

of its children, and if at the present we cannot provide them with health care, not to mention other harm we may bring to them, if we cannot provide them with basic health care, if we cannot allow a parent to feel the safety of knowing that that child will get sick and will be covered by health insurance in a country where you have to pay for medical care, if we cannot do that and if we keep quiet about it, then we are not honoring our country, I think. We are just dishonoring the country.

We have to speak up and say this is a problem. But we are not saying, "This is a problem, fix it." We are saying, "This is a problem. You as a majority party bring the issue to the table and give us the opportunity to participate with you in finding solutions."

Again, and I will close with this, as I said before, we have solutions. We have covered X amount of people. If we were inventing a health care system in this country, that would be a problem. If no one was covered and we had to start from scratch to cover people, that would be a problem. But most Americans are covered by a health plan. So what we have to do is make sure that others are covered. We do not have to reinvent the wheel.

This should not be so difficult if the willingness is there, if the desire is there, if we begin to accept the fact that there are people in this society in certain conditions not because they chose those conditions or brought them on themselves, if we get out of that mentality and say, "Yes, I am my brother's keeper. If there is a 9-month-old baby who is not covered, that is my problem, too. If there is someone uncovered somewhere else, that is my problem, too."

If we get into that mentality, then I believe we can deal with this issue. We do not have to reinvent the wheel or set up a new plan, just deal with what we have in this country, just make sure it is fair and expanded to all.

Mr. PALLONE. I agree completely. Again, I want to thank not only the gentleman but also the gentlewoman from Oregon because she continues to point out, I think a major point here, we are talking about working people who are willing to pay either all or some of the cost of the health insurance for their children. But unless we establish some system, as the gentleman from New York said, to build on the existing plans that are out there, they just do not have access to it, or it is too costly for them because they do not get it through a group plan, through their employer or whatever. We are talking about working people.

We are going to continue to do this over the next few weeks and the next few months, I hope not the next few months because I hope our colleagues on the Republican side of the aisle will be willing to bring this up at some point in the next few months. But we have to keep talking about it because it really is a crisis, as the Children's Defense Fund report points out.

CONGRESSIONAL POLICYMAKING FOR WORKING PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, the previous discussion, I think, is really a good prelude to what I have to say, it really dovetails neatly. We have a situation in America where we cannot take care of, or we refuse to take care of, a large part of the population of our children. We refuse to take care of it, even though the gross national product is quite healthy, the profits are booming on Wall Street, we have an unprecedented period of prosperity, no recessions for a long time, and yet we are refusing to take the necessary steps to take care of the health needs of the children of America.

We have already dropped any discussion of a universal health plan. That is off the board completely. Beyond the children, there are 40 million Americans who are not covered, and that number is increasing all the time. We are not even discussing it. This is an era where those who have the most are in charge. In the last election, unfortunately, large numbers of people did not bother to come out and exercise their democratic right and vote, so there is a great deal of contempt for people out there who have needs and did not bother to go vote to protect their rights or their needs.

So as a Member of the House of Representatives' Education and the Workforce Committee, I would like to talk today about the state of affairs with respect to policymaking for working people in this Congress, what is ahead of us, what are the dangers, what does it mean to have the first bill introduced by the Republican majority, a bill known as H.R. 1, what does it mean to have that bill focus on the elimination of overtime cash payments.

The Republicans are coming for your overtime, working people. The Republicans are coming for your overtime. They have made it their highest priority. It is the first bill introduced by the Republicans, a bill to change the Fair Labor Standards Act so that the Fair Labor Standards Act will no longer require that all employers pay overtime in cash. The Fair Labor Standards Act says you must receive time and a half for any hours worked over 40 hours per week. That is the present law. They want to change the law to say that the employers can pay you in comp time. They will give you an hour and a half off for every hour you work overtime instead of cash.

That is what H.R. 1 is all about. I call it the Employer Cash Enhancement Act. It is an act which will put large amounts of money in the hands of employers that they did not have before, because really do you think there are many employers who will make the choice to pay an employee, an hourly worker or a salaried worker who is re-

quired to receive overtime in cash, how many employers would make the choice to pay them in cash if they can pay them with comp time, time that they can take off later? You cannot invest comp time on the stock market. You cannot invest it in new plant, new equipment. You can invest cash. And always the tendency will be to move toward the employee who chooses to take comp time instead of cash.

The bill talks about choice and says it will be a violation of the labor law if any employer refuses to give the employee a choice, but it does not say how that can be monitored. It does not talk about the details in terms of here is the employer who holds a great deal of leverage over the employee, here is the employer who decides whether they stay on the job or not. He does not have to keep them.

Here is the employer who does not have to say to them, "I demand that you take your overtime in comp time instead of cash." The employer can just say, "Who wants to take their overtime in comp time and who wants to take it in cash?" We will suddenly find that all the people who choose to take their comp time in cash, refuse to take their overtime in comp time, are suddenly in a few weeks laid off, or dismissed.

There is no reason why private employers have to keep people on, they have a lot of leeway, and they are replaced with other people. All the people who choose to take comp time, want an hour and a half for every hour they work, they are kept on. All the people who chose to take it in cash, they are gone. The message will get out there very rapidly.

In fact, working people in situations without the protection of unions and even in many cases with unions, they know very well where they stand with respect to their employers. They will get the message very rapidly.

So here is the Fair Labor Standards Act that was brought in by Franklin D. Roosevelt as part of the New Deal because you had exploitation and oppression of workers, workers were made to work endless hours without being compensated at a rate for the overtime greater than the regular rate. This Fair Labor Standards Act has many other provisions, and it came along at a time when we created a number of pieces of labor law which still exist. And suddenly we are going to reach in and take out this piece of the labor law which says an employee must be paid in cash, the rate plus 50 percent in overtime, they are going to suddenly take away that protection in the law and leave it to the employers to work it out with the employees.

Many unions already bargain and they have bargained this situation where some employees take comp time instead of cash, et cetera. That is allowed. My problem is this. We have a steamroller rolling, we are going to have this on the floor next week. It is H.R. 1.

We have done a lot of playing around on the floor so far. The House has not conducted any serious business of any great magnitude in affecting the lives of the American people. This act will affect the lives of millions of Americans, and it will be on the floor next week to be voted on.

In our committee deliberations we have already lost the vote. It was a foregone conclusion that the majority had enough votes to pass H.R. 1, so despite the fact that we tried to improve H.R. 1, it has passed, it has passed the committee. It is now headed to the floor and next week it will be on the floor.

What we have on the floor is a situation where there are those who say we want to vote for H.R. 1, which takes away this right and does not provide any protections for the workers, and then there are those who say we are going to vote against it, we are going to vote no. The White House has said clearly to us, we will veto the bill if it comes to us in the present form.

So it looks as if we have a united Democratic position versus the majority Republican position in the House, and probably the other body will have the same position as the Republicans in this House. So they have the majority. It is going to pass. Despite the fact the Democrats will loyally, vehemently, maybe emotionally say no, it is going to pass in this House. The Senate will pass their bill, which may be different in some respects, more moderate, maybe provide a few more protections, but basically what the Senate will pass will be pretty much the same as what the House has.

So we are going to have a bill which has removed the protections of the Fair Labor Standards Act and a bill that is in many quarters popular in America. There are many families, there are many segments of the population who would like to have comp time instead of cash. They would like to have that flexibility. They do not want to be under a law which says they must take their overtime in cash. There are families that are comfortable, with enough cash, a reasonable amount of cash, many families with two people working, making \$70,000, \$80,000. The time they spend with the family, their quality of life is what means the most to them, and they would like to have a situation where they have maximum opportunity to make that choice. I am all in favor of having those families make those choices.

My problem is that there are other families whose quality of life depends on the amount of work, the amount of cash that the wage earners can bring home each week, each month and put on the table. You cannot put food on the table with comp time. There are many workers whose lifestyle, whose quality of life, whose survival will be affected by dropping their wages because they are working and depending on the overtime pay to be added to their regular wages.

In fact, what we did was look at the statistics, and two-thirds of the work force in America are earning \$10 an hour or less, two-thirds of the people who are working. We are not talking about people on welfare, we are not talking about welfare, interns, we are talking about working people. Two-thirds of the workforce are earning \$10 or less. That is \$20,000, approximately, a year. Eighty percent of the women working, 80 percent of the women in the workforce are earning \$10 an hour or less.

Now, can they afford to really give up any opportunities to bring home some cash in overtime? Has anybody asked them? No. We do not have any polls, we do not have any surveys of working people making \$10 an hour or less and what they think. What we have is a general sentiment in the population of opinionmakers.

The opinionmakers are higher income people, the opinionmakers are more educated people, they are a little more comfortable in terms of the dollars they bring home, and they are opting for more opportunities for comp time. I think they can be accommodated. The problem is, whenever we talk about accommodating them and separating out the folks who are making \$10 an hour or less, nobody wants to hear it. None of the proposals that are going to be on the floor at this point deal with the fact that we can protect or we should act to protect those who are making \$10 an hour or less by keeping them under the Fair Labor Standards Act.

□ 1915

In fact the way we word it, and I introduced an amendment; the amendment is that those who make 2.5 times, no more than 2.5 times, the minimum wage so that in years to come, as the salaries rise, wages rise, you will have that ratio and not be fixed into a solid figure like \$10 an hour. It is 2.5 times the minimum wage is the way the amendment is worded.

That amendment was defeated, and the problem is that there is nothing else now being offered after we passed the committee and that amendment was offered. The only things on the floor now are: vote no, just say no, to the Republicans, or vote for the Republican majority bill because what happens is that if the Democrats are introducing a substitute, the only substitute being prepared at this point does not deal with the protection of the people who make \$10 an hour less.

There is a Committee on Rules meeting coming. Those of you who know a little bit about the process before we go to the floor, we will have an opportunity to go to the Rules Committee and beg to offer the amendments that we want to offer to change the bill. That is a process that is still honored, you know, in a fragmentary way in the way the Republicans have run the House in the last 2 years and for this year. They have not been very gracious

about offering amendments that run counter to what they want to do on the floor, but occasionally they do. So we can have a substitute bill, and maybe we can have an amendment, but so far that is not in the program. It is highly improbable that my amendment will be allowed on the floor, and of course there are enough votes to vote it down.

So why am I here? Why do I think it important to make this presentation and appeal to the common sense of Americans to go to work?

Voters, Americans out there, your common sense showed the people in this capital that education was important over the last 2 years when terrible things were being proposed with respect to the Federal role in education. We appealed from this podium, we appeal over and over again to the people in America, to let the legislators at every level, let the legislators here in the House and the Senate know, let the White House know, that common sense says you ought to do it this way, you know.

This protection that I am talking about, a simple matter of exempting all workers who make \$10 or less, is so simple it is beyond the reach of the imagination of most folks here. They just cannot comprehend this is a simple answer to the problem.

We are talking a lot about bipartisan cooperation or bipartisan compromise. They do not want any deadlock. We just, Democrats and Republicans, went away, and they had a conference, unprecedented retreat, bipartisan retreat, Democrats and Republicans face to face, talking with each other, and from all reports that I hear—I was not able to go, but from all reports I hear it was a very positive weekend.

So you know some people have looked upon this as being dangerous. I think Ralph Reed of the Christian Coalition says that there is a great danger in all this muddle minded moderation, and they worried about this. But I am all in favor of it. Why can we not have some bipartisan cooperation and say that no matter what goes forward, we are going to build in this protection for the workers who need it most? The people who are making \$10 an hour or less will not be impacted. Let us go ahead if we have to.

I am not in favor of changing the Fair Labor Standards Act at all. I am one of those people who just wants to say no because in the bill which proposes to change it, that changes Fair Labor Standards Act, they are not willing to give the protections that are necessary. In fact, at this point I will just read my opening statement, which covers more than just the matter of \$10 per hour workers being protected. It talks about some other aspects of the bill.

My first position is just say no, and I have letters here from various unions, Department of Labor, the President, that all say just say no. The problem with just saying no and letting it go is that it will pass the House, it will pass

the Senate. In conference the House and Senate will agree. It goes to the President or the President will be called to negotiate with the House and Senate, and we are all out of it. All the other legislators, all the Members of the House, we are out of the process. The public is out of the process.

I want to get the public in the process right now. You need to let your Congressman know now, you need to let the President know now, that you want protection no matter what is done. If you must go forward with this change of the Fair Labor Standards Act, you want protection for the people who make \$10 an hour or less.

But let us talk about why we want to say no to the whole bill as it is now. I speak as the ranking Democrat on the Subcommittee on Workforce Protections. Subcommittee on Workforce Protections is charged with dealing with all of these various labor laws, including the Fair Labor Standards Act. This is my third year in that role.

H.R. 1; I am quoting the statement that I made as an opening statement at the—I submitted as an opening statement at the markup. The markup is where we decide on changing the bill and putting it into final form and then passing it. That has taken place, and the bill passed with a straight party line vote. All Democrats voted against it; all Republicans voted for it.

H.R. 1 is bad public policy because it will reduce the income of that large segment of the work force which has benefitted the least from the current national prosperity. Instead of leaving more cash in the hands of prosperous employers, we need legislative initiatives which will improve the lot of those whose incomes have stagnated or declined over the last 10 years. I oppose this kind of mutilation of the Fair Labor Standards Act because it is bad economics and a cruel injustice for working Americans. In addition to being negative in substance and policy, H.R. 1 is a badly drafted bill, and this loose construction makes it impossible to move toward a bipartisan compromise with integrity. You cannot use the bill that exists now as a basis for making a compromise because it is such a bad bill. The sweeping language and the excessive amount of general assumptions in this bill placed the workers at great risk and offers the employers many temptations and opportunities for deregulated exploitation.

As written, it is the enhancement of the employers' accumulation of cash that is achieved. I want to repeat. As the bill is presently written, it is the enhancement of the employers' accumulation of cash that is achieved. Any movement toward a bipartisan compromise will have to first reshape the language of the bill to make it consistent with the stated intent of the bill. On the surface the bill proposes to give employees a choice. In numerous ways the language of the bill fails to support and enforce this proposition. The drafters of the bill have studiously avoided

making the employers accountable. In negotiating the decision to choose compensatory time instead of cash, there is no balance of power between employer and employee. All factors weigh down on the side of the employer.

We have already proposed obvious remedies for many of these shortcomings; however, there has been no movement from its hardened position by the Republican majority. If we are in an era of compromise, bipartisan compromise of cooperation, then why do we have a bill, H.R. 1, before us now which is very much the same as the bill that was introduced in the last Congress? In the 104th Congress, where the majority clearly adopted a position of extremism on many other issues, and they moderated those extreme positions, why are they coming now with the same bill that they had in that Congress? Is it a statement that on labor issues the extremism is still here? The majority, Republican majority, has the same extremist positions as it had before on labor issues. We are going to compromise, we are going to work together, and I applaud that on education.

Everybody seems to be falling into a basic groove that says we have neglected our duty, we have been derelict in our duty, on education; the Federal Government is not responsible primarily for education, but it needs to do more to help the States to help the localities. I am quite overjoyed, I am quite pleased, happy. I smile all the time when I think of where we have come on matters related to education and how we can look forward to a very productive Congress, 105th Congress, with respect to education. But on labor, on issues effecting working people, we are in trouble. The extremist position of the majority is still there.

It means that while we work hard to try to improve conditions for children and schools, the poor children of America will be going home to less food, less money for clothing, less money for shelter, because we are going to take away their overtime. The Republicans are still coming for your cash payments of overtime.

To return to my opening statement, among the simpler improvements that could easily be achieved is the requirement for the establishment of an escrow account or some other kind of assurance device to eliminate the risk of employees losing rightfully accumulated income when businesses go bankrupt or illegally disappear.

I am trying to highlight some of the problems with the bill other than the basic problem that I want to deal with tonight, and that is the vulnerability, the lack of protection, for the workers who need the income the most.

There are problems for other workers. Businesses could go bankrupt or illegally disappear in some way, and the comp time people have accumulated is gone. You know, you go find it.

There is a statement always that we get from the Republican majority when

we make this statement: Well, if there is a bankruptcy, people's wages are first in line for payment. Anybody who has ever been involved with a bankruptcy case, you know how ironic, how ridiculous, that can become. You are first in line, but you cannot find the line in many cases.

At any rate, the protection could be built in there with an escrow account. You could require the employers pay into an escrow account the comp time money, the money that people received that took their overtime in cash. So everybody with comp time would be protected. If the business goes out of existence, they can collect the cash that was due them. They will not do that.

A study by the Economic Policy Foundation—this is a business group, an employers group—a study by the Economic Policy Foundation shows that there is approximately \$19 billion, \$19 billion—listen—in unpaid overtime lost each year. A study by the Economic Policy Foundation shows that there is approximately \$19 billion in unpaid overtime lost each year.

I could not believe the figure. I said this is a cumulative figure over many years? No, this is lost each year, various tricks, machinations, maneuvers, various things done by employers to swindle employees out of overtime, and \$19 billion per year is the estimate. This is a business group, a business group saying \$19 billion.

Reasonable penalties for employers who violate the code of negotiated choice should be written into the act, given with the fact that we know from experience, we have studies to show, we have statistics to prove that there is a problem with employers swindling employees out of overtime pay. Why do we not write into the act penalties which would threaten the employer and make them be less likely to try to swindle any of the employees?

Clear language to guarantee the crediting of time worked to the pension, Social Security, and other records also must be provided. At this point there is fuzziness about if you are working and your pay is geared to your pension and geared to the amount of money you are going to get in your Social Security, there are a number of things that your actual pay in dollars drives. Those things can be corrected. The bill can take steps to make certain that there is no question about this. But they refuse to do it.

You know, we have a situation where the bully is standing in front of the babies and saying to the babies, you know we going to do it my way because I have the power to rule this hour, I am going to do what I want to do. I am not going to do anything to make obvious improvements in this bill, and that is the situation we are up against.

These are a few of the modifications that a good-faith negotiating process should accept. You know, the danger is that if you just say no to what they are proposing, many of these things are

going to be left in there, and somewhere down the road an agreement is going to be reached behind closed doors in the conference between the Senate and the House, with the White House representatives there, and all these protections that we have requested will not be put into the bill. A few compromises will be made here and there on the surface, and we are going to end up with the work force of America, including the people who want the comp time, being in a far worse position than after the passage of the legislation than they are now.

But let me get to the heart of the matter again. Beyond deceptive drafting, beyond deceptive drafting, however, there are some greater problems of substance. While public opinion polls show that families with 2 wage earners and comfortable incomes are in favor of more compensatory time, the available evidence also shows that workers earning less than \$10 an hour, or its equivalent, prefer and need more take-home pay.

□ 1930

The prevailing evidence clearly shows that workers earning less than \$10 an hour or its equivalent prefer and need more take-home pay. Is it hard for us to understand? Why should that be beyond the reach of the imagination of the Members of Congress. If you are making such a little amount of money, cash in your check each week means a great deal.

Nearly two-thirds of the work force is stuck in this low wage category. You are talking about two-thirds of the people out there going to work every day, and they are making \$10 an hour or less.

A constructive compromise would be enhanced by exempting these members of the work force, a constructive compromise. If you really want a bipartisan agreement, then exempt these people.

I offered an amendment which would accomplish this by leaving all workers who earn less than 2.5 times the minimum wage under the Fair Labor Standards Act, leave them under it. Do not touch them. They should be protected by the Fair Labor Standards Act. Leave them there.

I have had inquiries saying, "Congressman OWENS, we have heard that you are ready to sell us out by cooperating with these people and proposing a compromise. You wanted to have a bipartisan agreement." No. I say just say no, vote no, as a first starting position.

On the other hand, let me invite you laymen, working people, ordinary citizens, let me invite you into the political process. Let me invite you into the political management of this issue.

The political management of this issue requires that your voice be heard now. Public opinion needs to come in right now. Voters need to talk right now to their legislators and tell them that you wanted some people protected.

If you are going to have this, again, there is a steam roller coming. I will talk more about that in a few minutes, why it is a steam roller. And I am saying protect the most vulnerable.

The following are some other reasonable compromises that should be considered. You could consider a 2-year sunset experiment with workers at the top of the earning scale only, an experiment which is almost what I said before. Deal with the people at the top of the earnings scale. They are the ones that want to have the choice.

This could be a win-win situation for everybody. It could be a win-win situation instead of a win-lose situation at this point, a phase-in process that first includes workers at the top of the wage scale and requires Congress to revisit the issue every 2 years. That could be another compromise.

It would also provide for surveys and studies which objectively measure the impact on workers and on the overall economy. A 2-year waiver of the Fair Labor Standards Act in certain segments of the job markets where objective surveys and polls show strong worker support for the choice of compensatory time over cash.

There are a number of ways you can do this. There has been much said since the opening of the 105th Congress about a spirit of bipartisan cooperation. Since H.R. 1 is the first piece of legislation being offered this year, it represents the first opportunity to exhibit a true bipartisan effort. Democratic bipartisanship means that all segments of the American population must be represented in the negotiating process. No self-appointed oligarchy operating from a command and control mode behind closed doors in a conference will be able to produce an experiment in this critical area which is practical and also has integrity and justice for the workers preserved.

I have voiced clearly what my position is, what my fear is. Let me make it perfectly clear that this is not the position of the Democratic Party. The Democratic Caucus did not take a position. There is a statement that most of the Democratic Party people will vote no. That is not a position beyond voting no. Beyond voting no, there are no positions on this, except a substitute will be offered, may be offered. We do not know whether that is going to be accepted by the Committee on Rules or not, and then they would vote yes or no for the substitute.

At first I was in favor of voting yes for the substitute. What I am saying now is the substitute is poisoned too. If you vote yes for the substitute, you are leaving out two-thirds of the work force. As I know the substitute at this point, and I do not have a copy in my hand, the proposed substitute does not deal with exempting those people who make \$10 an hour or less. It deals with a lot of other things, but it chooses not to do that.

Mr. Speaker, I do not know why exempting people who make \$10 an hour

or less is beyond the reach of the imagination of Democratic Party legislators. I do not know why. At this point I have not heard why.

I do know that the employers, the people who want this bill, the people who have given it the highest priority, they want the cash. They do not want fairness. They do not want a win-win situation for every level of working Americans, all the levels. They do not want that. They want cash. And they cannot tolerate a solution or compromise which says two-thirds of the work force should be exempted. That cash is what they are after, and that cash they will not be able to get.

Mr. Speaker, the question is, why can you not accept an amendment, a compromise, which will allow the most needy Americans, the hard-working Americans making \$10 or less an hour, to be protected from exploitation? Why can you not allow those Americans working and making \$10 or less an hour to be in a situation where they do not have to give up involuntarily the cash that they take home in their paycheck?

Why can we not have a paycheck protection act instead of this paycheck reduction act? Why can Democrats not take the initiative? Why can somebody out there not let them know? Why can the work force not let them know that we have to go beyond just saying no.

Mr. Speaker, I have a set of letters here from various unions. United Auto Workers says no, no, no, even though they are one of the best organized segments of the work force. They do not want to start eroding employee income. They say just say no.

The Teamsters say no. No, no, no. Unite says no. But they do not talk about the political management of the issue. After we say no and the majority in the House votes yes and the majority of the Senate votes yes, and it goes to a conference and the White House sends down its representatives to negotiate what the President will or will not veto, where are we?

We are in a position where on the table the only thing they have to talk about has ruled out protection for the most vulnerable workers in America.

Mr. Speaker, I could become very unpopular with people who say the virile thing to do, the manly thing to do is just say no. Do not talk about a compromise at this point. Do not propose to cooperate with these folks at all.

Well, I have been around a long time. I have been here 14 years. I am not going to walk into this ambush without my eyes open and warning all of the other workers of America. An ambush is coming. An ambush is coming.

I applaud the fact that the White House is saying just say no, they will not sign the bill as it is. They will not sign it as it is. But I have heard that language before. If they said I will under no conditions sign a bill that does this, this and this to workers, then I would be here with a different story. The White House is not saying

what their conditions are. They have their own bill and said they prefer their own bill, but it does not deal with this problem.

We want the administration to change its bill, because its bill does not say that people making \$10 an hour or less should be exempted, should be exempted from any attempt to remove the protection of the Fair Labor Standards Act, or more particularly what my amendment says, people earning less than 2.5 times the minimum wage should not be involved in this process. We want the White House and Democratic caucus to take that position. American workers wake up, an ambush is coming. If you took this position now, then you would have something to negotiate.

Public opinion still is in this process. But as the days go by, as next week arrives and we have it on the floor here and people feel good about voting no and what you are left with is only two, at best, you would be left with two propositions. One is the majority bill, which they are insisting that they wanted, and the other is the substitute offered by the Democrats.

Even if everybody voted, if the majority were to allow the substitute to pass, the workers who earn \$10 or less would be in trouble, because the substitute at this point is not dealing with their problem. So this is the message I am sending.

You might say, why are we in this position? Why do we not have a strong voice in favor of protecting the most vulnerable workers in any piece of legislation? Is this setting a precedent for the coming year?

As I said before, there is going to be a lot of bipartisan agreement and cooperation on education. There may be bipartisan agreement and cooperation on the environment. There are a number of areas where the signal has been given, and we are going to try to work together to come up with meaningful legislation. I applaud that. I applaud where we are going on education. I have never felt better about education and public policymaking with respect to education. I learned today my own State of New York, the legislature is proposing as much as a 50-percent increase in State aid to education. This is what President Clinton has done. This is what the bully pulpit, even though the Federal Government is not responsible for education and their expenditures only represent about 7 percent of the total expenditures for education, when the President speaks, when the bully pulpit is in operation, it stimulates what happens at the State level. It stimulates generosity. People's eyes come open. The vision of the White House, it is infectious. It contaminates people. The wonderful thing about leadership in America is when you have strong leadership they pick it up in the capitals of the States and city councils, and that is what has been lacking on the issue of education before President Clinton decided to take his initiatives.

Over and over again he emphasized the fact he is making education the No. 1 priority. In his budget he made education a No. 1 priority. As I said before on this floor, I am proud of the fact that the Congressional Black Caucus budget last year proposed a 25-percent increase in Federal aid to education. People said that is absurd, you will never get that. That is pie in the sky.

Well, the President is proposing a 20-percent increase this year, 20 percent. That is pretty good. An example set by the Congressional Black Caucus budget is being followed.

But why now are we moving on education at such a progressive, productive way? We are going to take care of the kids, maybe, because this could all degenerate into headlines and a Potemkin village approach where it looks like they are doing something but the commitment never comes. You do not know, until the appropriation committees act, what is going to happen.

Let us assume this is going to be real, we are not going to perpetuate a fraud on the American people in terms of the position of both parties here in Washington on education. Let us assume it is real.

We are taking care of the children of the workers, giving them some better opportunities, safer school buildings, adequate equipment in the lab. We are going to move to really try to provide decent educational opportunities. But the same child has to go home, if their parents, as you can see, two-thirds of the work force is in this condition, and have their parents putting less food on the table because they do not have the cash.

The same children will have problems with their clothing because the cash is not there to buy the clothing. The cash is not there to pay for higher rent. Cash is very important for people who are in certain income brackets. They do not have the luxury of saying I want to improve my quality of life by taking more time off to spend with my kids. They have to rush out and try to get another job and another job and another job. You are placing them in greater jeopardy.

One of the things that study after study shows is that low income parents spend less time than anybody else with their children. They are often in situations where the pressure is so much greater that you generate a number of problems that would not be generated if parents had more time to spend with their children. But they have to work.

They have no choice. If you take away the overtime pay that many of them depend on, then you are only complicating matters more. If a person instead of making cash on his job for overtime has to go to another job, he has the travel time. You have a whole set of problems generated by having a second job. And on the second job of course he is making regular pay, there is no overtime. There is no advantage in his skills and experience, and the

labor that he puts in above 40 hours in a given week, it is not the same to have to go get another job, if the jobs are available.

Mr. Speaker, I will not get into all that. But why are we doing this? Why are we changing the laws in ways that oppress and make life more difficult for the poorest people?

□ 1945

The plain, blunt answer: in America, in a democracy, the voters determine what happens; the people who vote are always respected.

The people who vote eventually will influence public policy. In the last election, we had a great disappointment. Only 49 percent of the people eligible to vote came out to vote. And of the people not voting, the largest number were in these working class categories. The people who make \$10 or less an hour were the ones who did not vote.

We have study after study confirming the fact that the people who vote regularly and the most are the people who have the highest incomes. The richest people in America go out to vote all the time. As you go down the income level, there is a clear correlation.

The rich understand. People who are rich and have power understand that their vote is important. They think they have other ways to impact on the government. They make contributions. The same people who make those contributions never hesitate to go out and vote, because they know for them it is just symbolism. Their dollars and their contributions have a great impact on their single vote, but they understand what a democracy is all about.

The people in Poland understand what a democracy is all about. Poland has a problem with its economy. Poland's budget for the government is a very meager government under a lot of pressure. But the pensioners in Poland, the people who are on social security and pensions, they are getting a far bigger bite of the budget than anywhere else in the world, almost, because they vote. They have the power of their vote over the government and their needs are being met because that government knows that they will come down. Forty percent of the electorate of Poland is involved with pensions and so forth, so they know that they can bring the government down.

Americans have the same option. The 51 percent who did not go out to vote can have an impact on policy. They do not have to have the Fair Labor Standards Act gutted to their disadvantage. They do not have to have people ignoring their interests if they go out to vote. It is simple. You do not have to be a genius to figure out why there is a steamroller going to take away from the workers who need the pay most and give it to the employers, more cash to them, in the name of helping the upper income and the middle income voters who want that flexibility.

People who are really in those categories, the upper income and the middle income categories, there are other

ways that they can get the flexibility without this law. A few may be stuck in the situation where the employees of large corporations do not have the flexibility and they need a change in the law, but we can accommodate them.

What we are going to have is a situation where pressure is being applied to every lawmaker by the people who did go out to vote and by the employers with the cash who want more cash, and they will push the steamroller, unless the working people out there wake up right now and get to your legislators and remind them that you might not have gone out to vote last time, but you have the right to vote still, and you are going to wake up and come to your senses.

I despise, I have great contempt for people who do not vote. People who do not participate in the voter process, I really have no use for them, but I represent a lot of them and I am sworn to represent everybody, so I will protect your interests despite the fact that you did not vote. But that is the problem. Understand the problem.

You do not have to talk in diplomatic language about this. The problem is that there is a perception in the power circles, whether it is the House of Representatives or the Senate or the White House, that they must please the people who vote, and we clearly have a situation where those who are jeopardized by this H.R. 1 did not vote in large numbers.

I was once the commissioner of a community development agency, the antipoverty program for New York City, and we used to have workshops. At one point we had workshops on voting, the importance of voting. Poor people must vote. Part of poverty can be resolved, and you could have some chance of changing public policies to create better opportunities if you vote.

In the workshop we had a proposal that people who do not vote should be put in jail. There was a great outcry, a great outcry about how unjust that was. I put that in there, in the trading package, because there were some countries at that time, I do not know whether Italy still does it or not, but there are a few countries in the world where it is against the law not to vote. They consider it is that important, everybody's duty and, of course, most of the democracies in the world, especially those in Europe, have a much higher voter turnout than we do. In the South African region you have an unprecedented 90 percent turnout. The disenfranchised people, in their first election we had a more than 90 percent turnout. We had a 49 percent turnout in our last election for President and other offices.

So if you take voting seriously, then you will not have a great outcry about putting people in jail if they do not vote. What it demonstrated to me was, you are not serious about voting, you are worried about going to jail. The injustice of going to jail is not the ques-

tion. The question is, why do you not vote?

In New York City we have huge housing projects in my district where the voting booth is right there in the middle of the housing project. It takes a person no more than 30 minutes to get out of their house, go down, walk over, vote, especially since the lines are not very long. So as a result of folks year after year not doing this, you have a set of attitudes and approaches that have developed, a way of operating politically that is now based on contempt for the poor, contempt for the low-wage earners.

It is not hard to figure out what is happening. The steamroller will roll right over us, so leaders of organized labor and various people who do represent these workers, those who did not vote, must join with me and understand we represent everybody, not just those who vote. Somebody must protect those who are not protected. What is happening here in the floor, or what is happening here in this process of H.R. 1 rolling past us, is that nobody is stepping forward to protect those workers.

We can take care of the needs of those who are middle class, middle income, one more time for their children, we can lift the Fair Labor Standards Act for you. At the same time we can keep the Fair Labor Standards Act to protect the others. What is wrong with that kind of compromise? What is the matter? Why must we insist on beating those who are weakest? And those who do not vote are weak.

The same people who do not vote certainly do not contribute to political campaigns. If they are not interested enough to go out and take 30 minutes to vote, they certainly are not going to put a dime into a political campaign.

They are weak, they are misguided, they are un-American in the greatest sense of the word. Not to participate in the process, not to vote makes you un-American, but they still have to be protected. We hope to have a redeposition. Our democracy will not survive if these people continue to be alienated, outside of the system, so they must be protected.

There is a pattern in other ways. I have talked about the CPI, the consumer price index, and all of the discussion in Washington: Let us tamper with the consumer price index, because the consumer price index decides what the cost-of-living increase is going to be for people on Social Security or people in a number of other jobs. The COLA's, we call them.

Your COLA was in danger this time last week, grave danger. There was a lot of talk. The President said he would have to take a look at it, Senator MOYNIHAN of New York, NY, liberal New York, MOYNIHAN, the great defender of the poor said yes, we ought to take a look at it. There are a lot of people who want to take a look at the CPI, the consumer price index, so that we can perhaps tamper with it, revamp it

and bring down the cost of living which gives people on Social Security a few more dollars every year. As the cost of living goes up, they get a few more dollars. We almost lost those few dollars or we almost had a situation where they were compromised.

I am here to announce good news tonight. The badgering of the poor, the harassment of the poor will not take place through this medium. The President announced he will have nothing to do with it. He is not going to go forward with a CPI panel. They are not going to have a commission or a panel to look at the consumer price index. Thank you, Mr. President.

We are going forward this year, at least, without a panel to tamper with and sabotage the consumer price index. It may happen in the future, but the pressure has been so great. Again, the steamroller was rolling. Everybody this time last week was on board, everybody this time last week empowered. The oligarchy was moving. They had made a decision that they were going to deal with the consumer price index.

This week it is different, because there was a big outcry. The gentleman from Missouri [Mr. GEPHARDT], House Democratic leader, refused to embrace the idea, and labor stood with him. There was an outcry, even by some Republicans and conservative Democrats. They met fierce resistance in meetings with organized labor, in meetings with the American Association of Retired Persons [AARP], conservative Democrats, and even some Republicans who did not want to go forward with punishing the poor by taking away the extra pennies they get when they get a COLA as a result of the cost of living going up and being measured by the consumer price index.

So we can celebrate, and I end on that note, because it is important to celebrate and understand how it happened. It did not happen by magic; there was no decree that came down from heaven. It is the public opinion process operating, despite the fact that you are not protected by the fact that it is well-known you did not go out to vote. The people who are the most vulnerable have advocates. The people who are most vulnerable have representatives who are committed to represent them, despite the fact that they did not vote.

This process, we hope, will protect you for a little while longer, but the great appeal is for everybody to understand the steamroller in Washington this year will be moving again and again against the work force.

Last year we had extremist proposals about eliminating certain parts of OSHA to protect workers; we had a big cut in the apparatus for negotiating agreements, labor agreements. Everywhere that labor existed they were under attack, and even now, those attacks are being readied again. Davis-Bacon is under attack again. We will talk more about that later.

But as the ranking member of the committee on work force protections, I hope that all of the Members will hear my message that the people who are the working people in America, certainly those who are making \$10 or less an hour, need protection. Do not let H.R. 1 pass. Do not let the paycheck ripoff act go through. We want a paycheck protection act instead.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2 p.m. on account of official business.

Mr. MCINTYRE (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MANZULLO) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, today.
Mr. GEKAS, for 5 minutes each day, on March 17 and 18.

Mr. QUINN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRANK of Massachusetts, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$674.00.

The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:

Mr. SERRANO.
Ms. JACKSON-LEE of Texas.
Mr. POSHARD.
Mr. RAHALL.
Mr. BONIOR.
Mr. VISCLOSKY.
Mr. CONDIT.
Mr. MORAN of Virginia.
Ms. HARMAN.
Mr. TOWNS.
Mr. MILLER of California.
Ms. VELAZQUEZ.
Mr. KLECZKA.
Mr. FROST.
Mr. PASCARELL.
Mr. MENENDEZ.
Mr. LEVIN.
Mr. BARCIA.
Mr. RANGEL.
Mr. GEJDENSON.
Mr. PALLONE.
Mr. MATSUI.
Mr. HOYER.
Mr. LIPINSKI.

Ms. MCCARTHY of Missouri.

The following Members (at the request of Mr. MANZULLO) and to include extraneous matter:

Mr. COBURN.
Mr. KINGSTON.
Mr. YOUNG of Alaska.
Mrs. FOWLER.
Mr. OXLEY.
Mr. DELAY.
Mr. RADANOVICH.
Mr. GINGRICH in two instances.
Mr. WELDON of Pennsylvania.
Mr. SCARBOROUGH.
Mr. BARTON of Texas.
Mr. PORTMAN.
Mr. WOLF.

The following Members (at the request of Mr. OWENS) and to include extraneous matter:

Mr. MARKEY in two instances.
Ms. PELOSI.
Mr. MCINNIS.
Mr. PACKARD.
Mr. STUMP.
Mr. LEWIS of California.
Mr. GREEN.
Mr. FRANK of Massachusetts.
Ms. DUNN.
Ms. SANCHEZ.
Mr. PASCARELL.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, March 17, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2233. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Assessment Rate (Docket No. FV96-925-1 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2234. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Olives Grown in California; Assessment Rate (Docket No. FV96-932-4 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2235. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Onions Grown in South Texas; Assessment Rate (Docket No. FV96-959-1 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2236. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Coast Guard's acquisition, construction and improvements [AC&I] appropriation, U.S. Treasury symbol 699/30240, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2237. A letter from the Export-Import Bank of the United States, President and Chair-

man, transmitting a report involving United States exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2238. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nikiski, Alaska) (MM Docket No. 96-50, RM-8768) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2239. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Weaverville, California) (MM Docket No. 96-168, RM-8836) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2240. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greensboro, Alabama) (MM Docket No. 96-176, RM-8851) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2241. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jupiter and Hobe Sound, Florida) (MM Docket No. 96-205, RM-8862) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2242. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Riverdale and Huron, California) (MM Docket No. 96-122, RM-8795, RM-8860) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2243. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Frederiksted and Charlotte Amalie, Virgin Islands) (MM Docket No. 96-43, RM-8754, RM-8830) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2244. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Responsible Accounting Officer Letter 20, Uniform Accounting for Postretirement Benefits Other Than Pensions in Part 32; Amendments to Part 65, Interstate Rate of Return Prescription Procedures and Methodologies, Subpart G, Rate Base (CC Docket No. 96-22) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2245. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct (Docket No. RM95-9-001; Order No. 889-A) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2246. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's final rule—Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Docket Nos. RM95-8-001 and RM94-7-002; Order No. 888-A) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.