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].

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. GOODLING. Mr. Chairman, I yield myself 10 seconds just to say in relationship to the last statement, these protections are virtually the same procedures and remedies as for violations of the Fair Labor Standards Act under the Family Medical Leave Act, signed into law, much praised by the President, and under the Age Discrimination in Employment Act are greater, greater than the National Labor Relations Act, which the lady spoke so reverently about.

□ 1400

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

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

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

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

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

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

Mr. Chairman, I urge Members to vote against this bill. I think we can do much better than this. The Family Leave Act should be amended. We should be moving in that direction. That is a very positive way to go. That leaves it within the power of employees to make those decisions. But this bill would move us in exactly the wrong direction in, again, an area that is probably more important to people than

anything I can think of. Adults spend one-third less time with children today than they did 20 years ago. We have to do something about it. This bill is not the best way to do it. I urge Members to oppose this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I have opposed and will continue to oppose all mandated leave proposals because a federally-mandated benefit can never be flexible enough to adapt to the diverse needs of employers and employees across the country. This bill provides the flexibility that will allow employers to work with their employees to develop work arrangements that allow individuals to balance their family and personal responsibilities against the demands of their jobs.

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

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

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

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

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

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

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

in this debate—the working men and women whom this bill would affect—oppose the substitution of comptime for overtime by a margin of 3 to 1.

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

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

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

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

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

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

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

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

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

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

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

If we were certain that all employers in America would never try to be unfair to employees, then H.R. 1 would probably be a sound proposal. However, in that case, most of our labor laws would be unnecessary. Unfortunately, history has shown us that Federal labor protections such as the minimum wage, fair labor standards, workplace safety, and family and medical leave are necessary to protect many American workers.

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

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

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

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

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

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

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

In addition, this legislation does not safeguard workers who prefer to receive overtime pay from discrimination by management when future overtime work is available. This would enable an employer to only offer overtime work to employees who had previously accepted compensatory time. This is extremely unjust, and would have a particularly harmful effect on unskilled, low-wage workers.

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

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

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

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

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

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

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

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

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

Why should we continue to deny private sector workers the flexibility they want and need? The Working Families Flexibility Act is about allowing parents to choose to spend more time with their children.

Too often our society places too much value on money and too little on relationships with a spouse and children. Too many families around us are falling apart. Too many families

want to spend more time with their children, but are denied this right because of a 60-year-old outdated law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If we as Representatives of working Americans are going to talk about how best to help the working families of this country, we must make it our first priority to ensure that they receive fair compensation for their work. H.R. 1 as it is currently written will not ensure that workers who depend on overtime pay receive it if they do not wish to receive compensatory time.

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

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

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

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

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

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

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

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

Families need flexibility! However, H.R. 1 is not the way to reach employee flexibility. Flexibility would allow employees to decide when to take comp time off. H.R. 1, on the other hand, extends that flexibility to the employer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Working Families Flexibility Act gives working families a better chance to get what they want and what they need: Time with their children, with their family, friends, and loved ones. It includes important protections for employees and employers. It is a balanced, reasonable approach to the work and family environment of the 1990's. I urge all Members to support it, because families support it, too.

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

I think members of both parties can agree that Federal paperwork demands on small businesses have become too expensive, time consuming, and burdensome. It is estimated that business owners and ordinary citizens spend 6 billion hours per year responding to Federal reporting requirements ranging from employment forms from the Bureau of Labor

Statistics to Internal Revenue Service returns. This time could be better spent developing new business initiatives that would lead to increased economic activity and job growth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill would allow a working mother to bank sufficient overtime hours in a compensatory time account to accompany the Girl Scout troop on their weekend camping trip which leaves immediately after school on Friday. She could bank enough hours to take time off to meet with the teacher about her daughter's progress. And certainly there could be hours to use to take care of the inevitable orthodontist appointments and doctors' appointments. She wouldn't have to take time off from work without pay to attend to these needs.

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 1

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

SECTION 1. SHORT TITLE.

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

SEC. 2. COMPENSATORY TIME.

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

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

''(1) GENERAL RULE.—

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

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

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

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

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

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

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

''(3) HOUR LIMIT.—

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

''(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year which was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

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

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

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

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

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

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

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

''(6) RATE OF COMPENSATION.—

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

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

''(ii) the final regular rate received by such employee,

whichever is higher.

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

''(7) USE OF TIME.—An employee—

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

''(B) who has requested the use of such compensatory time,

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

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

SEC. 3. REMEDIES.

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

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

(2) by adding at the end the following:

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

SEC. 4. NOTICE TO EMPLOYEES.

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

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

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

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

AMENDMENTS EN BLOC OFFERED BY MR. GOODLING

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

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

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. GOODLING:

Page 4, insert after line 10 the following:

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

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

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

There was no objection.

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

Mr. PETRI. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise in support of this amendment. As Members know, there has been a long debate over exempting certain industries from provisions of this bill. Construction workers and other seasonal employees, for example, often work on short-term projects and frequently change employers. As they move from job to job, it is unlikely these workers will ever be able to use comptime.

It has been pointed out that violations of overtime requirements typically are more likely to occur in these types of employment situations as well. Making comptime an option in industries where the relationship between the employer and the employee is transitory may in fact make it easier for unscrupulous employers to avoid paying overtime wages.

It is much better for both employers and employees to require, as this amendment does, that workers put in at least 1,000 hours over a 12-month period of continuous employment to be eligible for comp time. This amendment does that, and thus would ensure that an employee has a substantial relationship with an employer before the option of earning paid compensatory time in lieu of overtime wages can be made available.

This requirement will also help ensure that any agreement to receive compensatory time instead of overtime wages is made on equal terms. By adding this important provision, I believe that this amendment would substantially enhance the protections of this bill, and I would urge all of my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

In the first amendment, Mr. Chairman, we are dealing with the issue some raised that migrant workers could be hurt, construction workers perhaps, so we are dealing with that issue.

In the second there were those who were concerned that if you accrued too many hours and somebody went belly up, you would have all these accrued hours. Of course, we are reducing that, but nevertheless in bankruptcy, of course, wages and benefits are always one of that very top level that you deal with when you start going through the bankruptcy procedure. So I think we have accomplished in both instances what people were concerned about.

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

Mr. Chairman, I just want to say this bill does not apply to any bankruptcy cases. Once again, I would say that I will accept the amendment. Of course, I will oppose the final passage.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 19, not voting 5, as follows:

[Roll No. 55]

AYES—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—19

Campbell	Klink	Schaffer, Bob
Davis (IL)	Kucinich	Strickland
Delahunt	McKinney	Towns
Forbes	Neal	Velazquez
Hefley	Owens	Watt (NC)
Herger	Paul	
Hunter	Rush	

NOT VOTING—5

Carson	Rogan	Taylor (NC)
Kaptur	Spratt	

□ 1430

Mr. HERGER changed his vote from ''aye'' to ''no.''

Messrs. METCALF, SANDERS, ALLEN, CONYERS, and UPTON changed their vote from ''no'' to ''aye.''

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–31.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Chairman, on rollcall No. 55, had I been present, I would have voted ''yes.''

AMENDMENT OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, pursuant to the rule, as the Chairman's designee, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOYD:

Page 9, add after line 2 the following:

SEC. 2. SUNSET.

This Act and the amendments made by this Act shall expire 5 years after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from Florida [Mr. BOYD] and a Member opposed will each control 5 minutes.

Mr. CLAY. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time allocated in opposition to the amendment.

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

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized to control the 5 minutes.

The Chair now recognizes the gentleman from Florida [Mr. BOYD].

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

Mr. Chairman, this amendment simply puts in place a 5-year sunset, which at the end of that time will cause us, as a Congress, to review this act.

I have listened to the arguments over the last few weeks and read a lot about the arguments, and I think that in a perfect world, and if this bill works like it is supposed to, it will be a great piece of legislation to strengthen the relationship between employers and employees. Certainly, in its ideal form, H.R. 1 will allow workers and employees the flexibility to make decisions that will both strengthen families and build a better workplace.

By putting in place a 5-year sunset provision, the amendment ensures future congressional review of this act. We are sending a message, a positive message, to employers that we are serious about making this act work. We are placing a great deal of trust in our employees and employers to come together in this act.

The changing workplace and the changing dynamics that exist in two-income families make it essential that workers and employers forge an alliance. By ensuring congressional review of this act, those who remain concerned about protecting workers can assess the success of this act and make future adjustments, if necessary.

The changing workplace demands that we seek new solutions to problems. I believe that compensatory time flexibility will prove to be something that is valued by both workers and employers. If it does not work like it is supposed to, this sunset act will certainly give us the opportunity in the future to review that and make the necessary changes.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of this amendment.

In the spirit of the debate on both sides of the question, if this is as bad as some of my colleagues say it is, then we sunset it in 5 years. If it is not, then this Congress can, in fact, make other reasonable adjustments to the subject at hand.

I continue to fail to understand why anybody would object to this legislation in its current form, but this amendment, we think, addresses many of the concerns by saying we are not going to do it forever if it turns out to be bad. We will, in 5 years, sunset it, and then we will not do the irreparable harm that we hear from so many who have been against this bill today.

Mr. Chairman, I rise in support of the Boyd amendment, and want to compliment him for his constructive proposal.

Many concerns have been raised about how employers may abuse the flexibility they are granted under this bill. I disagree with the views held by the opponents of this bill, but I respect their opinion. I readily admit that none of us can know for certain exactly what impact this bill will have. The Boyd amendment strikes a reasonable balance that allows us to let this good idea go forward for a test period. If the bill has half as many problems as the opponents claim it will have, and employers abuse it half as much as we have been led to believe, Congress will never reauthorize it. However, I believe that this bill will work to give employers and employees increased flexibility and that after it has been in effect for 5 years it will have earned even stronger support from employers and employees than it has today.

The significance of this amendment should not be underestimated. This amendment will require Congress to come back and review this act in 5 years. Those of us who support this legislation will have the burden to demonstrate that the law has worked as we anticipated. I believe that this approach of sunsetting legislation and requiring Congress to review how the laws we pass actually work in the real world would serve us well in other areas as well.

I urge support of the Boyd amendment.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota, [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I, too, want to rise in support of this amendment because I also think that some of the rhetoric on this piece of legislation has been overblown.

I think that the other side of the aisle is to be commended, in that they have moved in our direction and included some amendments and some ideas that we have suggested. I think we have a workable piece of legislation. If the problems that some people see are there, I think it will be solved by this amendment. We will have a chance to come back and take a look at it.

I think this bill will work pretty close to the way it is put together, and I strongly support this amendment.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee, [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I want to commend my friend from Florida for bringing this amendment before us. I support this amendment. I think most folks here today also support the general concept of providing comptime for employees to spend emergency time with their family, or whatever else might need be done.

The real question is how can we craft this legislation in a way that both employees and employers are protected. I think the amendment of the gentleman from Florida is a good way to move forward in that. Certainly we want to get a good bill, but if there are problems, we should have it sunsetted, and I support this legislation.

Mr. BOYD. Mr. Chairman, I yield myself the balance of my time to close by giving my thanks to the gentleman from Pennsylvania, Chairman GOODLING, and also to my leader, the gentleman from Missouri, Mr. CLAY, for allowing me to present this amendment.

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

Mr. Chairman, sunsetting this bill is not the problem or the answer. Enacting H.R. 1 would be a terrible mistake. This bill does not provide employees with paid leave, it only allows employers to defer overtime pay. It does not provide a single employee the right to earn comptime, does not protect the right of workers to use comptime, and provides no protection where employers are unable to pay for comptime.

H.R. 1 increases employer control, not employee flexibility. Even more seriously, this bill, by reducing overtime costs, increases overtime work at the same time it undermines pay.

I oppose the bill because of the damage it will cause. However, I will accept the amendment because, at least, it places some time limit on the amount of that damage.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BOYD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 390, noes 36, not voting 6, as follows:

[Roll No. 56]

AYES—390

Abercrombie	Cummings	Hefner
Ackerman	Cunningham	Hill
Aderholt	Danner	Hilleary
Allen	Davis (FL)	Hilliard
Andrews	Davis (IL)	Hinchey
Archer	Deal	Hinojosa
Armey	DeFazio	Hobson
Bachus	DeGette	Hoekstra
Baesler	Delahunt	Holden
Baker	DeLauro	Hooley
Baldacci	Dellums	Horn
Ballenger	Deutsch	Houghton
Barcia	Diaz-Balart	Hoyer
Barrett (NE)	Dickey	Hulshof
Barrett (WI)	Dicks	Hunter
Barton	Dingell	Hutchinson
Bass	Dixon	Hyde
Bateman	Doggett	Inglis
Becerra	Dooley	Istook
Bentsen	Doolittle	Jackson (IL)
Bereuter	Doyle	Jackson-Lee (TX)
Berman	Dreier	Jefferson
Berry	Duncan	Jenkins
Bilbray	Dunn	John
Bilirakis	Edwards	Johnson (CT)
Bishop	Ehrlich	Johnson (WI)
Blagojevich	Emerson	Johnson, E.B.
Blumenauer	Engel	Jones
Blunt	English	Kelly
Boehlert	Ensign	Kennedy (MA)
Bonior	Eshoo	Kennedy (RI)
Bono	Etheridge	Kennelly
Borski	Evans	Kildee
Boswell	Everett	Kilpatrick
Boucher	Ewing	Kim
Boyd	Farr	Kind (WI)
Brown (CA)	Fattah	King (NY)
Brown (FL)	Fawell	Kleczka
Brown (OH)	Filner	Klink
Bryant	Flake	Klug
Bunning	Foglietta	Knollenberg
Burr	Foley	Kolbe
Burton	Ford	LaFalce
Buyer	Fowler	LaHood
Callahan	Fox	Lampson
Calvert	Frank (MA)	Lantos
Camp	Franks (NJ)	Largent
Canady	Frelinghuysen	Latham
Cannon	Frost	LaTourette
Capps	Furse	Lazio
Cardin	Gallegly	Leach
Carson	Ganske	Levin
Castle	Gejdenson	Lewis (CA)
Chabot	Gekas	Lewis (GA)
Chambliss	Gibbons	Lewis (KY)
Chenoweth	Gillmor	Linder
Christensen	Gilman	Lipinski
Clay	Gonzalez	Livingston
Clayton	Goode	LoBiondo
Clement	Goodlatte	Lofgren
Clyburn	Goodling	Lowey
Coble	Gordon	Lucas
Coburn	Goss	Luther
Collins	Graham	Maloney (CT)
Combest	Green	Maloney (NY)
Condit	Greenwood	Manton
Conyers	Gutierrez	Manzullo
Cook	Gutknecht	Markey
Cooksey	Hall (OH)	Martinez
Costello	Hall (TX)	Mascara
Cox	Hamilton	Matsui
Coyne	Hansen	McCarthy (MO)
Cramer	Harman	McCarthy (NY)
Crane	Hastert	McCollum
Crapo	Hastings (FL)	McCrery
Cubin	Hayworth	McDade
McGovern	Pombo	Snyder
McHale	Pomeroy	Solomon
McHugh	Porter	Souder
McInnis	Portman	Spence
McIntyre	Poshard	Stabenow
McKeon	Price (NC)	Stark
McKinney	Pryce (OH)	Stearns
McNulty	Quinn	Stenholm
Meehan	Radanovich	Stokes
Meek	Rahall	Stump
Menendez	Ramstad	Stupak
Metcalf	Rangel	Sununu
Mica	Regula	Talent
Millender-McDonald	Reyes	Tanner
Miller (CA)	Riggs	Tauscher
Miller (FL)	Riley	Tauzin
Minge	Rivers	Taylor (MS)
Mink	Roemer	Taylor (NC)
Moakley	Rogan	Thomas
Molinari	Rogers	Thompson
Mollohan	Ros-Lehtinen	Thune
Moran (KS)	Rothman	Thurman
Moran (VA)	Roukema	Tiahrt
Morella	Roybal-Allard	Tierney
Murtha	Rush	Torres
Myrick	Ryun	Towns
Nadler	Sabo	Traficant
Neal	Sanchez	Turner
Nethercutt	Sanders	Upton
Neumann	Sandlin	Velazquez
Ney	Sanford	Vento
Norwood	Sawyer	Visclosky
Nussle	Saxton	Walsh
Oberstar	Schaefer, Dan	Wamp
Obey	Schaffer, Bob	Waters
Olver	Schiff	Watkins
Ortiz	Schumer	Watt (NC)
Owens	Scott	Watts (OK)
Oxley	Serrano	Waxman
Packard	Sessions	Weldon (FL)
Pallone	Shaw	Weldon (PA)
Pappas	Sherman	Weller
Parker	Shimkus	Wexler
Pascrell	Shuster	Weygand
Pastor	Sisisky	White
Paxon	Skaggs	Whitfield
Payne	Skeen	Wicker
Pelosi	Skelton	Wise
Peterson (MN)	Slaughter	Wolf
Peterson (PA)	Smith (MI)	Woolsey
Pickering	Smith (NJ)	Wynn
Pickett	Smith (OR)	Yates
Pitts	Smith, Adam	Young (AK)
	Smith, Linda	Young (FL)
	Snowbarger	

NOES—36

Barr	Granger	Pease
Bartlett	Hastings (WA)	Petri
Bliley	Hefley	Rohrabacher
Boehner	Herger	Royce
Bonilla	Hostettler	Salmon
Brady	Johnson, Sam	Scarborough
Campbell	Kingston	Sensenbrenner
Davis (VA)	Kucinich	Shadegg
DeLay	McDermott	Shays
Ehlers	McIntosh	Smith (TX)
Forbes	Northup	Strickland
Gilchrest	Paul	Thornberry

NOT VOTING—6

Fazio	Kanjorski	Kasich
Gephardt	Kaptur	Spratt

□ 1500

Mr. SHAYS and Mr. GILCHREST changed their vote from ''aye'' to ''no.''

Mr. GEJDENSON changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAZIO of California. Mr. Speaker, I was unavoidably detained on my way to the House floor and missed rollcall vote No. 56. Had I been present, I would have voted ''aye'' on the amendment.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–31.

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS:

Page 3, line 10, insert before the period the following: ''or an employee whose rate of pay is less than 2.5 times the minimum wage rate in effect under section 6(a)(1)''.

The CHAIRMAN. Pursuant to House Resolution 99, the gentleman from New York [Mr. OWENS] and a Member opposed will each control 5 minutes.

Does the gentleman from North Carolina [Mr. BALLENGER] rise in opposition?

Mr. BALLENGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. BALLENGER] will control 5 minutes in opposition..

The Chair recognizes the gentleman from New York [Mr. OWENS].

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

Mr. Chairman, in the wee hours of this morning I was informed that my first grandchild was born, and I assure my colleagues I pursue my concern with the future of America with a renewed fervor. As a result of that, I would like to see an America that is for everybody, liberty and justice for all, and we share the prosperity.

I want to make it quite clear that we can have a comp time bill that serves everybody's need. We do not have to grab for it all. We can have a bill which allows the upper middle class people who want this to have it, and the same time let us exempt three-quarters of the work force who earn $10 or less, three-quarters of the work force earn $10 or less. This amendment says we should exempt them.

We just voted on a sunset provision. We can come back in 5 years and examine what happened and maybe add them then, but let us exempt them from this radical experiment in labor law. We do not need to do this. We can have a win/win situation by letting the two-thirds of the work force earning $10 an hour or less not be a part of this bill.

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

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

Mr. Chairman, the amendment prohibits, the amendment of the gentleman from New York [Mr. OWENS] prohibits, workers earning 2½ times the minimum wage, currently $11.88, or about $23,700 for the full-time worker, from accepting compensatory time. Many of these workers would like to have that option. In fact one of the individuals who testified at our subcommittee hearing, Peter Faust, in support of compensatory time told us that he makes about $20,000 per year.

Why should he and everybody else who makes less than $23,000 be barred by the law from making this choice? Do the sponsors of this amendment not trust these workers to know what they want and what is best for them?

The Owens amendment is premised on the argument that lower income

workers are inevitably at the mercy of their employers and so cannot make a free and voluntary choice about compensatory time. The bill addresses the issue of employers' voluntary choice for employees including those who make less than $23,000 with numerous employee protections.

Let me read what Mr. Faust said in his testimony. He said time is precious and fleeting. There are lots of ways to make money in this country and lots of ways to spend it. But there is only one way to spend time with yourself, family, or friends, and that is to have time to spend. When I look back on my life, I regret and always will that already those occasions when I needed to be there for my family and they asked me to be part of their life and I could not because I did not have time.

I say to my colleagues that this man begged us on bended knee not to exclude him from this bill, and I think almost anybody would recognize that he can make a rational decision as can all other people in that wage scale.

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

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York for yielding this time to me, and I rise in support of working Americans. Clearly I believe that working Americans trust us to do the right thing. The right thing is to support the Owens amendment that ensures that the legislation does not work to the detriment of the most vulnerable.

I wonder if the witness who testified making under $20,000 realized that workers can lose money because comp time is not credited for unemployment. The bill bars employers from terminating or reducing, fails to bar employees from terminating or reducing vacation and sick leave, substituting them for comp time. The bill fails to protect employees who are most vulnerable to the overtime laws.

We can make this the kind of bill that supports working Americans by supporting the Owens bill that recognizes those who make under $20,000 a year should, yes, have the option of taking comp time but not denying them the benefits that they so much need and giving them the flexibility that they can take the comp time that they do need.

Mr. Chairman, I think it is important that we recognize that, if we do this, let us do it right. Let us utilize the truths the American people have given us. They do not read between the lines, we do. Let us support the Owens bill and ensure it for the most vulnerable of those.

Mr. BALLENGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], a member of the committee.

Mr. GREENWOOD. Mr. Chairman, I oppose the Owens amendment, as I did when this amendment was raised in our committee, and I do it in all due respect to the gentleman who offers it. But I consider this proposal to be insulting, patronizing, and discriminating to young people particularly, like my son.

My son works, and he does not make 2½ times the minimum wage. He is working his way up the ladder, and he is working a heck of a lot of overtime. He is working that overtime because he is buying a car and insuring it, and he is taking all of his overtime in cash, and that is fine. Under this bill he would still have the right to take all of his overtime in cash.

But one of these days he might say, I want to go to my friend's wedding, and I need to take Friday and Monday off to do that, and my son is as entitled to make that decision on his account based on his needs as someone who makes twice as much money as he does. For that reason I think that the gentleman's amendment is discriminatory and should be rejected, and I yield back.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Owens amendment. The bill without the amendment would be a terrible blow to millions of American workers who work overtime for compensation.

What the Owens amendment is at least trying to do is to make it possible for the low wage worker not to be put under this pressure of having to work overtime for no compensation at all, for that promise of time off sometime in the future. The employer could require the worker to work overtime 160 hours with no promise as to when that compensatory time would be afforded the worker, not when they want to do something or they have to take care of a family problem or they want to go off on a vacation.

There is absolutely nothing in H.R. 1 which gives the employee the choice, the free choice, or the decision to take this time when they need it. It is an entirely employer based bill. Therefore without the Owens amendment it seems to me that, if we are concerned about the workers earning a living, we have to support the Owens amendment.

Mr. BALLENGER. Mr. Chairman, I only have one speaker left, and I reserve the balance of my time.

The CHAIRMAN. The gentleman from North Carolina has 2 minutes 15 seconds remaining, the gentleman from New York has 2 minutes remaining. The gentleman from North Carolina has the right to close.

Mr. BALLENGER. I have one speaker who will close.

Mr. OWENS. Mr. Chairman, as the person offering the amendment, do I not have the right to close?

The CHAIRMAN. The gentleman from North Carolina, representing the committee position, has the right to close.

Mr. OWENS. Mr. Chairman. I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

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

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Mr. ANDREWS. Mr. Chairman, I thank my friend from New York for yielding me this time.

The issue raised by the amendment of the gentleman from New York [Mr. OWENS], which I strongly support, is how much leverage does the janitor who cleans the building have over the person who owns the building and pays his or her paycheck?

The way this bill is set up is it says that the employer will, I believe, have functional control over whether you choose cash or comp time. If you do not like what the employer chooses, you have the right to sue your boss. If you make less than $10 an hour, I do not think you will get very far doing that.

The Owens amendment is pointed in the right direction. I strongly support it on behalf of all of the people out there who have no leverage, no leverage over that choice whatsoever. I commend the gentleman for offering it, and I support it.

Mr. OWENS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the AFL–CIO says there are no aspects of this bill that are truly protective of employee rights. Vote against this employer-driven attempt to rob employees of their pay and benefits in the name of family flexibility.

I have a number of union organizations representing workers who say the workers do not want this revolutionary change in the Fair Labor Standards Act. We can have a less revolutionary change by adopting my amendment and giving the 20 percent of the work force that has clamored for this, let them have it, and at the same time we protect the people at the very bottom who do not want to be deprived of their right to have cash to put food on their tables, to buy clothing. They need the money. They would like to have more time with their families, but they need the money most of all.

That is two-thirds of the work force out there making approximately $10 an hour or less. We can protect them. This is a win-win situation. In the name of bipartisan cooperation, let us go forward. Let us not bully the people on the bottom.

That is what we are doing here. We are taking our power and we are using it as a hammer against the people on the bottom. Employers will take this cash in large amounts and invest it. They want cash. Why should they give somebody cash when they can give them comp time?

We can go forward in the name of bipartisan cooperation, break the logjam and move to show America that we care about everybody, the people on the very bottom as well as those on the top.

Mr. Chairman, I rise in vehement opposition to this mutilation of the Fair Labor Standards Act [FLSA]—the Working Families Flexibility Act—H.R. 1. At a time when there is overwhelming evidence to suggest that individuals are already being exploited, oppressed, and hoodwinked in the workplace, Congress is considering a bill that would eviscerate the protective armor of FLSA. As currently drafted, the bill does nothing more than offer employers many opportunities and temptations for deregulated exploitation. Simply put H.R. 1 is a bad bill that misleads workers and the general public into believing that they will be given a greater degree of choice. H.R. 1 is an affront to the American worker; and the only way to restore some preservation of employee rights to this haphazardly drafted, antiworker bill is to protect that segment of the work force that would stand to suffer the most under this bill—low-wage workers. My amendment would accomplish just this.

This amendment would exempt workers who earn less than 2.5 times the minimum wage. This is equivalent to slightly more than $10 an hour—or approximately $24,000 a year for a full-time worker. In effect, the amendment would exclude the lowest paid and most vulnerable Americans in the work force. Tying the exemption to the minimum wage indexes the exemption to future increases in the minimum wage. Lower wage workers deserve and need the protection of this amendment for two very fundamental reasons: They are more likely to need the cash for overtime worked instead of compensatory time and they are more likely to be subjected to abuse by their employers as a result of this legislation. They should not be covered by H.R. 1.

First, families struggling to make ends meet cannot pay the bills and buy food and other necessities with comptime. I challenge my colleagues to deny that most workers, earning approximately $10 an hour, need all the money they can earn more than they need time off. Public opinion polls show that families with two wage earners and comfortable incomes are in favor of more compensatory time. At the same time, the available evidence also shows that workers earning less than $10 an hour, or its equivalent, prefer and need more take-home pay. In the real world, employers would naturally reward those employees who accept comptime over cash by giving them more overtime. It is painfully clear: The employee who demands to be paid in cash will face repercussions. He or she will not be asked to work overtime.

Second, lower wage workers are likely to be abused more than higher wage workers. Most employers do not intentionally violate the law; however, reports suggest that too many do.

In fiscal year 1996, the Department of Labor found overtime violations involving 170,000 workers. Low-wage workers are the most common victims of this abuse.

The Employer Policy Foundation, an employer-supported think tank in Washington, revealed that workers lose approximately $19 billion in overtime pay each year.

A Wall Street Journal analysis of 74,514 cases brought by the Department from October 1991 to June 1995, found that industries such as construction and apparel were cited for illegally denying overtime to 1 in every 50 workers during this period. Overall, nearly 8 out of every 1,000 workers, or 695,280 employees, were covered by settlements, even though enforcement was limited.

If Congress is going to tamper with FLSA, at a minimum the two-thirds of the work force making nearly $10 an hour must not be forsaken. I urge my colleagues to support this endeavor to exempt the most vulnerable workers.

The opposition to H.R. 1 is fierce. The administration, labor unions, and employee associations are not the least bit receptive to this Republican notion of worker flexibility.

In a letter to Congress, March 18, the Sheet Metal and Air Conditioning Contractor's National Association [SMACNA] and the Mechanical Electrical Sheet Metal Alliance state the following:

Currently one of the most abused and violated federal employment laws by irresponsible employers, the FLSA would be even less of an effective federal employment protection if H.R. 1 is allowed to become law.

They insist that ''H.R. 1 invites greater FLSA fraud, lowers employee pay/benefit contributions and undermines employee work time discretion.''

In a letter to Congress, March 18, the AFL–CIO emphatically states:

There are no aspects of this bill that are truly protective of employee rights. * * * Vote against this employer-driven attempt to rob employees of their pay and benefits in the name of family flexibility.

In a letter to Congress, March 13, the Union of Needletrades, Industrial and Textile Employees [UNITE] explains that:

The bill will encourage greater use of mandatory overtime—because instead of having to pay a premium for overtime when it is worked, companies can stall payment and hope workers forget they have money coming to them.

In a letter to Congress, March 3, the International Brotherhood of Teamsters argues that:

The FLSA established the 40-hour work week, the benchmark schedule working men and women use to maintain time for their families and normalcy in their lives * * * hours worked in excess of 40 must be paid at a premium rate. * * * The overtime premium requirement also provides an incentive for businesses to create additional jobs to the extent more work exists than can be accomplished within the normal work week. that helps reduce unemployment.

In a letter to Congress, February 4, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America [UAW] states:

It [H.R. 1] would enable employers to avoid paying overtime, thereby reducing the income and living standard of working families.

H.R. 1 does nothing more than permit an employee to make an unsecured loan to his or her employer. The poorest workers should be saved from the privilege of having to loan their hardearned money to their employers. The exemption for workers who make less than 2.5 times the minimum wage must be accepted. Today, we are here to turn back the clock on worker protections in this country. At the very least, I challenge my colleagues to stand up for the two-thirds of the work force making approximately $10 an hour. They stand to suffer the most under H.R. 1. Vote ''yes'' on this amendment.

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

Mr. BALLENGER. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of our committee.

Mr. GOODLING. Mr. Chairman, again, I ask my colleagues, how demeaning can we be in the Congress of the United States? As I indicated earlier in the debate, we somehow or other believe that employees cannot make decisions. Only we in the Congress of the United States can make decisions for them. That is demeaning. Any employee can make a decision, any employee should make a decision.

Now, this is even more demeaning. This is even more demeaning, because what we are now saying is that the lower your income, the less likely you will be able to make a decision. How demeaning can we really get?

I do not care whether they are making 10 cents an hour. They can make every decision they want to make, because they have that opportunity to make that decision. And in this legislation, only, only the employee makes the decision. If the employee, after they make a decision, decides ''I do not like that decision,'' the employee can immediately say ''I want to reject that contract I made and I want to cash out,'' and the employer has to cash out.

Please, please, give our employees much more benefit of the doubt than you are giving them. I have wonderful friends in every business and industry there is at every level and every one are very, very capable to make all of their decisions without any help from the U.S. Government.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of Congressman OWENS' amendment to H.R. 1.

Congressman OWENS' amendment would exclude people who make 2.5 times the minimum wage, which is $11.88 an hour or less, from any change in the overtime pay rules.

On behalf of the 125,000 households in the city of Houston with incomes of less than or equal to $25,000, I am supporting this amendment to this compensatory time legislation.

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

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

Unfortunately, all too often when the debate on the floor of this body shifts, it cuts harshest into the American worker's ability to earn a liveable wage, against his or her right to a

safe work environment, or into the necessity of receiving just compensation for the work that they perform.

If we as Representatives of working Americans are going to talk about how best to help the working families of this country, we must make it our first priority to insure that they receive fair compensation for their work. H.R. 1 as it is currently written will not insure that workers who depend on overtime pay receive it if they do not wish to receive compensatory time.

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

We should keep in mind the need to insure that employers are barred from denying a request for reasonable time off, that workers do not lose money because compensatory time is not credited for unemployment, pension, or social security. We must have absolute certainty that the most vulnerable to overtime violations—temporary, seasonal, part-time, and construction workers—are protected.

According to the Employer Policy Foundation, an employer-supported think tank in Washington, workers lose approximately $19 billion in overtime each year.

I want to thank and commend the commitment of my colleague from New York on the issue of fair and equal treatment for all of our Nation's workers.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 237, not voting 13, as follows:

[Roll No. 57]

AYES—182

Abercrombie	Coyne	Frost
Ackerman	Cramer	Furse
Allen	Cummings	Gejdenson
Andrews	Danner	Gonzalez
Bachus	Davis (FL)	Green
Baesler	Davis (IL)	Gutierrez
Baldacci	DeFazio	Hall (OH)
Barcia	DeGette	Hamilton
Barrett (WI)	Delahunt	Hastings (FL)
Becerra	DeLauro	Hefner
Berman	Dellums	Hilliard
Berry	Deutsch	Hinchey
Bishop	Dicks	Hinojosa
Blagojevich	Dixon	Holden
Blumenauer	Doggett	Hooley
Bonior	Doyle	Horn
Borski	Edwards	Hoyer
Boswell	Engel	Jackson (IL)
Boucher	Eshoo	Jackson-Lee (TX)
Brown (CA)	Etheridge	Jefferson
Brown (FL)	Evans	John
Brown (OH)	Farr	Johnson (WI)
Capps	Fattah	Johnson, E. B.
Carson	Fazio	Kanjorski
Clay	Filner	Kennedy (MA)
Clayton	Flake	Kennedy (RI)
Clyburn	Foglietta	Kennelly
Conyers	Ford	Kildee
Costello	Frank (MA)	Kilpatrick
Kleczka	Millender-McDonald	Schumer
Klink	Miller (CA)	Scott
Kucinich	Minge	Serrano
Lampson	Mink	Sherman
Lantos	Moakley	Skaggs
Largent	Moran (VA)	Skelton
Lazio	Murtha	Slaughter
Levin	Nadler	Snyder
Lewis (GA)	Neal	Stabenow
Lipinski	Obey	Stark
Lofgren	Olver	Stokes
Lowey	Ortiz	Stupak
Luther	Owens	Tauscher
Maloney (CT)	Pallone	Thompson
Maloney (NY)	Pascrell	Thurman
Manton	Pastor	Tierney
Markey	Payne	Torres
Martinez	Pelosi	Towns
Mascara	Peterson (MN)	Traficant
McCarthy (MO)	Pomeroy	Turner
McCarthy (NY)	Poshard	Velazquez
McDade	Rahall	Vento
McDermott	Reyes	Visclosky
McGovern	Rivers	Waters
McHale	Rothman	Watt (NC)
McKinney	Roybal-Allard	Waxman
McNulty	Rush	Wexler
Meehan	Sabo	Weygand
Meek	Sanchez	Wise
Menendez	Sanders	Woolsey
Metcalf	Sandlin	Wynn
	Sawyer	Yates

NOES—237

Aderholt	Emerson	Linder
Archer	Ensign	Livingston
Armey	Everett	LoBiondo
Baker	Ewing	Lucas
Ballenger	Fawell	Manzullo
Barr	Foley	McCollum
Barrett (NE)	Forbes	McCrery
Bartlett	Fowler	McHugh
Barton	Fox	McInnis
Bass	Franks (NJ)	McIntosh
Bateman	Frelinghuysen	McIntyre
Bentsen	Gallegly	McKeon
Bereuter	Ganske	Mica
Bilbray	Gekas	Miller (FL)
Bilirakis	Gibbons	Molinari
Bliley	Gillmor	Mollohan
Blunt	Gilman	Moran (KS)
Boehlert	Goode	Morella
Boehner	Goodlatte	Myrick
Bonilla	Goodling	Nethercutt
Bono	Gordon	Neumann
Boyd	Goss	Ney
Brady	Graham	Northup
Bryant	Granger	Norwood
Bunning	Greenwood	Nussle
Burr	Gutknecht	Oxley
Burton	Hall (TX)	Packard
Buyer	Hansen	Pappas
Callahan	Harman	Parker
Calvert	Hastert	Paul
Camp	Hastings (WA)	Paxon
Campbell	Hayworth	Pease
Canady	Hefley	Peterson (PA)
Cannon	Herger	Petri
Cardin	Hill	Pickering
Castle	Hilleary	Pickett
Chabot	Hobson	Pitts
Chambliss	Hoekstra	Pombo
Chenoweth	Hostettler	Porter
Christensen	Houghton	Portman
Coble	Hulshof	Pryce (OH)
Coburn	Hunter	Quinn
Collins	Hutchinson	Radanovich
Combest	Hyde	Ramstad
Condit	Inglis	Rangel
Cook	Istook	Regula
Cooksey	Jenkins	Riggs
Cox	Johnson (CT)	Riley
Crane	Johnson, Sam	Roemer
Crapo	Jones	Rogan
Cubin	Kelly	Rogers
Cunningham	Kim	Rohrabacher
Davis (VA)	Kind (WI)	Ros-Lehtinen
Deal	King (NY)	Roukema
DeLay	Kingston	Royce
Diaz-Balart	Klug	Ryun
Dickey	Knollenberg	Salmon
Dooley	Kolbe	Sanford
Doolittle	LaHood	Saxton
Dreier	Latham	Scarborough
Duncan	LaTourette	Schaefer, Dan
Dunn	Leach	Schaffer, Bob
Ehlers	Lewis (CA)	Schiff
Ehrlich	Lewis (KY)	Sensenbrenner
Sessions	Solomon	Tiahrt
Shadegg	Souder	Upton
Shaw	Spence	Walsh
Shays	Stearns	Wamp
Shimkus	Stenholm	Watkins
Shuster	Strickland	Watts (OK)
Sisisky	Sununu	Weldon (FL)
Skeen	Talent	Weldon (PA)
Smith (MI)	Tanner	Weller
Smith (NJ)	Tauzin	White
Smith (OR)	Taylor (MS)	Whitfield
Smith (TX)	Taylor (NC)	Wicker
Smith, Adam	Thomas	Wolf
Smith, Linda	Thornberry	Young (AK)
Snowbarger	Thune	Young (FL)

NOT VOTING—13

Clement	Kaptur	Price (NC)
Dingell	Kasich	Spratt
English	LaFalce	Stump
Gephardt	Matsui	
Gilchrest	Oberstar	

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Mr. SOLOMON changed his vote from ''aye'' to ''no.''

Mr. VENTO changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILCREST. Mr. Chairman, on rollcall No. 57, I was unavoidably detained. Had I been present, I would have voted ''no.''

The CHAIRMAN. The Committee will rise informally to receive a message.

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

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

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

WORKING FAMILIES FLEXIBILITY ACT OF 1997

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105–31.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paycheck Protection and Family Flexibility Act of 1997''.

SEC. 2. IN GENERAL.

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

''(r)(1) An employee may receive, in accordance with this subsection and in lieu of