. Families deserve tax relief from this crushing tax burden. A \$500 per child tax credit would benefit the families who need it. It would also help single mothers who have incomes less than \$25,000 a year, helping them specifically.

A repeal of the estate tax and gift tax would enhance the chance for families, family farms and family businesses to succeed and pass it on to the next generation. Reducing the capital gains tax would simply create more jobs, it would help the economy grow, it would encourage better jobs for more people, it would encourage them to work and to save more and to invest more. Balancing the budget and relieving the American taxpayer, families in gen-

eral, taking away that crushing tax burden is pro-life, Mr. Speaker, and it is imperative that we do it.

Mr. HULSHOF. I appreciate the inspiring remarks of the gentleman from Kansas and am happy to have him as a leader among our newly elected Members on the Republican side and of this House.

Again, Mr. Speaker, as we look for positive solutions to many of the problems that lie ahead and as we as a class forge our identity and we help to create the vision for the future, we are happy tonight to focus on the family, and in that way I yield to my friend from Alabama, Mr. ADERHOLT.

Mr. ADERHOLT. Mr. Speaker, this evening as some of my colleagues are doing, I would like to take a few minutes to share my thoughts about the American family.

I believe there is nothing more important than strengthening families in America today. As Representatives in Congress, we should ever be mindful of the role we play in supporting America's families. It is because of this belief that I intend to do everything in my power, the power given to me by the people of the Fourth District of Alabama, to take a stand on the issues that are affecting our Nation's families.

Two of the greatest gifts I believe that we can give our children are a balanced budget and lower taxes. We need to cut spending and reduce the tax burden to make sure that we have strong economic growth so that our children and our children's children can enjoy the same benefits that we have been given.

It is time for the Federal Government to take responsibility for its decisions and their effect on the American people. Federal spending should be reined in and controlled. Reducing the growth of Federal spending is the way to get a balanced budget, not by taking more money from hardworking people who are already struggling to make ends meet.

By balancing the budget, a middle-class family easily saves \$1,500 per year. Who do you know would turn down having an extra \$1,500 per year in their pocket?

Another pressing concern for families is taxes. The American family is the most heavily taxed entity in the Nation. As has been pointed out several times here tonight, the average family in 1954 were paying just about 2 percent of its adjusted gross income in Federal income taxes. Today that figure has soared to 25 percent. And when you add State and local taxes, the average family of four pays almost 40 percent of its income in taxes. Forty percent. That is more than most families spend on housing, clothing, and food combined.

The strain of meeting America's crushing tax burden has forced many homemakers into the work force, re-

ducing the amount of time that parents spend with their children by approximately one-half. Part of the Republican agenda is to allow families the opportunity to spend more time together. By giving men and women the option to choose comptime instead of overtime, they are given the chance to spend more time with their families.

Last, tonight as we focus on the issue of abortion on the House floor tomorrow, an issue that greatly affects the very existence of families, I would like to state my unwavering commitment to restoring respect for human life, born and unborn, in the 105th Congress. As we consider the partial birth abortion ban, I ask my colleagues to consider the words of Mother Theresa, who once stated that abortion is the greatest destroyer of peace today. It is a war against the child, a direct killing of the innocent child. Let us put an end to this brutal procedure that has taken the lives of so many babies each year and every day.

In closing, recently I brought a resolution to the floor that would reaffirm the role of the Ten Commandments as a cornerstone of a fair and just society. I believe that this symbolic gesture is important in reaffirming the Judeo-Christian values on which this Nation was founded.

As Representatives in Congress, we should always be mindful of the role that we play in setting the course of the American family. This is an awesome responsibility. But with God's help to see the right, we can make this great Nation a city on the hill.

Mr. HULSHOF. I appreciate the gentleman's remarks and especially his efforts and was happy that his resolution the week before last did pass this body.

I am happy, Mr. Speaker, to yield to a good friend from Texas, Mr. SESSIONS. Of the 32 new Members on the Republican side, Mr. Speaker, 30 of us sought congressional seats for the first time this time. My friend from Texas and I, however, gave it a shot back in 1994.

Mr. SESSIONS. I thank the gentleman from Missouri for yielding.

Mr. Speaker, tonight what we are talking about in plain and simple terms is not only stronger families for a better America, but what we are talking about is how American families are going to survive in the 1990's and in the future. Tonight we have heard discussion after discussion, person after person offer an argument for the best thing that we can do for America's families. Of course, Mr. Speaker, I would say that that is that we need to balance the budget.

The last time the budget was balanced was in 1969, when President Lyndon B. Johnson was President. I know that we can improve the lives and the conditions for families through lower interest rates, on homes, cars, college loans and through more job opportunities, now and in our future. But it is

time that we do that now, and it is now time that we say we must have a balanced budget.

The result of a balanced budget according to a DRI/McGraw Hill study is that there would be a drop in the 30-year Treasury bond rate to 4.5 percent. It is now over 7.5 percent, so you can see that that is an astonishing drop of 3 percent. This would cause fixed rate mortgages to drop by the rate of 2.7 percent which would cause housing starts to rise to 65,000 units.

What would this mean? For the people who I represent in Texas in the 5th Congressional District, this would mean that there would be a savings of over \$1,230 a year on the average home mortgage, \$216 for a student loan, and \$180 on average for a car loan. That is why we must balance the budget. It will provide real savings for working families, and instead of taking a second job to meet the financial needs of the family, parents might find that they have more time to spend with their families.

What we do here in Washington does have a real impact on the lives of families throughout this country. We must show the courage and the discipline it takes to balance the budget. Our spending entitlements continue to grow each year. That means that money available for discretionary spending on programs such as education, welfare, Medicare, Medicaid, will continue to decrease. We simply cannot allow that to happen.

Reducing the cost of government means lower taxes for working families. It means preserving, protecting and strengthening Medicare and Social Security. It means returning enough money to my home in the State of Texas to cover the cost of a good education for all of our children and taking care of all of our citizens.

It is important that we constantly ask ourselves what we pass in the way of legislation, will that cause a burden or a reduction on America's families?

I am glad today that we voted for the Working Families Flexibility Act. This is exactly what we need to be doing. It will allow all workers to have the option of either overtime pay or extra time off. This would allow working mothers and fathers the choice of taking time off to do the following things: Perhaps to take their children to school for the first day of school, watching a school pageant, attending a parent-teacher conference, or staying at home with a sick child. I believe we are on the right track. This bill would give greater freedom to families in Texas and also those all around the country to raise and educate their children.

Texans and Americans are counting on us to get the job done. If we can educate ourselves about the benefits of balancing the budget and the dire consequences of continuing these deficits, we will have the discipline to do the

right thing. I say, let us balance the budget now.

Having laid out these facts for you tonight, for the American people, I would just like to leave them with a few questions.

First, how could your family survive year after year spending more money than it earned?

Second, what could your family do with extra money if at the time we balance the budget, we deducted \$500 off the top 6 those families's taxes for each child that they are trying to raise?

And, third, what would you think of your Member of Congress if that person misled you and did not balance the budget?

Mr. HULSHOF. I appreciate the gentleman's remarks and his courage and discipline, not only for the Members of his district in Texas but for the country.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. PEASE. I thank my colleague from Missouri for the leadership he has provided, not only this evening but throughout this Congress to date.

Mr. Speaker, yesterday I had the opportunity to meet with some of my constituents from the Disabled American Veterans, Indiana Chapter. While speaking with them, Jim Powers, a disabled Hoosier veteran commented: "Family is all that is important. Without it, nothing else aside from faith much matters."

Jim was speaking from personal experience. Having been married for 38 years, he and his wife are fortunate enough to have their family close at hand in Indiana. One of the most important roles Jim has the opportunity to play is grandfather. He and his two granddaughters are fortunate that they see each other every day, and he is significantly involved in their personal development. He cherishes the closeness of his family. Though I wish this were true for every family, the statistics today are quite disheartening. Many, many individuals are disconnected from family members while others search for anything that remotely resembles a family unit. Those who lack a traditional family find themselves without the togetherness, stability and aid in times of need that faith and families provide.

In the past, the system to rectify this increasingly common shortcoming has been to increase Federal funding of welfare and social services. Unfortunately, this system of increasing Federal spending and trying to supplant the family unit with a bureaucratic machine has proven inefficient, ineffective and in many cases actually destructive of families.

Now the trend is moving many of these services away from the Federal Government to the States and local governments. While I do believe this is a step in the right direction, I am in-

creasingly certain that it is not enough simply to shift these programs from Washington to the States and local governments, for in many cases the lack of a family unit, the real heart of our social problems, will still exist no matter which government spends the money.

We certainly cannot legislate a traditional family for all those who lack one. However, we can, through legislation, encourage and provide support for private charities and faith-based institutions to assist in the roles of support and family services which so many desperately need.

Tax deductions for charitable contributions must be maintained. And the implementation of tax credits for charitable contributions to organizations which perform social services can help those Americans who need a family unit or support for their existing families. Services such as counseling and educational funding, health services, youth programs and elderly assistance can all be administered through private organizations, such as scouting, YM and YWCA's and Habitat for Humanity, among others, and faith-based institutions.

□ 1930

The 105th Congress is taking measures to ensure the strengthening of families. One thing above all is clear. Our Government cannot and should not try to be a replacement for the traditional family. Instead we must call on our local charities, churches, and community organizations to expand their role in providing support to families in stress and to rebuilding families that have disintegrated.

The private partnership of neighbor helping neighbor has been one of the great traditions of this Nation. We in the Congress must find ways to strengthen, not supplant, that tradition. When we do, our families and thus the Nation will be the stronger.

Mr. HULSHOF. I appreciate the gentleman's comments.

Mr. Speaker, I know time is drawing short, and I yield to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. I want to thank my colleague from Missouri and the many other of our freshman class who have joined us here this evening to talk about things that are important to the American family.

Mr. Speaker, the Declaration of Independence, our founders, articulated what is one of the most profound and simple statements of self-government that the world has ever seen, and yet they said that all men are created equal and they are endowed by their Creator with certain unalienable rights and among these are the right to life, to liberty, to the pursuit of happiness. In order to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

In that very basic statement, we have become the model for the world and people from all over the world come here; and as Bill Bennett has described the gates test, that is what happens when you open your gates; do people want to get in or do they want to get out? In America people are flocking to come here because of the things that we stand for and have stood for over the years.

I had the opportunity here a couple of weeks back to take my 9-year-old and my 7-year-old to the Lincoln Memorial, and as we went up the two flights of steps and there he was, honest Abe in all his glory, the big statue, my 7-year-old remarked, I did not realize that he was so big; and we had to explain that that was not his actual size, his feet really were not this long.

But as I thought about her statement, I thought to myself in many ways he was big. He was in terms of his ideals, his principles, his convictions. The things that he stood for are many of the things that motivated me to run for office, things like freedom, things like equality, things like a belief that government should not do for people. Only it should do for people only those things that they cannot do for themselves.

And we have heard this evening from a number of our colleagues talking about the important priorities that we see in terms of this Congress and the things that we can accomplish to advance freedom, freedom for families. We had a vote today on a bill that would give families more flexibility, more freedom, more opportunities to spend time with each other. We will vote tomorrow on a bill that respects the sanctity of life, one of those unalienable rights that we heard about earlier in the Declaration of Independence. And last year we had an opportunity and we are seeing the effects of it this year to vote on welfare reform, which in my judgment provides more freedom for families, it restores self-respect, self-sufficiency, independence, and I think we are seeing the fruits of that bill that was enacted last year. We have already seen welfare cases drop 15 percent between January 1995 and September 1996.

And so as we talk about these various issues throughout this Congress, I think those are the things that we as a class want very much to keep at the forefront of the agenda. We talk about the rights that we as a country enumerated and established when our founders and their great foresight laid down the Declaration of Independence. They talked about life, liberty, and the pursuit of happiness, and that is really what we are about is giving our children an opportunity to pursue happiness, to enjoy the freedoms and the liberty that we have in this country and to respect the right for life.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's comments.

Mr. Speaker, to conclude as we have discussed newly elected Republican Members, as we try to create and help fashion a vision for our country tonight, we have focused on strengthening the families in ways that this body can provide family friendly legislation such as the measure we passed today. Our message is rooted in hope and in optimism because that is indeed what our country was founded on.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. SMITH of Michigan). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last night myself and other members of the Democratic caucus gathered here to discuss the issue of campaign finance reform, and we had a good constructive discussion, I believe, about what is wrong with the present system, and we again appealed to the Republican leadership of this House to put a campaign finance reform bill on the table for us to consider.

This morning, roughly about 10 hours after we concluded our special order, I picked up the Washington Post, and I read that the Republican chairman who is in charge of the partisan investigation into campaign fundraising has himself abused the system. According to the story on the front page, the chairman of the House Committee on Government Reform bullied a lobbyist for the Government of Pakistan for campaign money in the manner the lobbyist described as a shakedown. Not stopping there, the chairman then contacted the Pakistani Ambassador, complaining that the lobbyist could not raise him enough money.

My colleagues, this is just the kind of abuse the chairman himself has been empowered to investigate.

Originally I was concerned that these hearings would be too partisan, but after stories in this morning's Washington Post I now know that these hearings will not just merely be partisan, they are going to be a joke. How can the gentleman from Indiana hold the gavel and conduct these hearings in an objective manner?

In light of today's allegations the gentleman from Indiana should, in my opinion, recuse himself from the committee's investigation, and he should also open up his committee's probe to a much wider scope than the White House and include both parties in Congress.

Tomorrow the Republican majority of this House will likely ask us to vote and probably pass a \$12 to \$15 million budget that will be placed in Chairman BURTON's hands for this investigation, and how they can do that in good con-

science after today's headlines really baffles me.

I want to say today our House Democratic leader, RICHARD GEPHARDT, because of his concern over the nature of this investigation and where it is going, the House Committee on Government Reform issued a statement, and I would just like to read from part of that statement. He says that the vote on committee funding scheduled for tomorrow sanctions the Republican leadership's decision to make 12 to 15 million taxpayer dollars available for a one-sided, open-ended investigation of White House campaign fundraising. This partisan investigation flies in the face of a unanimous vote in the Senate to broaden the scope of the inquiry into improper and illegal activities in Democratic and Republican campaigns in the last election.

Let me just for a moment not read from that statement anymore and explain that essentially what is happening here is that the Republican leadership and the chairman of the House Committee on Government Reform are suggesting that this investigation essentially be limited to the White House, and they are not interested in broadening the investigation, the way it was done in the Senate, to include both Democratic and Republican campaigns, congressional campaigns, Senate and House campaigns, in the last election. The budget granted to Chairman BURTON is \$8 million more than the Senate investigation.

Further, the House investigation could go on for the duration of this Congress instead of the year-end resolution set to conclude the Senate investigation. Chairman BURTON has granted himself unprecedented subpoena power and refused to provide the Democrats on the committee any resolution on the rules of conduct that would allow us assurances of the same fair and balanced process that will occur in the Senate investigation.

Now the Republican leadership, as myself and other Democratic colleagues have pointed out many times on the House floor, has ruled out so far any consideration of a campaign finance reform bill, and they are preventing Congress from being included in the House investigation. Their action begs the question of whether they are truly interested in reforming the campaign finance system or merely bent on attacking a Democratic administration, and that I think is what this is all about. What the Republican leadership wants to do, what the Republican chairman of the committee wants to do, is limit this investigation to the administration, to the White House, to the Democrats in the White House and not consider what is going on in Congress on both sides of the aisle.

The gentleman from Indiana has also abused his power, and the Republican leadership has been a willing conspirator by allowing him to run over

the rules of the House in this investigation. Improper or illegal activity, whether it occurred in the Democratic or Republican campaign, should be included in the House investigation. Anything short of that smacks of protecting our self-interest at the expense of rooting out the abuses in the entire campaign finance system.

Now in the statement that the Democratic leader put out today he also released a letter to the Speaker signed by the Democratic leadership and the Democratic ranking members serving notice that we, the Democrats, will oppose the committee funding resolution and use whatever parliamentary tools we have available to block its consideration unless he reconsiders bringing this resolution to the floor in its current form.

And let me repeat. All that we are saying is that this investigation should be like the one in the Senate. The Senate one makes sense. They are not limiting it to the White House; they are including Democrats and Republicans and congressional campaigns as part of the overall inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should refrain from characterizing the Senate action.

Mr. PALLONE. Excuse me; thank you, Mr. Speaker.

Now the problems that I mentioned with regard to the gentleman from Indiana and the reason that we are gathering here tonight, or the reason that I am here tonight, and some of my colleagues, is because we want to see campaign finance reform. Again the Republican leadership is missing a great opportunity here because there are some serious proposals that have been introduced by Members of the House on the campaign finance reform issue. We may discuss a few of them tonight. On the Democratic side we have formed a campaign finance reform task force in order to review all legislative proposals for reform and to try to develop a consensus position, and I want to stress that many of my colleagues, including some of the Republicans, some of the rank and file Republicans, have introduced some good proposals in this regard.

There are bills out there that address spending limits, the role of political parties, political advocacy, tax-exempt organizations, contribution limits, greater disclosure, FEC enforcement, soft money, free commercial broadcast time, public financing, and the list goes on. But the bottom line is these bills mean nothing unless the Republican leadership of this House, which is the majority party, sets the agenda and decides to act.

I would like now to yield, if I could, to one of my colleagues who is here tonight to talk about some of the same concerns, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. I thank the gentleman from New Jersey, and I believe that the important focus of our conversation, and certainly debate as well, over the past couple of weeks and our conversation this evening is to really elaborate on the facts and begin to clear the air that there is opposition in totality really, Republicans and Democrats, to the question of campaign finance reform. I think we have unanimity, if you will, in the whole concept of campaign finance reform in terms of its importance. We do not have that commitment in terms of having it come to the floor of the House and immediately address the concerns in a nonhysterical but rational way to respond to the concerns of the American people.

Now yesterday I joined Members of the House, colleagues of mine that happen to be all women, and it was a symbolic press conference to suggest that we who are women know how to clean house. The only thing we are lacking is a good broom, and we had indicated that we want to clean house and want the Speaker of the House to bring to the floor viable campaign finance reform legislation that all of us will have an opportunity to debate, and as you have indicated, I am part of the campaign finance reform task force.

There is good legislation on both sides of the aisle, so this is not a suggestion that there are not Members on both sides of the aisle ready to roll up their sleeves and work. The problem is that there is a roadblock, if you will, to be able to bring viable legislation to the floor of the House and viable legislation for this body to discuss.

I do not believe the American public is really looking for us to turn on ourselves. The comments that I made yesterday were I want to see the homemaker, the scientist, the bus driver, the teacher, have access to the U.S. Congress. I want to see them get up one morning and say, I would like to be in the U.S. Congress, I have an issue, I have a passion, and therefore with those individuals running, we realize that we have to have ways of electing Americans to the U.S. Congress.

There is nothing wrong with that. That means there has to be a form of fundraising.

I certainly think there are very positive ideas, such as access to the electronic media or to the media that should be given in an organized manner to provide reasoned debate, to have us express ourselves to the public with no sort of flowery advertising around us, but just look our constituents in the eye and have the ability to communicate through the media.

There are many ways that we can address this question of campaign finance reform, but in the shadow of that discussion, and I hope that it is discussed or I have discussed it in a manner that is not confrontational, I am outraged

presently by the efforts now of the majority on the Committee on Government Reform and Oversight in terms of the structure, and I think it is important for those of us in Congress to be able to come to compromise. We just had Hershey and the bipartisan approach to this Congress, and I believe in it.

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I think it can work. But in the shadow of all of us committing to campaign finance reform, taking the broom and sweeping this House clean, this structure that has now been offered to investigate possible campaign abuses requires outrage. Nothing less. It does not require solid commentary. The reason why it requires outrage is that we are doing ourselves a disservice. It is limited to the so-called improprieties and possible violations of law by the executive branch officials and Government agencies in the 1996 Presidential campaign.

This is a much narrower scope than our other body, the Senate, adopted in a 99 to 0 vote. These are the same Representatives that represent this Nation and constituents, they are Republicans and Democrats alike, and they have indicated that the value of having this process is to ensure not that we look to blast and castigate, but that we look to correct and uplift.

How can we correct and uplift if we do not find or get to the bottom of the issue, if I am not afraid to come forward and say, for example, some of the improprieties may be just that, incorrectness, mistakes that were not intentional? God forbid if we are in this highly politicized atmosphere. We want to fine someone and hang them up by their fingernails, if you will. It may have been just an impropriety. If that is the case, do we not want to find that out in the light of day? Why are we narrowing the House investigation to just the President and what happened in 1996, when the Senate has very well covered itself to find out the truth and to improve this structure.

Let me also acknowledge that the format gives pause. With the subpoena powers, we know that we have a Democratic Party and a Republican Party. We recognize that the great American people have the right to vote Democratic and Republican, and in some instances vote a third party, and I appreciate and respect that.

We realize that we, in different parties, get together and we strategize. We talk about how we are going to win this election. There is nothing sinister about that. But yet there is unilateral subpoena powers so that this particular oversight committee under this chairman will not only seek subpoena powers and subpoena data that may be relevant, but they will seek subpoena data on the strategies of the Democratic Party that would violate, if you

will, really free speech and the way this country is run.

As long as we are not creating criminal activities, there is nothing wrong with analyzing how we can beat the other fellow, how we can get our message out. Why is that relevant to campaign finance improprieties or campaign finance reform? There is no limitation on this committee's or the chairman's subpoena powers so that private matters may be investigated.

Let me also bring to the attention of our discussion this evening a precedent that I have never heard of; that is, the unilateral authority of the chairman to release documents. Now, I want all of this to be discussed in the light of day, but let me share with the American people that that would mean that confidential financial records and trade secrets could be released without the opportunity for committee review or anyone else's input but the chairman; medical histories and other personal records of individuals. The identity of confidential FBI informants and other confidential law enforcement information could be presented without any challenge. Privileged attorney-client communications.

No document protocols conducted by any other committee have ever given the chairman this authority. Mr. Speaker, let me cite for my colleagues, Whitewater did not have this authority. Iran Contra, the resolution did not allow this unilateral distribution of private records. And again, let me stand here and say, I am not looking for a cover-up, I do not want a cover-up, I want fairness.

Certainly the ethics investigation did not allow this random distribution of papers that might in fact suggest that someone is criminally at fault if they made a mistake. As I said, if we are truly looking to get this solved, we need to be able to have people come forward so people can say I made a mistake and I want this committee to know about it, because I want it to be fixed.

As I yield back to the gentleman, and I see that my good friend has joined us, and I happen to be a cosponsor on Congressman FARR's very, very able and very responsive bill on campaign finance reform that responds to my concern about how the busdriver can come to the U.S. Congress, the school teacher can come, the average American can get elected because there is a proper process of campaign fundraising.

Let me tell my colleagues what I am most concerned about. We have not passed a budget yet. We have not talked about the 10 million, and when I say talked about, let me stand corrected, we have not addressed the concern of 10 million uninsured children in America without health care. We have not looked at and resolved the questions of seeing how we can implement this new welfare reform.

We have not addressed the security of pension rights for Americans, and yet this committee may already have at its fingertips \$8 million to spend and possibly upwards of \$15 million to spend on this investigation, when young people in my district are fighting to get summer jobs, where the lines are teeming with individuals who are looking to get summer work and may not have the kind of investment from this government that will help them get summer jobs, when people are without housing.

I cannot understand how we would put in one source, if you will, or give to one entity that is narrowing its investigation, with no ending, some \$15 million. I think it takes my breath away. If I was not standing on the floor of the House, I might not be able to stand. To do this kind of investigation with no commitment to coming forward with real campaign finance reform.

The American public, I believe, does not want us to be in a witch-hunt. What they really want is for us to sweep our own House clean. We can do that by violent discussion on the floor of the House of real campaign finance reform and take those good millions of dollars and help with affordable housing and the uninsured children, for working families, for health care, and making sure that the welfare reform works.

The gentleman from New Jersey certainly has been one of the leaders, along with the gentleman from California, and I that we will be heard and that we will have the kind of debate that will help us solve the problems that the American people would like us to.

Mr. PALLONE. Mr. Speaker, I just want to thank the gentlewoman, because I think she really encapsulated the way I feel and the way many of us feel.

I have to say last weekend when I was in the district, I had people come up to me and talk to me about the amount of money that is going to be spent by these committees on investigation, and people were literally outraged by the millions of dollars. But the amazing thing is that this funding resolution that the House Republicans expects us to vote on tomorrow would spend \$8 to \$11 million more than what is being proposed in the Senate committee, and yet limiting it exclusively to the White House, not even discussing congressional activity on the Republican or the Democratic side, and yet it is \$8 to \$11 million more.

Again, I did not want to dwell on the fact of what the chairman is doing here, but I have to conclude that the chairman himself, based on what was in the Washington Post today, clearly he does not want this investigation opened to deal with congressional activities, because maybe it will implicate him perhaps. That is what is really an outrage here, that they are try-

ing to make this so partisan, just the White House, all of this money, and refusing to deal with any investigation of activity on either side of the aisle in the House of Representatives and in congressional campaigns; then at the same time saying we will not consider campaign finance reform, we will not bring it to the floor, we do not have a deadline, we do not have a proposal.

Fortunately for us, we have someone here with us tonight who does have a proposal and has been out there talking about us and has concrete ideas and has put them in bill form.

I would like to yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding to me and for the gentlewoman from Texas [Ms. JACKSON-LEE], for her very articulate outline.

I am an author of one of the proposals for campaign finance reform, and I am not going to dwell on my particular bill. But I am going to point out that we certainly need to address this problem. The American public heard the President right here in this room just a few months ago ask us in all sincerity to deliver to him by July 4, our Nation's birthday, a campaign finance reform bill.

Tomorrow we will be recessing for our Easter recess, for our homework back in our districts, and we do not return here until April 8, I think it is. So April, May is a month, June a month. We have about two-and-a-half months left after we get back to meet the President's deadline. What have we seen? Absolutely nothing. There is no committee hearing scheduled, there is no work in progress on a bipartisan effort.

I want to point out that this campaign finance reform has to be bipartisan. It has to have four principles that I think are essential in any bill. It has to be fair. This bill cannot be designed to help the Republican Party nor the Democratic Party. It cannot have the favor of one party over the other.

Second, the bill has to reduce the influence of special interests. We have to bring down the amounts that political action committees can contribute. We also have to limit large single donors. I think we have to limit the amount that an individual can give, as the gentlewoman from Texas just pointed out, so that this House should be accessible to anyone, not just those who are millionaires and go out and spend their own money.

Third, it has to have a level playing field. We have to make campaigns competitive. How do we do that? By enacting spending limits so that essentially everybody who is in this process knows exactly how much is going to be spent and those who just spend the most are not the winners.

Fourth, the principle for campaign finance reform has to include access to

the system by nontraditional candidates. I was sworn in in the very spot that the gentleman from New Jersey are standing in in a special election in 1993. It was the first time I stood on the House floor. I looked out, as the gentleman are looking at me today, to a sea of white males. Sandy was shocked coming from the California legislature, where it is much more gender balanced and ethnic balanced than the U.S. Congress, and it hit me that indeed, if this institution is going to be of, by and for the people, then it has to have people of America in here, and it is not doing that. We have 48 women in the U.S. Congress. There are more women in the United States than there are males. This ought to have a majority of women.

How are women going to get elected to the U.S. Congress? How are people of color going to get elected to the U.S. Congress? We are only going to do that by a campaign finance reform system that is fair and makes it possible for minorities to run for this office. We cannot require that people have to raise all of their money in their districts.

There are people here in very, very poor districts. Under the Federal law, anyone can move into a district to run. So if we limit the incumbent to saying you have to raise the money in the district, we will send a message out to anyone of wealth to say, aha, I can get elected to the U.S. Congress, all I have to do is move to a particular district, because that candidate is now required to raise all of her or his money in that district. That is not fair. That does not make the process accessible.

So these ingredients of fairness, reduce the influence of special interests, level the playing field so that it is competitive, and to make the system accessible by nontraditional candidates I think are the four principles of campaign finance reform.

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Do Members know what? We have the bills to do that. We have more than just my bill. We have a bipartisan bill; different, not much different. We have different approaches. We have people who want to clean up pieces of campaign reform, those who want to clean it all up.

None of these bills, none of them, have been able to be scheduled for a hearing. I speak tonight in this colloquy with my colleagues to ask the American public to rise up and demand that the leadership of this House, that the Speaker of this House, set for a hearing, set for a vote, a campaign finance reform bill. We must bring that to the House.

I plead with my colleagues to help alert the American public that this process is broken and it is not going to get fixed, it is only going to get diverted by attention to what is going on

in the White House, what is going on in the Senate, but not to what is going on to fix campaign laws in America.

I would be glad to be involved in any discussion the gentleman wants to have.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. He has really been very modest, because the fact of the matter is that he knows this issue very well, and that his legislation is very well thought out and very specific about what we should be doing.

I think what the gentleman is saying, and I think we all agree, is that there are a number of bills out there. There is not necessarily any miracle cure. We have some areas where we agree and others where we do not. But the bottom line is that we are in the minority and we do not control the process here. Unless the Republican leadership and the chairmen of the committees have hearings, let legislation come to the floor, set a deadline when we can consider these bills, nothing is going to happen.

All we have really been doing for the last month or so on the floor here almost every night or every other night is to demand that some action be taken, and that the Republicans allow some of these bills to come up.

I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just wanted to say a few comments, and I would like to engage my colleague in a colloquy on his legislation, though he has been kind enough to acknowledge that there are many others. We are not here to at this time debate the pieces of legislation.

I think something is important that goes to the point that we have now agreed with on the average person having access to the United States Congress. One of the most successful processes is, as the term is used, bundling. I want to raise that because it does not sound good. It is important as we have the discussion that people would understand that there are a lot of processes in campaign finance that are not negative, that are in fact enhancing and helpful.

If we do not get on with the people's business of debating, we are going to get the American people so angry they are not going to be able to accept anything that may come forth, and there are some positive aspects.

I might ask my colleague, the gentleman from California, one that comes to mind, of course, is a group that so intelligently organized around helping women to get to the United States Congress. I was one of them who received the support. The minute I received the support from this group by the name of Emily's List, that takes \$10 and \$5 and \$1 from women across the Nation, it seemed to be a band of acceptance. And certainly I started

with very little in running for this office.

But it is important for people to understand that there can be good concepts that allow the average citizen to give a dollar, and before he or she knows it, a person who they care about, who has their principles, can be elected because someone in New York gave \$1 or someone in Florida gave \$1.

Would the gentleman just share with us how he perceives that to help diversify and help this Congress?

Mr. FARR of California. Let me explain that by going back to the State that I represent, California. When I was in the California legislature we had to run for that office with very tough rules in the State, disclosure rules. Essentially those rules have been drastically amended and modified by an initiative that the people enacted last November which severely restricts not only what contributions can be given, but how much one can spend in a campaign.

The point is that running for public office is a very exciting opportunity. We ought to allow people to receive contributions. I think we can limit the amount of contributions, and we can limit the category of those contributions, but we ought not to limit the source of contributions. By that, going back to the gentlewoman's point, is that Emily's List, like others, there is the Wish List, a more conservative group, but there are groups out here that call out to people who are on their lists, who have signed up and said we are supportive of your cause.

A mail solicitation goes out to those people and says, "By the way, Mrs. SHELLA JACKSON-LEE of Texas is running for Congress. We support her activities. She is a woman, she has served in the Texas legislature, she has a distinguished background, and we think she warrants election to the United States Congress, and would you women around the country please send us a small contribution. Together we will put these contributions together; that is called bundling, and we will send them to SHELLA JACKSON-LEE."

I do not see any problem with that. That organization does not come down here and lobby. It does not ask for any votes. It does not have an agenda in politics. What it is doing is trying to elect the right people to public office. There are a lot of groups like that. I do not think we ought to restrict them. Some of these campaign finance reform bills say that should not happen.

I was a former Peace Corps volunteer. When I ran for Congress I wrote people that I served in the Peace Corps with. Why? They knew me. I was also in a university. I wrote to the people that were in my class in the university. I graduated from a high school. I wrote to the kids that were in that high school. Some lived in my district, some lived in the State, some lived out of State.

When you run for public office, the way you get elected and the way you start a campaign is call up your friends and your family. I called up my family, and they are Republicans and I am a Democrat, and they said, we will support you. We probably never supported a Democrat before, but we will support you because we are your family. That is the way you get into public life. None of these bills should stifle that.

What we are trying to talk about is finance reform. Take the incredible obscenity of having to spend \$1 million to get elected to the United States Congress. The bill that I propose, and almost all of them, recognize that the average costs of a campaign to the United States Congress is a little over half a million dollars; \$600,000. That is the cap. We say you do not need to spend more than that to get elected.

We also say the way you collect money ought to be limited. You ought to have how much money you can raise from PAC's, and it cannot all come from there; how much can come from wealthy individuals, it cannot all come from there; how much can come from yourself, you cannot just pay for your own campaign out of your own pocket. That way we allow this diversity of contributions to be getting in, limiting the amount, limiting the total capacity of that particular area, and allow you then to run a competitive campaign for \$600,000 or less.

Mr. PALLONE. I appreciate the comments the gentleman made. I know that our time is running out, because we want to yield for another special order tonight, but there are going to be a lot more opportunities.

We are going to be here every night, if necessary, to make the point that we want campaign finance reform to come to the floor, and that the Republican leadership has an obligation to make sure that that happens in this session of Congress and as soon as possible.

I thank the Members again for joining with me. This is just the beginning of a lot more discussion on this topic.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much, and I certainly hope that the outrage over \$50 million is something that we can focus more on what we should be, which is getting real campaign finance reform.

Mr. FARR of California. It is too bad we have to schedule a special order to discuss campaign finance reform. We ought to be doing this in a regular session, in a regular time, to vote on a bill, not just to talk about the bill.

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

NAFTA TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for the

remaining 30 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE], the gentlewoman from Texas [Ms. JACKSON-LEE], and the gentleman from California [Mr. FARR].

I want to commend them for their discussion here this evening, and echo their comments with respect to making sure that we have campaign finance on the floor of the House of Representatives, so all sides and all issues and all facets of this complex issue can be heard by the American people, and we can make some decisions that will move us away from this terribly corrosive system we are now engaged in.

Mr. Speaker, I would like to kind of shift gears here and talk about something that has been very important to I think the country, an issue that will be before this body very shortly. That is trade. I am joined by my distinguished colleague, the gentleman from Pennsylvania, [Mr. RON KLINK], who I think will also share some views and comments on NAFTA.

That is what I want to talk about today, because we are about to embark upon another fast-track agreement which will get us into a series of trade agreements with not only Chile but other Latin American countries, and other countries around the world. My concern is that it will be done without proper labor protections and environmental protections. That is why I think it is important to review the NAFTA debate.

Four years ago we had a major debate over the North American Free Trade Agreement. For those of us who fought the treaty back then, one that protects human rights and labor rights and environmental rights, that is what we wanted, we came to the floor of the House, and we are here again tonight to describe the flaws as we see it in NAFTA.

Four years ago, we had a vigorous debate that lasted months, and it culminated in a dramatic finish here on the House floor in a very important vote for the country, and, indeed, for the country of Mexico and Canada as well.

Then we watched as NAFTA took effect. We did not come to the floor night after night and say, it is not working, it is not working, it is not working. We hoped that we were wrong, that it, indeed, would work. But we knew, I think, not only in our minds but we knew in our hearts that the treaty was flawed and it could not work. Many of us saw problems. We saw major problems.

Those of us who fought for a better treaty back then are just as determined today to make sure that the faults of NAFTA are addressed today, because today this debate, as I said, is moving into a new phase. Supporters of NAFTA now want to expand it to new

countries. Let me tell the Members, expanding it now would be like building a new room onto your house when your kitchen is on fire and your roof is collapsing.

Before we expand NAFTA, we have to fix it. There are a lot of things to fix. It is no longer a question of theory. We have had about 38 months to look, to digest, to understand, to take apart, and to see what effect it has had on workers here in this country and in Mexico, and in Canada. NAFTA has had 38 months to prove itself. We have seen the effects that NAFTA has had on our families and our jobs and our communities, and the news is not good. I think by any measure people have to understand that NAFTA has been a failure.

Let us look at our trade balance with Mexico, the simplest measure of performance. I have a chart right here. Before NAFTA, before NAFTA we had a \$1.7 billion surplus. Thirty-eight months later we have a \$16.2 billion trade deficit with Mexico.

NAFTA proponents will say trade has expanded 20 percent between the countries. That is true, but it is expanding in the wrong direction. In 1993, before NAFTA, we had this surplus. Now we have this deficit. That means that we are going in the wrong way, Mr. Speaker. Our trade deficit with Mexico is now at a record \$16 billion.

NAFTA proponents will argue that the reason we have this deficit, which causes jobs, is because they had this thing called the peso devaluation. For some of the Members who are not familiar with what happened in Mexico right after NAFTA, the value of their currency, the peso, which was way overvalued, and we said so on the House floor, and we said it would be a terrible mistake to go ahead with the treaty, with the peso overvalued the way it was driven up by the speculators, we said that that was happening and was going to continue to happen, and it would fall apart, and it would have a dramatic effect on the workers.

That is exactly what happened. When the peso crashed, Uncle Sam came in to try to rescue them by providing them loans. In addition to that, we had the Mexican workers wake up one morning and 40 percent of the value of their savings, their life savings, the currency they had in their pocket, was gone through devaluation. You can imagine waking up and finding 40 percent of your worth just gone the next morning.

NAFTA proponents argue that the peso devaluation really was the problem, and that is why we have the deficit. But the facts do not bear that out. The trends were in place long before this peso devaluation.

If the peso devaluation were the only reasons, other nations would suffer the trade deficit as well, but when we look at the record in trade between Japan and Mexico, and the European countries and Mexico, we will find that they

have maintained their surpluses before, during NAFTA, and after the peso crash. Our trade balance had become a deficit 4 months before the peso crash. It had been trending that way for several months prior to that. So the facts show that NAFTA is the cause of this deficit, not the peso devaluation.

Next, let us take a look at the job claim by NAFTA proponents. I will get this chart down here. I think this is pretty self-explanatory: Jobs Lost Under NAFTA.

Remember back in 1993, when we debated this, we all kept hearing that the proponents said we would create 200,000 jobs, 200,000 jobs. We heard that figure over and over again. NAFTA proponents practically guaranteed us that 200,000 more jobs would be created if we passed NAFTA.

□ 2015

But using their own formula, which is based on the numbers of jobs created through a certain dollar amount of trade, we have lost over 600,000 jobs or job opportunities since NAFTA took effect. And by using a very narrow definition by the Department of Labor, which includes only those workers who have applied and then been certified for NAFTA unemployment benefits, more than 110,000, 110,000 U.S. workers have already been certified under the NAFTA unemployment program.

Thousands more have filed for the benefits and have not been certified but some eventually will get them. So the figure on the job loss was not 200,000 created, as the NAFTA supporters told us time and time again. It is somewhere between 600,000 and 110,000 that we know of and have been certified. And not all workers qualify for those benefits, as I said.

Workers in more than 1400 factories in 48 States have applied for these NAFTA job retraining programs. But as we all know too well, these workers will not likely be moved into high-tech and high-wage jobs, as trade theory suggests.

In fact, listen to this number, 65 percent of workers who were laid off ended up with lower paying jobs; 65 percent of the workers displaced in this country who were laid off ended up with lower paying jobs.

When we debated NAFTA, many corporations stepped forward to say that jobs in the U.S. depended upon NAFTA's passage. They promised to create jobs in America. Corporation after corporation, multinational after multinational corporation said they were going to create jobs.

Next chart: Broken promises under NAFTA. Ninety percent of companies failed to deliver on their promise to create U.S. jobs if NAFTA passed, 90 percent. In the weeks to come, we will be going through all of these corporations, corporation by corporation, plant by plant, worker by worker, to

let you know how this has unfolded. But tonight let me just give you one example.

Let us start at the end of the alphabet with Zenith, well-known TV maker. Here is what Zenith said in 1993 during the NAFTA debate. It said, Contrary to numerous reports that companies like Zenith Electronic Corporation will transfer all of their production facilities to Mexico as a result of NAFTA, the NAFTA offers the prospect of more jobs at the company's Melrose Park, Illinois facility.

Here is what Zenith did. Zenith announced late last year that it was laying off 800 of its 3000 workers at Melrose Park. In addition, 510 workers have been certified for NAFTA trade adjustment assistance at Zenith facilities in Springfield, MO and Chicago, IL.

So these are the real life facts and the real life effects of NAFTA, and we will be making sure that the public understands what other corporations have said and what they have not delivered.

Let me talk about what I think is the real crux and the problem with NAFTA and what it has done to the workers here in this country. I want to talk about the Mexican workers a little bit later as well.

What has really happened here in this country is the downward pressure on U.S. wages that has resulted from the North American Free Trade Agreement, the downward pressure on wages.

There was a study done at Cornell University for the Department of Labor. And listen to this, they found that 62 percent of U.S. employers, 62 percent, threatened to close plants rather than negotiate with or recognize a union, implying or explicitly threatening to move jobs to Mexico, 62 percent. People wonder why 80 percent of the workers in this country have had their wages basically frozen or decline for close to the past 20 years. It is that bargaining chip. It is that downward pressure on wages. It is the leverage they have because of agreements like this and, I might also add, because people are not standing up for their collective right to join together and bargain.

Unions in this country made the middle class. At their zenith, at their height in the 1940's in this country, when almost 40 percent of the private sector employees in this country belonged to unions, you saw incomes rise, benefits rise, health care, pensions. Down to about 12 percent today, union membership. They do not have any power at the bargaining table today, the workers do not. The companies, they say to these folks, listen, you want a higher wage, you want a livable wage, you want health care benefits for your family, you want a guaranteed pension, I will tell you what, we cannot afford it, we are going south, you keep this up.

And yet you look at CEO salaries in America today. They are out of sight.

They are paying this guy at Disney, we all grew up on Disney, loved it, watched it, Michael Eisner, \$776 million, 10-year contract, \$776 million. I mean, am I missing something here? Did Mickey Mouse negotiate a peace treaty in the Middle East? What enables somebody to accumulate \$776 million?

So these are the discrepancies that are occurring here in this society between the highest income earners, the top people at these corporations, these multinationals and workers who are having their wages bargained down at the table.

Let us take another example. At the Connor Rubber near Fort Wayne, IN, in the midst of the union's first contract negotiations, the company decided to close the plant and move to Mexico. Same union pulled an organization petition at a neighborhood subsidiary of Connor Rubber. The union official who was organizing the subsidiary said that wages were lacking, their benefits were lacking, but they also wanted a job.

So this is having a dampening effects on wages in America. Fifty-seven percent of Americans now say their purchasing power is worse than it was before NAFTA, 57 percent.

And the situation in Mexico is even worse. As I said, the Mexican economy basically collapsed. The maquiladora, the area along the U.S. and Mexican border in Texas and New Mexico, Arizona and California, production has soared but wages have fallen by 25 percent. When we debated NAFTA, the maquiladora workers were making \$1 an hour; now they are making 70 cents an hour. Workers who try to form unions are being fired or thrown in jail.

I was down there a month ago. I visited some of these villages and colonias in Tijuana and talked with some of these leaders and these workers. One of these leaders told me at his community colonia in the community house where there were lots of people, he said to me, Congressman, I went there and talked to the company about slowing down the line because a lot of the people who lived in this community were losing fingers and hands. Instead they sped the line up. So we organized and we stopped work, and they fired me. And they threw me in jail for trying to organize a union.

That is what we are up against and that is what is happening and that is what is going on.

NAFTA has not created to a consumer market in Mexico. It has created an export platform. As a Nation we now ship more consumer goods to Switzerland than we do to Mexico. A good example is the auto industry. From 1994 to 1995, production in the maquiladora for the domestic Mexican market plummeted 72 percent, but production for exports to the United States grew by 36 percent. We are selling fewer cars to Mexico. Folks there

do not have the money to buy it. When your income drops 40 percent overnight and when they are paying you 70 cents an hour, it is hard to afford to buy an automobile.

As a result, our trade deficit in the auto sector ballooned to more than \$15 billion. And meanwhile the environment is suffering the consequences as well. Families along the border continue to live near and bathe in and drink water that the American Medical Association has called a cesspool of infectious disease, a cesspool of infectious disease.

Human health risks on the U.S. Mexican border. The estimated cost to clean up the border is \$20 billion. Remember the debate we had here about the North American Development Bank which was set up to fix these environmental and health problems? After 38 months the bank has yet to make a single meaningful loan for the public good. They have made a loan to a private development for \$2.5 million, but that is a far cry from the \$20 billion in infrastructure needs that they need in order to fix the environment along the border.

What is more, NAFTA has helped create what some call a wave line border check. Listen to this: 11,000 trucks now pass over the border from Mexico every day, 11,000. For every truck that gets inspected, 199 do not. They are just waved through, for God knows what is on those trucks. They are just waved through.

Every single week we seem to see another story of corruption at the highest levels of the Mexican government. Is this tragic? Yes. Is it permanent? It does not have to be. We still believe that NAFTA can be a force for progress. We still believe we can create a consumer market in Mexico.

But before we ever think about expanding NAFTA to other countries, we need to fix a very flawed NAFTA here. We need to give workers the same kind of labor and health protections that we gave companies for things like intellectual property. We need to include labor and environmental standards in the core agreement, not in some flimsy side agreement. And we need to raise Mexico's standard to our level, not lower ours to theirs.

We need to make noncompliance subject to sanctions, not just consultations. And we need to remember this is not just about markets and trade barriers, this is about jobs and living standards. It is about human rights and human dignity.

Workers on both sides of the border are mistreated by multinational corporations and indifferent governments. But they remain brave and they remain hopeful. And until they have a voice to speak for themselves, we must continue to be their voice.

There are more people in this Congress, I might add to my colleagues,

who voted against NAFTA four years ago than voted for it, and many who voted for it say that they would never vote for it again. We look forward to this debate.

I yield to the gentleman from Pennsylvania [Mr. KLINK], who has been so eloquent and strong on this issue of protecting jobs and expanding job opportunities and harmonizing Mexican benefits to our level instead of bringing ours down to theirs.

Mr. KLINK. Mr. Speaker, I thank my good friend, the gentleman from Michigan, the minority whip, for again leading us in this issue. And I just want to underline, first of all, before I start, some of the points that the gentleman made because they are very important.

No. 1, he pointed out the fact that we are not against free trade. Those of us who come here to the well and who have said this is a flawed NAFTA agree that a NAFTA agreement can be good. We can negotiate something that can work. We can have free trade with Mexico, with Canada, with Argentina, with Chile, with the Caribbean Basin, with Europe, but it has to be fair trade. And we got the short end of the stick.

His other point that he made at the very beginning is one that is very important. After we lost, it was a very close vote, it was a very hard fought vote, many of us put our sweat and our tears and our lives for many months into fighting for the working people of this country, something that we felt very strongly was going to be flawed, but when NAFTA passed, we went back to work doing other things. We did not come to the well of the House day after day, week after week, month after month, pointing to every small thing that occurred and blaming it on NAFTA. We did not say that because so many people in America got a cold or the flu it was NAFTA's fault, just because a factory closed down here and closed down there, it was NAFTA's fault. We did not make that point.

We wanted to be wrong. We were hoping that the promises of 200,000 jobs that were made by the proponents of NAFTA would take place and that many of those jobs would occur in the gentleman's district in Michigan and my district in Pennsylvania and some of our other friends in Ohio and California and across this country.

□ 2030

That was our hope. Unfortunately, that has not occurred.

As my friend pointed out, what really we have seen is promises broken. All of those companies, many of those companies which came out making all kinds of promises, telling us all of the wonderful things that were going to occur, we called them the NAFTA poster companies. They would come out with fancy flyers saying we are going to create these jobs. Indeed, 60 of the 67 companies that made specific promises

about jobs that would be created, in fact have not fulfilled those promises of job creation. In many instances they have eliminated jobs. Some of those companies are no longer even doing business with Mexico.

The gentleman's point about the fact that when NAFTA passed we had a small \$1.7 billion a year trade surplus with Mexico, and now we have a booming trade deficit with Mexico, I would remind all of my colleagues this occurs, Mr. Speaker, at a time when we are including as exports to Mexico the factory equipment that we are sending down there by companies that have closed down their factories in this country and are moving that factory equipment and those jobs to Mexico. That counts as a surplus. That counts as goods that we are selling to Mexico. That is not legitimate goods and services. Those will, in fact, be used against us.

The increase of the U.S. trade deficit with Mexico and Canada has cost, we believe, about 420,000 jobs. Half a million jobs.

Mr. BONIOR. Good paying jobs, in many instances.

Mr. KLINK. The gentleman is correct. These were good paying jobs. And as the gentleman said, when these workers were displaced they did not get good paying jobs.

My State of Pennsylvania is one of the top two in NAFTA trade adjustment assistance applications. For those people that do not understand, that is a very complex procedure that you qualify or you apply for benefits based on the fact that you lost your job because of NAFTA. Not everyone who has lost their job because of NAFTA has qualified for NAFTA TA benefits or even applied for them. So this is only one part of the puzzle when we try to determine the precise number of jobs that we have lost in this country. That is very convoluted.

Mr. BONIOR. The gentleman makes a good point. And the other piece I want to talk about for just a second with him is, it was 60-some percent, I think it was 65 percent I mentioned, of people who lost their jobs as a result of NAFTA and jobs moving to Mexico, people who have found other jobs have found them at lower pay. If an individual was making maybe \$12 an hour, they may have found another job but it may be at \$7 or \$8 an hour.

So what happens when that occurs in a family? Their standard of living is diminished considerably, so they go out and get another job. They have 2 jobs, 3 jobs, to make sure that income level in the family is where it had been. What does that do?

Mr. KLINK. If the gentleman will yield, that is when they find out they have less time to put into their family and their community.

Mr. BONIOR. That is correct. They are not there for soccer for their kids,

they are not there after school when their kids come home, or to help with PTA and the other community efforts. That is the untold factor here that we are dealing with as a result of this downward pressure on wages and job loss.

I thank my colleague for raising that point.

Mr. KLINK. When we heard all of these predictions about the 200,000 jobs that were going to be created almost immediately by this NAFTA agreement, there was an assumption by both the Bush and the Clinton Administrations. This had been started during the Bush administration and then was finished by the Clinton administration. Both administrations made their predictions based on the fact that they anticipated we would have a trade surplus with Mexico for at least 15 years. Immediately, the year after NAFTA passed, we went into a trade deficit with Mexico.

The shift from a small surplus of \$1.7 billion back in 1993 to a deficit of \$16 billion in 1996 in trade with Mexico really has to be explained by the devaluation of the Mexican peso. And, as the gentleman said just moments ago, and I think he did a great job of explaining it, NAFTA was responsible for that devaluation.

Then what occurred in this country, and I do have a copy of the study from Cornell University that the gentleman talked about, it is called a Final Report, the Effects of Plant Closing or Threat of Plant Closing on the Right of Workers to Organize. He is absolutely right, 62 percent of the employers in this country, 62 percent of them said "We will close our plant rather than to negotiate a contract with you" or "If you want to form a union, we are closing our plant. We can now go to Mexico."

That happened all across this country, if we read this report, which the proponents of extending fast track so that we can expand this horrible agreement without fixing it, they do not want us to read this report.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments, and I apologize to my friend from California. I know he wanted to make a comment about fast track, and I am sorry, I did not realize we were short on time.

I thank my colleague from Pennsylvania for coming out and talking to us this evening about his views on this issue, and we look forward to a hearty debate. And, again, I say to my friend from California, I look forward to participating with him in this as well.

LESSONS IN EDUCATION, THE IMPACT OF NEW SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes.

Mr. HOEKSTRA. Mr. Speaker, before I begin with my comments, which are a series and talk about where we are going in education, I want to yield a few minutes to my colleague from California to talk about a project that I have some interest in and I may learn something tonight about, a patent bill that he has proposed and a number of my constituents have called me about.

So I want to yield some time to my colleague from California.

Mr. ROHRBACHER. Mr. Speaker, I thank the gentleman. There will be a vote on the floor of the House of Representatives next month, probably the middle of next month, that will mean a great deal not only to every Member of the House of Representatives but to every citizen of the United States of America.

As we just listened to our colleagues from the other side of the aisle talking about some of their observations of what has happened with the treaty with Mexico and some of the other economic dealings that we have seen in recent years, it is clear that there is an elite in the U.S. Government and in the United States and in our financial institutions who are not loyal to the interests of the people of the United States.

This lack of loyalty perhaps is due to the fact that they have a vision for a better world. They are trying to create a global economy and, thus, they are willing to sacrifice the interests of the American people. They are willing to sacrifice the standard of living, the freedom and the prosperity, and actually the national security of our country in order to build this more perfect world and a global economy.

I think that this has manifested itself in NAFTA and some of these other things, the GATT. But we will have a vote in one month on H.R. 400, which I call the Steal American Technologies Act. My legislation, H.R. 811 and 812, will be there as a substitute for this horrible piece of legislation that is the latest example of this elite class who are trying to create a global trading system at the expense of the standard of living of the American people and the rights of the American people.

H.R. 400, the Steal American Technologies Act which is coming to this floor for a vote, is being pushed through the system by an army of lobbyists who have been hired by multinational corporations and huge American corporate interests, who have struck deals with those foreign corporations in order to change, fundamentally change the technological laws, the laws that govern technology in America.

The fact is we have had the strongest patent protection of any country of the world, and that is what has ensured the American people for these last 200 years the ability to have a higher

standard of living than other countries of the world, because we were able to out-compete them. We had the technological edge. It was our inventors, the Thomas Edisons, the Cyrus McCormicks, the Wright brothers, all of these people who were protected by the strongest patent system in the world, who stepped forward to give the American people the standard of living and this great chance for opportunity to uplift their way of life and improve the standard of living of their children. But that law is changing.

Our country's national security was based upon our technological superiority, but the laws that governed us, that gave us the creativity and the technology to defeat our adversaries, economically as well as militarily, are trying to be changed and they are doing it in a sneaky way: H.R. 400, which I call the Steal American Technologies Act, which will be voted on in about 3 or 4 weeks.

What it will do is, number one, eliminate once and for all the guaranteed patent term, which has been the right of the American people for 200 years. It will, and hold on to your horses on this if you have not heard about this bill, it will mandate that every American inventor who files for a patent, whether or not that patent has been issued, that his patent application will be published after 18 months for the entire world to see.

This means every economic adversary, every enemy of the United States, everyone who would destroy our country and our way of life almost, have every one of our secrets in order to use our technology against us.

And, finally, H.R. 400, the Steal American Technologies Act, will actually abolish the Patent Office, which again has been part of our country since the founding of our Constitution, and resurrect it as what? As some corporate entity. A corporate entity, I might add, which will be able to accept gifts; gifts from foreign countries, from different people. We do not know what effect that will have on patent examiners, which have been the people who have made the decisions to protect us and to protect our rights as Americans to own what we create.

This will be one of the most important decisions this Congress will make. Two generations from now Americans will suffer, our security will falter, our way of life and our prosperity will go down and the American people will not know what hit them. It will be a Pearl Harbor in slow motion if this passes.

The only thing that will stop it, the only thing that will stop it is if the American people call their Member of Congress to offset these lobbyists that are hired by the multinational corporations and tell their Member of Congress to oppose H.R. 400, the Steal American Technologies Act, and to support H.R.

811 and 812, which are pieces of legislation that I have authored, Congressman ROHRBACHER, which will strengthen the patent system.

I want to thank my colleague for granting me this time from his time tonight. This is such an important issue for people to understand, that democracy will not work and America will not be strong unless our people get involved.

This whole effort, and I will close with this thought, it is a shocking thought, why are people trying to push something which is so evil and detrimental to the United States? Yes, they believe in a global economy, but part of their motive in reaching this global economy is they are trying to harmonize our law with Japan.

The elements that I just talked about in the law, which is changing in H.R. 400, are nothing more than an agreement that has been reached with Japan, a hushed-up agreement to change our strong patent law into their weak patent law. The harmonization of our law with Japan. It is absolutely an outrage. It is frightening to think it is happening and there are lobbyists all over this city from powerful corporations trying to push it through.

I appreciate the gentleman's giving me this time to warn the people out there who are listening and reading this in the CONGRESSIONAL RECORD. We can beat this but we have to act.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for sharing with us and look forward to learning more about this issue over the coming weeks. It is a critical issue.

I have had a number of my constituents calling me and saying get with the Congressman from California, sounds like he has a good thing going and it is something we have to watch out for. So I thank the gentleman for taking that time.

Mr. Speaker, I want to continue a series now that I have been doing for my colleagues that outlines a project which we call lessons in education. This is the fifth in a series. This is the fifth lesson, and it is about new spending and what the impact of new spending is.

The impact is that new spending equals a new tax burden. It is something that sometimes is lost on us here in Washington. It is lost on my colleagues, that as we come up with an idea for more new programs, more good programs, solving more problems from Washington, that the increased spending, the impact of that is that someone has to pay for it. So lesson 5 is, let us not forget that new spending equals a new tax burden on America's families.

These lessons in education, they are coming out of a process which we call Education at a Crossroads.

□ 2045

Me and my colleagues, especially BUCK MCKEON and FRANK RIGGS, who

share subcommittees with me on the Committee on Education and the Workforce, are currently working on this project, Education at a Crossroads, what works and what is wasted. The purpose of our efforts is to do a survey around the country of education, what the results are. There is enough education out there today or there are enough issues out there today that we can say that at least in parts of our country today education is in a crisis.

You go to Washington, DC, right outside of this building, we are spending \$9,000 per student. We get some of the lowest test scores in the country. We have had hearings in California where key people from universities come in and they say, you know what we need to do and what you need to do in Washington is you need to make sure that you continue funding our remedial education programs, and you kind of lean forward and say, these are kids entering higher education in California, what kind of remedial education do they need? And the answer is, well, they cannot read or write at an eighth grade level, so give us more money, and the answer is no, you do not need more money. As experts in education, you have got to get into the high schools, the middle schools and the grade schools and figure out why kids are not learning.

You go around the country and you compare our scores with international scores and we are not getting the kind of results we would like to get. So we know that there are some problems and some opportunities in education. We also then want to take a look at whether Federal programs are helping drive the creativity, the energy, the innovation that we need in education today, or whether Federal programs are a stifling wet blanket of rules and regulations on State and local efforts to move education into the 21st century.

Today I want to just make this additional report. The first lessons that we had is parents care the most about their children's education. That was lesson one. The exciting thing about going to New York, going to California, going to Phoenix, going to Chicago, going to Milwaukee, going around my district, going to Detroit, some of the toughest neighborhoods in the country, and talking about education is that there are lots of places where education is working. And the amazing thing is where education is working is where parents and teachers and local administrators have gone in and taken their school back, and they have taken their school back at the expense of district administrators, State bureaucrats or Washington bureaucrats.

They have said, this is our school, these are our kids, we know their names, you do not, we are going to run this school the way that we want to run it, the way it needs to be run, be-

cause we know what our kids need, we know what our communities like, and we know how to bring the community, parents and teachers, together to service our kids, and we do not want to be locked in by State or Federal bureaucrats.

It is amazing the amount of innovation that takes place when parents and teachers and local administrators are given the freedom to move forward. So that was lesson one, recognizing the fact that people at the local level, parents and teachers, care more about our children and their future than what bureaucrats in Washington do.

Lesson No. 2. Good intentions do not equal good policy. Washington is full of good intentions. We have tried to do so many good things for our children that we have lost focus, that we are here to serve the kids and not smother them.

Over 20 to 25 years, we have developed 760 programs going through 39 different agencies and spending about \$120 billion per year. Lots of intentions, lots of good intentions, poor execution, and actually now, when you take a look at it, poor results at the local level.

Lesson No. 3. More does not always equal better. It is kind of like when you have got a system and the system is not working. Only in Washington do you say, to fix the system, what we need to do is add a few more programs just like the ones that we have had and to fix the system, just put a little bit more money in it. When you put a little bit more money and a few more programs, you know, we think that is going to fix it.

No, what it is time to do is to step back, to take a look at this and to say, more does not always equal better, and more does not equal better when what we are doing today is not working.

Lesson No. 4. Education is not about government or bureaucrats. It is about kids. It is not about tax credits, it is not about Federal mandates. Education is first, last and always; education is always about children. And we have lost sight of that with too many Federal programs. I will go through it a little bit later when we take a look at where education in America has gotten to, at least at the Federal level.

This is done by a cottage industry, a cottage industry that grew up because it recognized that education in Washington had moved away from being for kids; it had moved into becoming a bureaucracy. And what are these binders? Cottage industry, an independent organization that said, hey, there is an opportunity out there, nobody knows how to get the Federal money, let us develop a guide to Federal funding for education telling where the dollars are, who to call, how to write your grants, not to write your grants about what is going on in your local school district or the problems that you have but how to write a grant so that the people who

give the money out will give you money.

This is a license to steal from the American taxpayer, a license to come to Washington, mining for grants. This is about bureaucracy. This is where Washington has come. Washington has moved to becoming bureaucracy and has moved away from what it really should be, and that is a focus on our kids.

Today's lesson. Today we focus our attention that when we decide to increase spending, that when we increase spending, somebody has to pay for it, so that when we increase spending, we create additional family tax burdens.

Remember that what the President is taking a look at doing over the next 5 years, again good intentions but, remember, good intentions do not necessarily equal good results. More does not equal better. He wants to spend \$50 billion more on education and develop a whole new series of programs. And, remember, if we spend \$50 billion over 5 years, that is \$10 billion a year for education. In the President's eyes, that is a positive move, but remember when the President adds new spending, the end result of adding \$10 billion of new spending is that there are 5 million families that have to send an extra \$2,000 to Washington each year for the next 5 years. What we are doing is we are moving families away from where we want to be, which is a government that can be supported by a one-wage-earner family and where a two-wage-earner family is an option. We are moving with this kind of reckless spending to a situation where a two-wage-earner family is going to be a requirement because one person is going to work to support the family, the other person has to work to support government. That is wrong.

The lesson is, new spending equals new family tax burden. Either we are going to pay for it because we are going to have to raise our taxes, but more likely we will do it the way Congress has done it for the last 29 years and the way this President is proposing that we do it, let us increase spending, let us not increase taxes, let us increase spending and let us pass along this new family tax burden on to our kids.

It is the wrong thing to do.

Take a look at this scenario in one of the programs the President is taking a look at. The President says, we need 1 million new tutors because, why? America's children cannot read.

Well, if we are going to have 1 million tutors to help our children learn to read, take a look at what the cycle here is. Kids cannot read. We have not taken a look at why kids cannot read, but kids cannot read. The solution is, let us pair a student up with a volunteer. You could say why do we not pair a student up with a parent but, no, let us pair them up with a government-

sponsored volunteer which through AmeriCorps may cost about \$27,000, but let us pair them up with a volunteer.

Well, if we are going to have 1 million new volunteers, we are going to have to have a way to manage this. Well, how do you manage 1 million people? Well, what we need is we need a bureaucracy to administer a program to finance and manage our new tutors. So we have got the kids, we have got the tutors, we need the bureaucracy to manage the tutors, to find them, but now you say, how are we going to pay for these tutors, how are we going to pay for the bureaucracy that manages the tutors? Well, we are going to probably have to increase taxes either today or on future generations, on our kids, to pay for the Washington bureaucracy the President needs to administer the program to finance the new tutors.

The tutors, the bureaucracy, the new tax burden. What then happens? We have got a new tax burden. What we are trying to do tonight is we are trying to inform America's families that, hey, you are being informed that you must pay more taxes to pay for the Washington bureaucracy the President needs to administer the program to finance the new tutors. So the family now needs and they are saying, wow, we have to pay more in taxes or we are going to be spending more money.

So what does this now do to the families? They are saying, wow, a tax burden for our kids, or for us. We need more money. Families are forced to send a second wage earner into the work force to take a job, often a low-paying job, just to pay the taxes to pay for the Washington bureaucracy the President needs to administer the program to finance the new tutors.

Now, what is the next step? You have more two-wage-earner families, because more families are forced to send a second wage earner into the work force to take a low-paying job just to pay the taxes to pay to the Washington bureaucracy the President needs to administer the program to finance the new tutors. More parents have less time to spend with their kids to teach them how to read.

Well, we have almost come full circle. Because more families are forced to send more taxes to Washington by creating a second wage earner into the work force to take a low-paying job just to pay the taxes to pay for the Washington bureaucracy President Clinton needs to administer the program to finance the new tutors, more parents have less time to spend with their kids and to teach them how to read.

As we have gone around the country and as experts will tell you, the most effective way to teach a child how to read is to reinforce the learning at school with a parent at home or person in the family at home reading to the child.

It does not make any sense. We are going to go out and we are going to ask, in this case, to pay for the tutors. It is about \$200 million a year. An average family if they have to pay more taxes, \$2,000; that is either \$2,000 that comes to Washington or it is \$2,000 that stays with the family. One hundred thousand families are going to have to have a second wage earner paying \$2,000 in taxes to fund the tutors.

It does not make any sense to have this kind of scenario in place, to have families having more two-wage-earner families, not by choice but by a requirement because Washington wants to do more for your kids and the only way Washington can do more for our kids is by putting more parents to work so that they spend less time with their kids, which makes it harder for them to learn how to read. Does this make any sense?

No, absolutely not. The time has come to tell the President no new spending. The American people must speak up and be heard on this. More new spending equals new family tax burden. It is time for the American people to stand up and to tell the President, no new spending. There are 760 programs through 39 different agencies spending \$120 billion per year. If we need more education for different priorities, the money is there, and we need to tell the President that.

No, actually we do not need to tell the President that. The President knows that. The President has said that. What we need to do is we need to remind the President of what he told the American people not all that long ago.

□ 2100

A few months ago he was not talking about, the President was not talking about more spending for education. What did the President say on March 27, 1996? He did not say, give me \$50 billion more; let's put 5 million more American families with two wage earners to pay for new taxes or new spending, the new tax burden by this education. He said exactly what we are trying to do with education at a crossroads. So this is not going back and telling the President he does not know. This means going back to the President and saying:

"We agree with you. At least we agree with what you said on March 27, 1996," where he said we cannot ask the American people to spend more on education until we do a better job with the money we have got now.

This was a speech to the National Governors Association, their education summit back in March 1996.

The President knows we have got plenty of money in education. The time is now to say, no more spending; we agree with you, Mr. President. We're not going to ask the American people to send more money to Washington on

education until we take a very good look at what we're doing with the money that they are already sending here on education. Washington spending and taxes are linked. By asking for \$50 billion and more spending, you are asking for \$50 billion in more and new taxes, it's the wrong thing to do. There is plenty of money here in Washington. It's time to stop it, it's time to take a look and do an honest appraisal, an honest assessment of all of these Federal education programs. It's time to take a look at if we've got a bureaucracy like this or a bureaucracy that requires this kind of information to be published to go to the American people to tell them what's available in education funding, we've become too bureaucracy focused and not enough child focused.

Mr. Speaker, I just want to go on for a few more minutes. This is not about who cares about our kids. We all care about our kids. We all care about education. But there is a fundamental difference between President Clinton's approach of spending more money on more bureaucracy and increasing the tax burden on the American people to pay it in our approach. Education at a crossroads says we are going to reassess and clearly identify what is working and what is wasted in these 760 programs, over 39 different agencies, and we are going to focus on getting the money into the classroom.

The disappointing thing that we have today is we walk across the street when we come here to work. We walk across a street called Independence Avenue. In today's world and today's Washington spending, that is now Dependence Avenue. What is done in these buildings has a significant impact on American citizens around the country, whether it is Health and Human Services or whether it is Housing and Urban Development. These people in these buildings have way too much influence on what goes on in America.

We talk about \$50 billion of more money going into this city and into these buildings just for education. What does that mean? It means more decisions, more control in Washington, a bigger Dependence Avenue and less independence and freedom at the local level. Every dollar of taxes that goes to this city comes from an American family and increases the family tax burden.

The first stop of these tax dollars; where is the first? The first stop is when you actually go to work and you earn it, but you do not keep it for very long. As a matter of fact, you do not keep—some of the money you never get. It was a wonderful invention called withholding.

Mr. Speaker, I have got nephews and nieces that just began their first jobs, and they are excited. They have got a job for \$5 - \$5.50 an hour. They work for

20 hours that first week. Pay day is the following Tuesday or the following Wednesday, and they are excited because they worked for 20 hours at \$5 an hour, and they are going to get a check for a hundred dollars.

Twenty times five is one hundred. This is a good deal. It would be if they got \$100. They get their first check, and they say:

"Well, where did this money go? You know, I've got \$76, and it goes to all these strange acronyms that they have no understanding what they mean." But what we have got is we indoctrinate our children, when they get that first job, it is not really your money. You never see it, it never reaches your checkbook, it never reaches your wallet. It goes somewhere else.

And then what happens?

That check leaves their pocket and goes to this wonderful institution in Washington which is called the IRS, and what happens when it gets to the IRS? The tale of two visions. What happens in Washington when we get your money? One of the best examples is IRS wastes \$4 billion, unsure if it can fix a computer problem.

Think about this, \$4 billion. This is 2 million American families sending \$2,000 to Washington for 1 year, 2 million American families sending \$2,000 to Washington, and they are unsure if they can fix a computer problem. Well, I will tell you there are 2 million American families who could have spent a lot more time with their kids if they had not had to work and send \$2,000 to Washington for this computer glitch.

After investing \$4 billion in taxpayer dollars to try and remedy its inefficient and unreachable computer systems, the IRS has come to one conclusion. It is, unsure, if it can fix the problem. The agency expressed doubt that it was capable of developing modern computer systems, saying it lacked the intellectual capital for the job. It may be lacking the intellectual capital for the job, but the American taxpayers, because the IRS did not realize it could not do the job, 2 million American families had to send \$2,000 to Washington. They had to provide the financial capital, and it all went down the drain.

Mr. Speaker, think about what happens when the money comes here to Washington. Another program; again this one is out of the education programs. Only in Washington a report is completed. The report says drug programs do not work.

OK. Thank you. Thank you for that analysis.

Now, based on that analysis and recognizing that drug programs do not work, what are you going to do about it? What is the Education Department going to do with the billions of dollars that they get every year for drug programs? Only in Washington, when you have a program that does not work, do

you say please give me some more money. Only in Washington.

The program does not work, and what happens? We are going to spend more money on the failed programs. Only in Washington does that make sense. Only in Washington does it make sense when something does not work to pour more money into it and ask more families to have a second wage earner to fund Washington government that does not work.

One final example out of our tale of two visions document. This is a monthly newsletter that we published. The State Department charging people with passport questions. IRS cannot run a computer system; the Education Department cannot run a drug program; the State Department has taken an entrepreneurial approach. They are going to develop customer service.

Think about this. This is your Federal Government that you are paying taxes for. They are going to develop an approach, and they are going to become customer focused. You are paying for this agency with your tax dollars. They are going to become customer centered.

Hallelujah.

But wait a minute. What does it mean when we say the State Department is going to be customer focused? The State Department has created a customer service, not 800 number, to provide you easy access service, but a 900 number for all inquiries regarding passports. This 900 number will cost the public a dollar five per minute to answer questions such as: How many forms of ID do I need to bring? How long does it take to get a passport? The State Department, at least they are consistent. They are also saying we want congressional offices to use the 900 number if they have questions for their constituents. I think that, you know, at least they are being entrepreneurial, but they are forgetting who paid for this in the first place.

The ironic thing would be, can you imagine if this spreads to the IRS, the agency that cannot understand its own regulations and cannot develop a computer system? And when you call it three times and ask three different people the same question, you get three different answers, and you are liable for it. Just would it not be wonderful if they develop a 900 number so that, when you ask the same question three times and get three different answers, you can pay three different times \$1.05 per minute to get the wrong answer.

We also go through and not only highlight what we think is waste in government, but we also highlight real life tales of the opportunity vision, which is people in their communities going out and making a real difference.

There is a school in New York, Our Lady Queen of the Angels, spends \$1,585. Think about it, \$1,585 a year,

about one-fourth of what city, State, and Federal governments spend on educating the child. Even by spending a quarter they have shown dramatic improvements in test scores each year, and they are well superior to other schools in their area.

This is not about money getting good results. It is putting in place the right kind of systems to drive the right kind of behavior that makes things successful.

Mr. Speaker, we have talked a lot about government spending. This is what happens to your taxpayer dollars. This is a problem. Let us move on to what happens when those dollars move into the education system.

There is a question about how many Federal programs there are. This exhibit is called the catalog of Federal domestic assistance. If you do not think we help and have a lot of programs in place, in very small type this lists all of the different Federal programs of assistance that we have, and it primarily lists just the names. And when we go to page FI-9 and go through FI-17, we find the section that is called education, 8 pages, and if you add all the programs up here just under this category you will find 660 different programs.

We then went to another organization, Government organization, CRS, and we said, you know, what do you think of this list? Is this an accurate list of government's involvement in education? And they said it is accurate, but as we take a look at it, we identify at least 116 other programs, and we know of no better source than the catalog of Federal assistance, so, you know, we are really not sure, but you are going to the right sources. You have asked us; we have identified at least 116 others, and this identifies 660, so yeah, you are somewhere in the neighborhood of 7 to 800 different education programs.

We talked about earlier this is the cottage industry that has grown up, and what is in one of these binders?

□ 2115

What is in these binders are a description of the different programs, how to apply, program purposes, what is the flow of funds, who is eligible, who do you contact, what is the range of awards. The funding opportunity index, which is the sheet at the back of every binder, is this blue sheet. This is a blue sheet, it is kind of a crib sheet. It tells you as you are going through all of these different types of programs, and it gives you a rating system, it tells you how easy or how difficult it is to get money. It not only tells you how to get the money, but it tells you whether it is going to be an easy program. Like if it has one star, approximately one out of eight applications is funded, or fewer. Two stars, approximately one out of five to seven. One

out of four, one out of three, one out of two.

So this has become a bureaucratic exercise. remember, this is not one binder, this is two binders. We get the two binders because it is 39 agencies, it is \$120 billion of spending, and it is over 760 programs.

This is a problem. This is \$120 billion of spending where we are not sure we are getting the kind of results. One-half of all adult Americans are functionally illiterate. Fifty-six percent of all college freshman require remedial education. Sixty-four percent of our 12th graders do not read at a proficient level. You would think as we increase the amount of spending that SAT scores would have gone up over the last three decades, right? \$123 billion of spending. Wrong. They have gone down 60 points in the last three decades.

Last week we looked at two ways to approach education. There was the Washington-centered approach, which is this, when we have these kinds of binders sitting on your desk at the local level. What it means is that local administrators are sitting at their desks and they are gaming out how to get Federal money. The other thing that is happening, when they get these programs, you can imagine the binders and the rules and the regulations that come back and fill up the rest of the shelf.

When you get money from Washington, you do not get the money without strings attached. That is why, as we have gone around the country, people have said the problem with Washington money, and they will take the money because there is still a cost-benefit, that the cost of getting the money and administering the programs is less than what they receive back, but it is not that big of a deal. What they tell us is, all over the place they tell us, we get 10 percent of our money from Washington, we get 50 percent of our rules and regulations from Washington.

We know that the system, a Washington dollar from a taxpaying family, through the IRS, through the Education Department, back to the local school district, we are estimating that somewhere in the neighborhood of 60 cents to 70 cents gets back to the child. That means somewhere in the neighborhood of 30 plus is taken up by bureaucrats. That means that the process here in Washington is bureaucratically focused, it is not focused on the children.

This is why I agree with what the President said in 1996. The issue here is not about spending more money. This is what the President said. We cannot ask the American people to spend more on education until we do a better job with the money we have now.

Think about it. Instead of increasing spending on education by increasing that dollar or that \$120 billion to \$130

or \$135 billion per year, we can get that money if we just take a look at how we spend it today and we do a better job. Instead of only letting 70 cents get back to the classroom, let us set a real aggressive objective. Let us get 75 cents back to the classroom. That would get us an extra \$5 billion into the classroom, closer to the children.

I do not think that is enough. One of my colleagues is going to be proposing legislation that says maybe we ought to move to 95 cents; that for every dollar that comes to Washington, the entire process of applying for it, administering it, and getting it back to the child and reporting back to Washington, that that entire process can only take 5 cents of the dollar.

We need to design a system where the bureaucracy and the bureaucrats only take 5 cents and the kids and the teachers and the parents and the local classroom get 95 cents. That is the difference between a child-centered approach and a Washington-centered approach.

A Washington-centered approach says, let us celebrate bureaucracy, let us give 30 cents to 40 cents of every dollar to the bureaucracy. A child-centered approach says the kid is the most important, let us get 95 cents to the child, and let us make sure that the bureaucracy does not consume a lot of the money.

As we go through this process, it is important to shrink down that bureaucracy, because we know bureaucrats will be paid and we know the bureaucracy will be funded. But we know, at least in the current system, and this is why the President is right, the current system is not working the way that it should. It is robbing from our kids each and every day. We need to be working with the President on examining and clarifying and improving the current system before we put an overlay of new programs that duplicate the system and do not improve on it.

I do not believe that the President has gone through this process. The President has not proposed sweeping reforms of our education programs, sweeping reforms of how we bring these dollars to the local district. He has not done that yet. He has not completed this work. So before we give him more money on education spending, we have to complete this work, because if we complete this work, I think that there is a high probability that we will be able to fund many of the initiatives that the President believes are essential, that is if we agree in concept that we should be doing that, we will be able to fund many of those programs out of the existing base and not out of new spending, not out of new spending which increases our family tax burden.

This process says, before we do new spending, we have to take a look at the 760 programs. Before we create the million new tutors that we talked about

on Americorps, the President is right, we ought to take a look at why the current system is not working. Why do we need new spending on literacy when we already have 14 literacy programs? Why do we need to spend new money here on tutors and put it through an agency? Think about what we are doing here.

We are putting money into an agency, a new agency called the Corporation for National Service, started in the 1993-94 time frame, which when we audited or we tried to audit the books in 1996, we found the books were not auditable. Now, think of what that means. We are putting new spending, we are increasing the spending of an organization that spends \$600 million per year by 25 percent, and they cannot keep their own books. Think about this. \$600 million of your money and they cannot tell us where the money is going.

The reward in Washington is when we have an agency that does not know where its money is going, it does not know what kind of results it is getting at a local level, what happens? Good job. As a matter of fact, you are doing such a great job, we are going to give you another \$200 million per year. Only in Washington.

We could make a joke about it and say, I am glad our tutors are going to be teaching our kids how to read, because they could not teach them how to do math because the agency back home obviously cannot, or back in Washington obviously cannot do math.

Now, that would be a sad enough state in and of itself, but there are some reasons why the corporation says it cannot audit its books. Some of the organizations that became part of the corporation in 1993 were old agencies that did not have the right accounting records and they had to upgrade those systems, so it was not a corporation starting from scratch. Three or four years later you would think, boy, you would think they would have gotten those problems ironed out. But it gets worse.

The Corporation for National Service in 1993 and 1994 was new spending, which means we had to go to the American families and increase their tax burdens. Remember in 1993 we had the biggest tax increase in American history. We put it into organizations that cannot keep their own books, and part of the Corporation for National Service is AmeriCorps. Part of AmeriCorps matches up kids who go out and do volunteer service, quote unquote volunteer service, we pay them about \$27,000 on average, and part of that cost is a stipend that enables them to get a college tuition grant for about \$4,000 or \$5,000.

Now, you would think that in a new organization that is requiring kids to do service and saying if you do the work, you get a stipend, you get the

scholarship, that we would set up a system that would match the kids to the dollars for their college tuition. The auditors come in, and this system started from scratch, no history, it started from scratch, and the auditors come in and they say, guess what? Same old tune. These books are not auditable.

So when we start paying out the scholarships, we will not be able to verify, or at least the auditors are telling us that the systems that the Corporation has in place, that should verify whether the individual has put in the required time, required hours to get the scholarship, we will not know whether that has actually occurred. The system does not have any integrity. When the system does not have integrity, it opens itself up for fraud and abuse.

This is what happens. In 1993, the President asked for significant new spending, significantly increasing the family tax burden, and we put it into agencies that are wasting your money and are making more of America's families have two wage earners rather than one. We are moving toward a government that is making a two-wage-earner family a requirement rather than an option.

That is, I think, why parents and families in America are frustrated. More and more of them are spending less time with their kids, and they are doing it because they need to send more money to Washington, and we come up with these convoluted schemes that say, yes, you are spending less time with your kids, so let us start a new program that gets tutors into your house or with your kids. But we are going to need \$200 million more for that, which means that we are going to have to have more of you work, and so there is going to be more of you that are going to need tutors.

It is a vicious cycle. The problem is, it is a vicious cycle in the wrong direction, and if we went in the other direction and lowered taxes and lowered the tax burden and lowered spending, we could have more families where two wage earners was an option rather than a requirement.

□ 2130

The bottom line on all of this is why do we want a one-wage-earner family rather than a two-wage-earner family? Because it recognizes the fundamental thing in American society: That the most effective way to make a difference in an education, the most effective way to train and educate our children, is to have it at the local level.

This chart, where we equate new spending equals new tax burden, says Government programs with more new spending, more new spending in education, increases the family tax burden, so by having parents work longer, working harder, and sending more

money to Washington, only in Washington do we believe that that will increase and improve education in America.

I think the bottom line out of tonight's discussion on education, Mr. Speaker, we have to go back and we have to hold the President accountable for what he said in 1996. Mr. President, please, do not come to Washington, please, do not come to Congress and ask for more money to pump into a system that only gets 70 cents to the classroom. Do not come to Congress with spending that will require 5 million families to pay \$2,000 more in taxes so that you can do your education programs.

Let us work together, let us work together in a bipartisan way to take a look at what we are doing today. This is what you said: "We cannot ask the American people to spend more." You were right, but then why did you ask us and why are you asking us to spend \$55 billion more? You said yourself, "we cannot ask the American people to spend more on education."

You are absolutely right, Mr. President, until we do a better job with the money we have now. You hit the nail on the head, we are not very good custodians of the \$120 billion we are already spending on education. We can do a much better job. We need to find out what is working in education. We need to find out what is wasted in education. We need to identify the models that are working. We need to get rid of what is wasted and build on what is working, and when we do that, it is not an issue of more spending, it is an issue of being more effective.

When we do that, we will get to a surplus budget earlier, we will get to a point where we are not going to ask more American families to put another person to work, or for a person in an American family to work longer hours, to work overtime, so they can fund Washington bureaucracy. There is a better way to do this. You were right in March of 1996. If you would say this and repeat it in March 1997, you have a Congress that is willing and already working on this process, and willing to share the results with you.

This can be done. Our vision for our budget, our vision is to have a one-wage-earner family being able to support and fund this Government. We do not want any more spending. We want to get to a surplus budget as soon as we can, and we want to continue having a surplus so we can continue paying down the \$5 trillion debt that we have built up for our kids.

It is simple: A one wage-earner family, a two-wage-earner family is an option. The budget for 1998 is a matter of choices. It is a choice between lessening the family tax burden or increasing Washington spending. It is about making those choices. It is about restraining spending. It is about saying

no to new spending, and it is about doing a better job with the money we have now.

This President is asking for over \$265 billion in new spending authority for the next 5 years. I really think that when we take a look at the \$8 trillion we are going to spend over the next 5 years, that the Congress and the President can find savings of that \$265 billion to fund some of those new priorities, those that we agree with. We can find \$265 billion. We have just highlighted plenty of examples of where there is waste and abuse.

We do not need 760 programs. We do not need education coordinated through 39 different agencies. We do not need to be spending \$130 billion instead of \$120 billion. We do not need to be creating entrepreneurial opportunities and cottage industries. I love entrepreneurs in America, but this is not productive work, telling them how to get more money out of Washington.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1122, THE PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-32) on the resolution (H. Res. 100) providing for consideration of the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 91, PROVIDING AMOUNTS FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 105TH CONGRESS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-33) on the resolution (H. Res. 101) providing for consideration of the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative business and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

- Mr. SKAGGS, for 5 minutes, today.
- Mr. SAWYER, for 5 minutes, today.
- Mr. STENHOLM, for 5 minutes, today.

- Mrs. CLAYTON, for 5 minutes, today.
- Mr. HINOJOSA, for 5 minutes, today.
- Mr. WEXLER, for 5 minutes, today.
- Ms. BROWN of Florida, for 5 minutes, today.

- Ms. MCKINNEY, for 5 minutes, today.
- Mrs. MEEK of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. JENKINS) to revise and extend their remarks and include extraneous material:)

- Mr. PAUL, for 5 minutes, today.
- Mr. WOLF, for 5 minutes each day, today and on March 20.
- Mr. HANSEN, for 5 minutes, today.
- Mr. CHAMBLISS, for 5 minutes, on March 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLAY, to revise and extend his remarks after Mr. GOODLING, during consideration of H.R. 1, in the Committee of Whole today.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

- Mr. TOWNS.
- Mr. HAMILTON.
- Mr. NEAL of Massachusetts.
- Mr. NADLER.
- Mr. PALLONE.
- Mr. GORDON.
- Ms. MCCARTHY of Missouri.
- Mr. MCGOVERN.
- Mr. RUSH.
- Mr. HASTINGS of Florida.
- Mr. LIPINSKI.

(The following Members (at the request of Mr. JENKINS) and to include extraneous matter:)

- Mr. COBLE.
- Ms. ROS-LEHTINEN.
- Mr. CRANE.
- Mrs. JOHNSON of Connecticut.
- Mr. GOODLING.
- Mr. CASTLE.
- Mr. EWING.
- Mr. OXLEY.
- Mr. KOLBE.
- Mr. BRYANT.
- Mr. BATEMAN.
- Mr. DAVIS of Virginia.
- Mr. SHAW.
- Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

- Mr. RIGGS.
- Mr. DELAY.
- Mr. WELLER.
- Mr. PALLONE.
- Mr. HOUGHTON.
- Mr. KENNEDY of Rhode Island.
- Mr. ENGEL.
- Mr. FAZIO of California.
- Mr. LOFGREN.
- Mr. GREEN.
- Mr. RUSH.
- Mr. HASTINGS of Florida.

- Mr. FRELINGHUYSEN.
- Mr. SHAW.

SENATE JOINT RESOLUTION REFERRED

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

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

ENROLLED BILL SIGNED

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

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

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, March 20, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

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

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

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

2329. A letter from the Secretary of Defense, transmitting notification that the

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

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

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

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

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

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

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

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

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

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

2339. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the De-

partment's final rule—Response Plans for facilities Located Seaward of the Coast Line (Minerals Management Service) (RIN: 1010-AB81) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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

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

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

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

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

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

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

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mrs. MYRICK: Committee on Rules. House Resolution 100. Resolution providing for consideration of the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions (Rept. 105-32). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 101. Resolution providing for consideration of the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress (Rept. 105-33). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolu-

tions were introduced and severally referred as follows:

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

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

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

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

By Mr. PAUL:

H.R. 1121. A bill to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions and to repeal the Community Reinvestment Act of 1977, and to provide for a reduced tax rate for qualified community lenders; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

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

By Mr. ACKERMAN:

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

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

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

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

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

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

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

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

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

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

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

By Mr. HOUGHTON (for himself, Mr. HALL of Ohio, Mr. DAN SCHAEFER of Colorado, Mr. TORRES, Mr. GREENWOOD, Mr. FILNER, Mr. WALSH, Mr. ABERCROMBIE, Mr. HULSHOF, Mr. ANDREWS, Mr. BOEHLERT, Mr. MEEHAN, Mrs. MORELLA, Mr. MORAN of Virginia, Mr. PAYNE, Mr. BLUMENAUER, Mr. DELLUMS, Ms. RIVERS, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. VENTO, Mr. LAFALCE, Mrs. TAUSCHER, Mr. LEVIN, and Mr. MCDERMOTT):

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

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

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

By Mrs. JOHNSON of Connecticut:

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

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

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

By Mr. KENNEDY of Rhode Island:

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

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

H.R. 1134. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Ways and Means.

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

H.R. 1135. A bill to provide for the protection of farmland at the Point Reyes National

Seashore, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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

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

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, MR. LIPINSKI INTRODUCED A BILL (H.R. 1136) FOR THE RELIEF OF LELAND E. PERSON; WHICH WAS REFERRED TO THE COMMITTEE ON VETERANS' AFFAIRS.

ADDITIONAL SPONSORS

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

- H.R. 5: Mr. BONO.
- H.R. 20: Mr. PORTMAN, Mr. LIVINGSTON, Mr. ISTOOK, Mr. KASICH, Mr. ENSIGN, Mr. MILLER of Florida, Mr. ENGLISH of Pennsylvania, Mr. GOODLING, Mr. CHRISTENSEN, Mr. CRAPO, Mr. KNOLLENBERG, Mr. SOUDER, Mr. NEY, Mr. FATTAH, Mr. PARKER, Mr. ENGEL, Mr. EHR- LICH, Mr. QUINN, and Mr. MCKEON.
- H.R. 21: Mr. FOGLETTA.
- H.R. 38: Mr. HALL of Texas.
- H.R. 44: Mr. CONDIT and Mr. HALL of Texas.
- H.R. 58: Mr. BONILLA, Ms. DANNER, Ms. KAPTUR, Ms. MCKINNEY, Mr. GILLMOR, Mr. FORD, Mr. CUMMINGS, Mr. SMITH of Michigan, Mr. KNOLLENBERG, Mr. MOAKLEY, Mr. CRAPO, Mrs. EMERSON, Mr. HEFLEY, Mr. GOSS, Mr. WHITE, Mr. LEWIS of Kentucky, and Mr. CAN- NON.
- H.R. 65: Mr. GRAHAM, Mrs. KELLY, Ms. LOFGREN, Mr. MENENDEZ, Mr. CONDIT, Ms. PRYCE of Ohio, and Mr. HALL of Texas.
- H.R. 75: Mr. MORAN of Virginia, Mr. THOMPSON, Mr. RANGEL, and Mr. SANDLIN.
- H.R. 107: Mr. DOYLE, Mr. SANDLIN, Mr. FOX of Pennsylvania, and Mr. WELDON of Florida.
- H.R. 127: Mr. KLINK, Mr. KUCINICH, and Mr. BLAGOJEVICH.
- H.R. 143: Ms. FURSE, Mr. GIBBONS, and Mr. DAVIS of Virginia.
- H.R. 145: Mr. PETERSON of Minnesota and Mr. VENTO.
- H.R. 150: Mr. CLAY, Mrs. MORELLA, Mr. MCNULTY, Mr. PAYNE, Mr. DELLUMS, Mr. LAFALCE, and Mr. MCGOVERN.
- H.R. 234: Ms. WOOLSEY, Mr. VENTO, Mr. MANTON, Mrs. CARSON, and Mr. OLVER.
- H.R. 242: Mr. MANTON.
- H.R. 303: Mr. BRYANT, Mrs. KELLY, Ms. LOFGREN, Mr. MENENDEZ, Mr. CONDIT, Ms. PRYCE of Ohio, and Mr. HALL of Texas.
- H.R. 339: Mr. HILLEARY and Mr. BUNNING of Kentucky.
- H.R. 382: Mr. DELLUMS.
- H.R. 520: Mr. SENSENBRENNER, Mr. SCHIFF, Mr. BRYANT, Mr. BONO, Mr. ROHRBACHER, and Mr. RIGGS.
- H.R. 521: Mr. MENENDEZ and Mr. CAL- LAHAN.
- H.R. 551: Mrs. CLAYTON and Mr. FAZIO of California.
- H.R. 552: Mr. FALCOMAVAEGA, Mr. MORAN of Virginia, Mr. MCGOVERN, Mrs. LOWEY, Mr. VENTO, Mr. LIPINSKI, and Mr. SHAW.

H.R. 598: Mr. FILNER.
 H.R. 603: Mr. KLUG and Mr. UPTON.
 H.R. 622: Mr. PACKARD and Mr. EVERETT.
 H.R. 630: Mr. BONO, Mr. THOMAS, and Mr. FAZIO of California.
 H.R. 631: Mr. FOLEY, Mr. WOLF, and Mr. STEARNS.
 H.R. 640: Mr. TIAHRT.
 H.R. 659: Mr. GILCHREST, Mr. WELLER, Mr. BUNNING of Kentucky, and Mr. MOLLOHAN.
 H.R. 671: Mr. SENSENBRENNER and Mr. VENTO.
 H.R. 680: Mr. TOWNS.
 H.R. 687: Mr. FOGLIETTA, Mr. FATTAH, and Mr. FILNER.
 H.R. 688: Mr. LATOURETTE and Mr. BUYER.
 H.R. 716: Mr. BUNNING of Kentucky, Mr. COBLE, and Mr. LATHAM.
 H.R. 737: Mr. BEREUTER.
 H.R. 754: Mr. LIPINSKI, Mr. ROMERO-BARCELO, Mr. VENTO, Mr. MCNULTY, Mr. FROST, Mr. BLUMENAUER, Mr. BORSKI, and Mr. TIERNEY.
 H.R. 768: Mr. HOLDEN, Mr. MANZULLO, Mr. BLUNT, Mr. PICKERING, Mr. GILLMOR, and Mr. STENHOLM.
 H.R. 773: Mr. CLAY, Mr. BISHOP, and Mrs. LOWEY.
 H.R. 786: Mr. MCINTYRE.

H.R. 807: Mr. SCARBOROUGH, Mr. DELAHUNT, Mr. BOEHLERT, Ms. RIVERS, Mr. PARKER, and Mrs. KENNELLY of Connecticut.
 H.R. 811: Mr. LIPINSKI, Mr. MILLER of Florida, Mr. DAN SCHAEFER of Colorado, Mr. STUMP, Mr. DICKEY, and Mr. BARCIA of Michigan.
 H.R. 815: Mrs. CARSON, Mr. YATES, Mrs. TAUSCHER, Mr. PASTOR, Mr. MENENDEZ, and Mr. ROTHMAN.
 H.R. 857: Mr. WATKINS.
 H.R. 880: Mr. LIVINGSTON, Mr. GOODLATTE, Mr. TIAHRT, Ms. KILPATRICK, Mr. REGULA, Mr. PETERSON of Pennsylvania, and Mr. LEWIS of Georgia.
 H.R. 912: Mr. CALLAHAN.
 H.R. 947: Mr. LATOURETTE, Mr. BILBRAY, Ms. RIVERS, Mrs. THURMAN, Ms. LOFGREN, Mr. BISHOP, Mr. JEFFERSON, Mr. MCDERMOTT, Ms. STABENOW, Mr. TORRES, Mr. COYNE, Mr. FATTAH, Mr. SABO, Mr. MALONEY of Connecticut, and Mr. CLYBURN.
 H.R. 955: Mr. SMITH of New Jersey, Mr. BARTLETT of Maryland, and Mr. WICKER.
 H.R. 990: Mr. VENTO.
 H.R. 996: Mr. HASTERT and Mr. KENNEDY of Rhode Island.
 H.R. 997: Mr. HASTERT and Mr. KENNEDY of Rhode Island.

H.R. 1032: Mr. DICKS, Mr. MENENDEZ, Mr. LEVIN, Mr. BOUCHER, Mr. MALONEY of Connecticut, Mr. KIND of Wisconsin, Ms. SANCHEZ, Mr. BALDACCI, Ms. KILPATRICK, Ms. STABENOW, and Mr. KENNEDY of Massachusetts.
 H.R. 1033: Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. CANADY of Florida, Mr. HULSHOF, and Mr. HOSTETTLER.
 H.R. 1067: Mr. DAVIS of Illinois.
 H.R. 1074: Mr. RANGEL, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. MARKEY, Ms. PELOSI, Ms. SLAUGHTER, Mr. CLYBURN, Mr. STARK, Ms. LOFGREN, Ms. CHRISTIAN-GREEN, Mrs. MINK of Hawaii, Mr. OWENS, and Mr. HASTINGS of Florida.
 H.R. 1089: Mr. RANGEL.
 H.R. 1090: Ms. PELOSI, Mr. FOX of Pennsylvania, Mr. REGULA, Mr. PARKER, and Mr. QUINN.
 H.J. Res. 56: Mr. FILNER, Mrs. NORTHUP, and Mr. CUNNINGHAM.
 H. Con. Res. 14: Mr. BARRETT of Wisconsin, Mr. JEFFERSON, Mr. MENENDEZ, Mrs. MEEK of Florida, and Mr. MALONEY of Connecticut.
 H. Res. 37: Mr. MILLER of California, Mr. WYNN, and Mr. FARR of California.
 H. Res. 98: Mr. BEREUTER.