

Under the Bush rules that cut back on overtime, we will see an explosion of executives in the United States workforce, companies redesignating regular workers to avoid paying overtime.

It will not be executives the way we think of executives in the traditional white-collar sense. Instead, it is workers who supervise only two coworkers, such as a shift manager in the toy department of Wal-Mart. That person could be classified as executive and then lose overtime eligibility.

Companies can exempt more than one executive for the same workers, as long as they maintain a 2-to-1 ratio of exempt to nonexempt employees. Supervising, therefore, does not have to include the right to hire and fire, as executives usually have, or even take up the majority of the executive's time under the new rules. A worker could spend all day serving customers, sweeping the floor, doing the same things coworkers do, be called a supervisor, and then be denied eligibility for overtime.

Similarly, the new rules create a broad new exemption called team leader that can exclude workers from overtime pay under the administrative classification. This is a huge loophole. Team leaders could have no supervisory authority at all, but still be prohibited from receiving overtime.

The new rules make it easier to exempt workers in financial services and in computer-related occupations, among dozens of other job categories.

Tonight the Labor-HHS bill was pulled off the floor and Members of Congress were sent home, that is why there are few here now, because Republican leadership lacked the votes to defeat this amendment on overtime.

The Department of Labor's mission statement describes it as the primary agency to promote the welfare of job seekers and wage earners. That is why the Department of Labor was created decades ago. It was established solely to represent the interests of the American workforce.

Now, under Secretary Chao, taking her orders from President Bush and especially from Vice President CHENEY, and especially from the Chamber of Commerce, and especially from the American National Association of Manufacturers, the Department of Labor now represents corporations at the expense of workers. That is why the assault on overtime pay coming from our government's Department of Labor against the workers it should be representing.

My colleague, the gentleman from Wisconsin (Mr. OBEY), wants to offer an amendment that prohibits the Department of Labor from implementing these new rules on overtime pay, which would protect American workers, if we could win our amendment, and protect American families from the rising cost of living. We have the votes to pass it, but Republican leadership, at President Bush's request, pulled the bill off the floor, and we are not going to vote on it. We have the votes to pass it, as I said.

In a democracy, you know, you vote on things. If you have enough votes, they pass; if you do not have enough votes, they fail. It is as simple as that.

But here tonight we saw something that cannot quite be considered democracy. We do not vote on something because the leadership on the other side of the aisle, taking huge campaign contributions from darn near every corporate interest in this country, we do not vote because leadership on the other side of the aisle simply does not want to lose. Their corporate contributors do not like that. The will of the American people has been stifled. A major appropriations bill has been held up. Also the Republicans do not lose a vote that their corporate backers want, that the majority of this House, the representatives of the American people, support. You can call that government, but it sure is not democracy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

(Mr. KIRK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFazio) is recognized for 5 minutes.

(Mr. DEFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### IMPORTANT VICTORY FOR PEOPLE OF NEVADA REGARDING YUCCA MOUNTAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to mark an important victory for the people of Nevada in our 20-year struggle against becoming the Nation's nuclear waste dump.

Last week the U.S. Court of Appeals unanimously upheld its decision that radiation standards for the proposed nuclear waste repository at Yucca Mountain were not based on sound science and would not protect the health and safety of the American people. In ruling for Nevada, the court found that the Bush administration deliberately set radiation standards for Yucca Mountain that were not in keeping with the findings of the National Academy of Sciences as required by law.

The Academy reported to Congress in 1995 that waste stored at a repository would remain deadly for 300,000 years or more, and concluded that radiation standards for the Yucca Mountain project should reflect these scientific standards. Rather than incorporating the findings of the National Academy of Sciences when crafting safety guidelines, the Bush administration ignored

the law, ignored the science, and knowingly ordered the EPA to draft a radiation standard not based on the science, but an arbitrary period of 10,000 years. The gap between the science and the EPA standard? A mere 290,000 years.

The court's ruling voids the radiation standard established by the Bush administration and is the latest in a series of setbacks that have clouded the future of Yucca Mountain. These include the lack of funding in Congress, a refusal by the Nuclear Regulatory Commission to certify an electronic database required for licensing the repository, and a lawsuit filed by the State of Nevada challenging a portion of the administration's transportation plans for Yucca Mountain because they do not meet necessary NEPA standards.

On their own, any one of these issues is significant enough to stop the Yucca Mountain project in its tracks. But the nuclear industry has friends in the White House and is in control of Congress, and they are gearing up for a fight.

The administration's only option for addressing the court's ruling is to have the EPA revise the radiation standards to reflect the danger identified by the National Academy of Sciences. Such a standard will require that the repository isolate waste for 300,000 years or more. Yucca Mountain cannot possibly meet this science-based standard. The nuclear industry also knows that this court ruling would doom plans to ship nuclear waste to Nevada.

They are already planning a push in Congress to waive the requirement that radiation standards for this repository conform with the science. Changing the rules in the middle of the game seems to be standard operating procedure for this Congress. Putting politics over the safety of those people I represent and denying Nevada the protection of our courts and our court system of checks and balances is something this House of Representatives has done before. It must stop.

Changing the law will allow the administration to continue to railroad Nevadans by allowing Congress, not the National Academy of Sciences, to determine radiation standards for Yucca Mountain. There is not one Member of this esteemed body who knows anything, not one thing, about radiation standards or how to store nuclear waste safely at Yucca Mountain, not for 3 minutes, much less 300,000 years. Will Congress choose a 10,000-year standard? 5,000? Maybe Congress in its infinite wisdom is going to opt for no radiation standard at all.

When it comes to Yucca Mountain, there is no limit to the hoops this administration and Republican leaders in this House will jump through or the lies and misrepresentations they will tell to move this project forward.

I say to my colleagues on both sides of the aisle, there will come a time in the near future when you will be asked

to decide whether politics or science should prevail in establishing radiation standards for Yucca Mountain. I urge you to respect the role of the courts in its decision determining the EPA did not follow the law, and respect the right of those who live in Nevada to challenge the notion that Yucca Mountain is safe.

Science, not politics, should guide this Nation's policy on nuclear waste disposal. That is what George Bush promised when he first campaigned for President in the year 2000, and that is what he said when he came to Nevada just 3 weeks ago. He said he would respect any court ruling against Yucca Mountain.

The courts have spoken. Now it is time for the President to act on his promise as well. The second highest court in the Nation has spoken. Work on licensing Yucca Mountain cannot continue until a new radiation standard is crafted that incorporates the work of the National Academy of Sciences.

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The President ought to stop this folly and stop it now and demand that the EPA comply with the U.S. Court of Appeals decision.

As Members of Congress, we have a responsibility to make decisions that are in the best interests of our Nation. Waiving a science-based radiation standard to expedite this project means waiving the health and safety protection that we have promised all of Americans. The last time I checked, the great State of Nevada is in the United States and deserves the same protection as any other State.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### EXPIRATION OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, next week, the assault weapon ban expires. This ban, enacted 10 years ago, on some models has been supported by

past Presidents Ford, Reagan, Bush I, and President Clinton. It has been supported by police chiefs and officers across America, and the majority of the public. Even candidate Governor George Bush 4 years ago said he supported extending the assault weapons ban.

Today, we stand poised in 120 hours to see the assault weapons ban expire because of a lack of leadership on the part of President Bush and of the Republican leadership in Congress. It appears that there is no intention to stand up to the National Rifle Association and bring forward an opportunity for the men and women in this Chamber to be heard on this critical issue.

I suppose this should not come as a surprise when we saw the administration, President Bush, Attorney General Ashcroft cave in to the NRA when it came to eliminating within 24 hours the previous gun registration records that would have been available to this administration, to law enforcement authorities, to help in the fight against terrorism. Having the NRA trump this potentially important tool in the fight against terrorism in this country is unfathomable to most of the people I represent. But sadly, it makes sense in the upside-down way that we deal with politics and the politics of gun violence in this Chamber and in the American political system.

America has the worst record of gun violence of any developed country. There are a wide array of simple, commonsense provisions that would help deal with gun violence that would not in any way deny any legitimate hunter an opportunity to use their weapons to go out and hunt, to target shoot, legitimate collectors. There are, however, people who resist any effort at record-keeping, at enforcement, at dealing with the most simple, direct, commonsense, and nonintrusive proposals.

Does anybody think in America that we are going to be safer if the assault weapon ban expires and there are more opportunities to have assault weapons in the United States? There are people ready now to market, if the ban expires, to market new gun lines. There are people that have kits to convert weapons to make them, previously illegal, that would be lawful if the ban expires, to have these kits so they can make the conversion.

I would find it disappointing on several levels if this tragedy occurs. First, we are not going to be safer. I hear repeatedly from the people I represent that sports people do not need assault weapons to hunt game in this country. There are lots of opportunities for target shooting, for sportsman activities. Assault weapons are designed to shoot with great firepower very quickly and to generate maximum carnage on people. We will not be safer.

It will be a blow to the credibility of the political process if candidate Bush can make a promise that President Bush is not going to deliver on.

Finally, it continues the chipping away at our ability to function here

with real live legitimate problems. Gun violence is a legitimate problem. There are legitimate policy options, and we are taking them off the table.

I would hope that President Bush remembers what candidate Bush said 4 years ago and takes a small step to provide real leadership that he had promised in coming out in support of extending the assault weapon ban and calling upon the Republican leadership in Congress to follow through, allowing a vote to prevent that expiration. We have 120 hours left. I hope that the American people will avail themselves to dealing with these candidates who are out around the country to have that conversation with President Bush to follow through on his commitment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

(Mr. McDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Washington (Mr. McDERMOTT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### SUICIDE BOMBINGS IN ISRAEL AND SYRIA'S HARBORING OF HAMAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my condolences to the families of the victims of the suicide bombings in Israel last week and to urge my colleagues to support Israel's continued construction of the security fence to protect their citizens from further terrorist attacks. I also ask my colleagues to join with me in calling on the Syrian Government to turn over the leaders of Hamas, the terrorist organization that has claimed responsibility for these and countless other attacks in Israel, currently operating in Damascus.

Mr. Speaker, last Tuesday, two buses were simultaneously bombed in Beer-sheba, a city in southern Israel, killing 16 passengers and injuring 97 others. It is no coincidence that the city chosen by Hamas for the attacks is in a region of Israel that is not yet protected by the security fence. Hamas terrorists were dissuaded by the fence and an Israeli military presence in other areas and opted for an easier and more vulnerable target in Beersheba. These attacks are further proof that continued