

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 af-

firming 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 work-

place. 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 not 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

momms 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. BALENGER], who has worked so hard on this initiative.

Mr. BALENGER. 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 painful 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].

□ 1145

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 comp time, 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 comp time. 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 two 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 two-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 comp time. 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 asked and was given permission to revise and extend his remarks.)

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 comp time 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 comp time. 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 comp time 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 comp time. Regardless of the amount of notice the worker provides, employers can deny use of comp time if the firm claims they would be unduly disrupted.

What good is it to earn comp time 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 comp time.

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 comp time. Current law already allows employers to offer comp time. They just cannot force comp time. 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 comp time 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 comp time promise in the world can make up for that.

And what happens if you build up 240 hours of comp time? 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 comp time 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 comp time 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 comp time 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 comp time 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 comp time 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 comp time 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 comp time 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 asked and was given permission to revise and extend his remarks.)

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 Senate 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 employers 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 comp time is something good, something we should try to achieve. But any comp time 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 comp time 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 comp time 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 comp time credits.

Mr. Speaker, let us pass a law that really helps working families make a genuine choice between comp time 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 6¾ minutes.

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

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

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 comp time to deny workers overtime pay and then gives the employers the ultimate control over the use of the comp time. 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 comp time, 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, comp time 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 comp time. 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 employer 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 comp time.

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 comp time. 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 comp time 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 asked and was given permission to revise and extend his remarks.)

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 work week, 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 comp time. An employer does not want to give an employee time off; cash-out the comp time. An employer feels employees are exercising their option too frequently; revoke the comp time.

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 work week 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 variety 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 comp time.

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, comp time and paid leave have been used interchangeably. They are not synonymous. There is a great deal of difference between paid leave and comp time, 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	Ballenger	Bass
Archer	Barr	Bateman
Armey	Barrett (NE)	Bereuter
Bachus	Bartlett	Bilbray
Baker	Barton	Bilirakis

Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
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
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
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
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinar
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease

Peterson (MN)
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
Shinkus
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
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)

Hiiliard
Hinchey
Hinojosa
Holden
Hoolley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markley
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)

NOT VOTING—8

Barcia
Calvert
Kaptur
Sanchez
Shuster
Skaggs

□ 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 comp time 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 comp time and to make perfectly clear that the choice of comp time by the employee must be truly voluntary.

Let me review the protections for the employees:

Any agreement to take comp time 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 comp time must be part of the collective bargaining agreement negotiated between the union and the employer.

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

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

An employee could use accrued comp time 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 comp time.

In addition, the bill requires the employer to automatically cash out unused comp time 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 comp time legislation that was

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

Eshoo
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

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 comp time 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 asked and was given permission to revise and extend her remarks.)

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 comp time 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 comp time 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, comp time 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 comp time 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 comp time. 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 comp time 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

comp time 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 comp time 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 asked and was given permission to revise and extend his remarks.)

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 comp time.

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 comp time, if the employee does not truly have the choice when and how that comp time will, in fact, be used. That is where the Republican bill fails.

The choice about when that comp time 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 comp time 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 asked and was given permission to revise and extend her remarks.)

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, comp time 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.

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

And comp time 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 would not trade the final moments 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, comp time 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 asked and was given permission to revise and extend his remarks.)

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 2½ 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 (comp time) 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 fore-

front 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 comp time annually and requires the cashing out of any comp time 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 any 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 comp time 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 asked and was given permission to revise and extend her remarks.)

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 comp time. 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 asked and was given permission to revise and extend his remarks.)

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 comp time. 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 asked and was given permission to revise and extend his remarks.)

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 comp time 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 comp time over the years and then gets a layoff notice or sees that his or her employer is going into bankruptcy. They do not get comp time 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 comp time 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 comp time 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 comp time 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

gentlewoman 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 comp time 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 asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, supporters of H.R. 1 are pitching it as comp time, 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 comp time in the first place, who gets it, and when the employee can take it.

□ 1330

Comp time 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 comp time to take her kids to the doctor in April. Her employer can deny scheduled comp time just by claiming that it would be unduly disruptive to the business. That is not comp time; 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 comp time 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 comp time 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 comp time. 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 protec-

tions 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 asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Chairman, workers of the United States have a right to say show me the money, not in comp time 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 comp time 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 comp time.

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

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

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 comp time to workers as an alternative to overtime.

Now this bill will not force anyone to do anything. It will not make employers offer comp time, it will not make employees take comp time, and it provides employees with the option of cashing out their comp time at any time if they desire to do so. In other words, all this bill does is provide employers 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 comp time 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].

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

□ 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 comp time; 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 comp time, not the employee. An employer can offer one employee comp time and an employee that lives and works under the same circumstances can be denied comp time. An employee can be offered comp time 1 day, and on another occasion under the same circumstances can be denied comp time. The employer chooses.

Page 4, paragraph B, compensation date: An employer has the right to hold an employee's accrued comp time 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 comp time when he chooses to do so.

So you could start off with some comp time, 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 comp time at the same rate that you have earned that time. So if you earn \$10 an hour and you have 200 hours of earned comp time, that is about 25 days of paid comp time, it could take up to 25

days for you to collect your money that you earned, that is in comp time, 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 comp time? 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 comp time. Whether they want comp time or not, it becomes abundantly clear that if you want your job, you better take the comp time.

Studies have indicated that as much as 64 percent of the working population prefers overtime pay to comp time, 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 comp time because the employer will make that decision and make it clear.

Second, they cannot decide whether they want to use the comp time, 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. Comp time 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 comp time goes under. Many of these companies are fly-by-night. When they leave, your comp time 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 comp time 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].