DOD currently recovers for care rendered in its facilities. Most importantly, however, the bill authorizes the VA to retain these funds, instead of being required to return them to the General Treasury. This will provide the VA with additional resources for its use in continuing to provide health care to veterans.

Mr. Speaker, it is vital that we continue to provide veterans with the health benefits that they have earned. H.R. 3118 is one more step that this Congress has taken to meet this responsibility. I would like to thank Chairman Stump for his tireless leadership on veterans issues and for bringing this measure to the floor, and I would urge all Members to lend H.R. 3118 their support. Thank you.

Mr. HASTERT. Mr. Speaker, I rise today to support a measure that will help provide veterans in Illinois' LaSalle County with outpatient VA services.

LaSalle County veterans have had to travel long distances to receive needed VA medical services. This often requires a family member or friend to travel with or drive them to their appointments. The Veterans Health Care Eligibility Reform Act, will help provide an outpatient VA clinic in LaSalle County which will serve over 13,000 eligible veterans and their families.

At a veterans field hearing this past April, Representatives TIM HUTCHINSON, JERRY WELLER, LANE EVANS, and myself heard the concerns of representatives of several organizations who testified to the need for a closer outpatient care center. The nearest outpatient care facility for eligible LaSalle County veterans is over an hour's drive away, with the nearest VA hospital over 2 hours away.

The measure adopted today authorizes the VA to provide all needed outpatient care services, including preventive care and home health care, and to contract out for those services where a VA facility does not exist.

This important legislation represents the commitment of Veterans' Committee chairman, BOB STUMP, the entire House Veterans' Committee, and this Congress to keep our promises to our Nation's veterans.

Our veterans answered the call when our Nation needed them, so Congress must answer the call when veterans need our help. Today, we've answered that call and I'm proud to support this measure.

Mr. STEARNS. Mr. Speaker, I rise in support of this legislation today which takes the first step toward comprehensive veterans' health care reform. Passage of this bill will ensure changes in the tricky eligibility rules that currently bar access to health care for our Nation's veterans.

The health care eligibility bill accelerates the shift from expensive inpatient care to more cost effective primary and outpatient care. The reform is necessary to ensure that the VA refocuses its efforts toward assisting those who served our country. Under current VA rules, veterans are required to check into hospitals to receive their intended treatment. The savings alone from this switch to outpatient care services will allow more veterans to have access to the health care system.

The legislation continues the path of decentralization and restructures the VA with regard to the management of its health care system. By increasing the number of VA partnerships with community providers, access to outpatient services, and protecting the VA's special disability programs, H.R. 3118 will be a major step in the right direction for veterans' health care reform.

I want to emphasize that this measure is only the first step toward achieving health care reform for our veterans. It is imperative that we meet this challenge and preserve health care for those who have given selflessly to serve our country.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 3118, the Veterans' Health Care Eligibility Act. I ask unanimous consent to revise and extend my remarks.

Eligiblity reform is an issue that the Veterans' Affairs Committee, the VA and veterans service organizations have been working on for a long time. I am a cosponsor of the Veterans' Health Care Eligibility Reform Act and am pleased that we are moving this important bill forward through the legislative process.

Today's complex and confusing eligibility criteria represent a continuing source of frustration for both veterans and VA personnel. Moreover, it is often an impediment to providing veterans with the kind of health care they really need.

As most health care providers move toward a new model of care that emphasizes primary and preventive care in outpatient settings, the VA must also shift its focus from inpatient to outpatient care. Without meaningful eligibility reform, it will be extremely difficult for the VA to remain a viable health care provider.

H.R. 3118 is a step in the right direction for the VA and simplifying the VA's eligibility criteria will greatly benefit veterans.

H.R. 3118 will expand veterans' access to VA care, particularly for those with service-connected disabilities or limited means. It will eliminate statutory rules which for years have barred the VA from providing many veterans with routine outpatient treatment, preventive health care services and home care.

Eligibility reform is long overdue and I urge my colleagues to support H.R. 3118.

Mr. EVERETT. Mr. Speaker I rise today to indicate my strong support for H.R. 3118 offered by VA Committee Chairman STUMP and our ranking member, SONNY MONTGOMERY.

Mr. Speaker, this important legislation is a giant first step in improving access to and the quality of health care provided to our veterans. To our many veterans who served in our Armed Forces, who loyally and selflessly gave a portion of their lives and the lives of their families to protect and defend this country, we owe a debt that can never be fully repaid.

Mr. Speaker, we have a responsibility to meet the health care needs of these veterans. H.R. 3118 will enable the VA to restructure and prioritize health care delivery and eligibility criteria. Rather than continuing to focus on inpatient care, which is not only more expensive but is, in most cases, less desirable for the patient, the VA will have the flexibility to expand access to outpatient treatment and preventative services.

Mr. Speaker, this element of the bill is especially important for my constituents. I represent a majority rural part of southeast Alabama. Over 37,000 veterans reside within a 50-mile radius of the city of Dothan, AL. These veterans, whether ill, elderly, disabled, or infirmed must travel over 100 miles, even 200 miles, to reach a VA medical facility. For many, they may wait until their injury or illness has reached a dangerous point before they make the trip.

Mr. Speaker, for years I have worked with the VA to establish an outpatient access point around the Dothan area. Certainly, this legislation reinforces the priority for such a facility. Quality outpatient care, preventative health care services, and reliable home care should be readily available and accessible to our eligible veterans' population. To this end, we must foster relationships with our community health care providers and in turn provide more opportunities to meet the needs of our veterans with expanded ambulatory treatment services.

Mr. Speaker, H.R. 3118 goes a long way to meet these goals. Yes, this legislation is a first step, but a giant step in the right direction. I urge my colleagues to offer their unbridled support for H.R. 3118.

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

The SPEAKER pro tempore (Mrs. MYRICK). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3118, as amended.

The question was taken.

Mr. SOLOMON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until disposition of H.R. 2391.

WORKING FAMILIES FLEXIBILITY ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 488 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2391.

☐ 1409

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

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

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

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

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

Mr. Chairman, I take these 2 minutes since there was so much disinformation given on Friday. I do not believe that most of those Members read the legislation as it is at present.

We made 20 changes since the legislation was introduced, all supporting the employee. There will be additional, in

the manager's amendment today, additional protection for the employee. So let me give my colleagues just a few things to correct the misinformation and the disinformation that was distributed Friday.

First of all, the legislation has no effect on the 40-hour work week in calculating overtime pay. The choice to take overtime compensation in the form of paid time off must be voluntary and must be requested by the employee in a written or otherwise verifiable statement. The selection of comp time may not be a condition of employment.

H.R. 2391 specifically prohibits employers from directly or indirectly threatening, intimidating or coercing an employee into choosing comp time in lieu of cash wages. Employers violating this would be liable to the employee for double time and cash wages for the unused comp time hours accrued by the employee plus attorney fees. Comp time would be considered as wages and treated as unpaid wages in any bankruptcy action.

H.R. 2391 prohibits an employer from coercing, threatening, or intimidating an employee to use accrued comp time. The employee may use accrued comp time at any time he or she requests, if the use is within a reasonable period of time after the request and the use does not unduly disrupt the operation of the employer. Now, the unduly disrupt standard has been part of the law for the public sector for many years and is the same standard used in the Family and Medical Leave Act.

The bill, together with the manager's amendment, makes absolutely clear that all of the current law's remedies, including enforcement by the Department of Labor and through individual lawsuits, would apply if an employer failed to pay cash wages to an employee for accrued compensatory time or refused to allow an employee to use accrued compensatory time.

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

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

Mr. Chairman, I rise to oppose this legislation which will provide an excuse to undermine the living standards of working families. The Republican comp time proposal should be called flimflam flextime.

The rights of employees must be of paramount importance to any proposal affecting their time and compensation. This bill places the rights of bosses above the rights of workers. By its failure to provide employees a real choice, it enables bosses to defer paying employees for the work they perform.

The Republican majority claims it seeks to provide workers with the opportunity to take paid time off instead of being paid for overtime work. But in return, all paid overtime could possibly be eliminated. An employer may arbitrarily decide to offer comp time to some employees while denying it to others. He may also arbitrarily decide to only offer overtime work to employees who choose comp time instead of paid time and a half.

Under this bill, an employer can simply deny the leave on the basis that it will unduly disrupt his business.

The Family and Medical Leave Act grants workers the right to take unpaid leave in the event of a family or medical emergency. Under the Republican bill even where an employee has a right to family leave, an employer may deny the employee the right to use comp time.

Under current law, employers must pay workers in a timely manner for the work they perform. H.R. 2391 permits an employer to defer paying anything for overtime work for up to one year.

This flimflam legislation invites employers to eliminate their paid medical and vacation policies. Why should an employer give paid leave when it can require employees to work overtime in order to earn paid leave instead? My Republican colleagues say they are interested in a voluntary comp time bill, but how voluntary is comp time if the only way an employee can earn paid leave is to take comp time instead of being paid for overtime?

This bill provides no protection for employees when an employer goes bankrupt. It does not prevent an employer from using the payment for a terminated employee's unused comp time to diminish that employee's unemployment compensation. And it does not ensure that comp time will be treated similarly to overtime pay for pension and health benefit purposes.

Mr. Chairman, our overtime laws are already widely violated. The Employment Policy Foundation, an employer-funded think tank, estimates that workers lose $19 billion a year in unpaid, earned overtime. The foundation estimates that fully 10 percent of the workers entitled to overtime are cheated out of it. In industries such as the garment industry, overtime violations are widespread. A Department of Labor investigation in southern California found that 68 percent of the employers were not paying overtime and more than 50 percent were not even paying minimum wages.

Mr. Chairman, I cannot support a bill that will undermine the living standards of American families. I urge defeat of this flimflam legislation.

□ 1415

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

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, the Working Family Flexibility Act is pro-family, pro-worker, pro-women, in its approach to provide relief to the hard-working men and women across our Nation who struggle daily to support their families. These men and women who support families and work, deserve the right to have their work schedules flexible enough to allow them time to devote to family responsibilities.

As a wife and a mother and a grandmother and a former small business owner, I know firsthand how hard it is to balance work and family.

The bill seeks to provide employees a choice and the option to renew and refocus the perilous difficult balance between family and work obligations by allowing flexibility in scheduling the hours they work.

Dads could use the accrued time to make sure they are behind the dugout for that critical Little League game, and mom and dad could use their time to visit their child's school for the parent-teacher conferences, enabling and encouraging parents to participate in their child's education. Comp time allows parents to actively participate in family life, not just hear about the recollection at the dinner table that night or the next day.

In 1994, a U.S. Labor Department survey found that 66 percent of working women with children believed that balancing time between family and work is their No. 1 concern. Even the President and vice President endorse giving workers the option to spend more time with families.

Employees deserve the same rights that Federal, State and local employees have had since 1985.

During my tenure as mayor of Charlotte exempt city employees enjoyed flexibility that comp time allowed in their lives. Simply put, and I know this from management experience, flex time works. It works for the employer, it works for the employee, and most importantly, it works for America's families.

Support this commonsense family-friendly approach. Support the Workers Family Flexibility Act.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman I rise to oppose this legislation. I fully appreciate the demands of balancing family and work, as my colleague from North Carolina just mentioned. Tonight is my 3-year-old daughter's back to school night at her gymnastics camp. Her mother will be there; I will not because we are not always able to balance our work and time schedules easily.

There are some flaws in this bill, though, that I think do not hold out the promise that my friend just talked about. First of all, is the bill truly voluntary? Is the choice truly voluntary?

I believe that in the situation here where an employer systematically grants overtime to the employee who chooses comp time and systematically denies overtime to the employee who chooses cash, that the employee who chooses cash, the employee who chooses to have a few more dollars in his or her paycheck, is going to be denied a truly voluntary choice, and I think that employee has no meaningful or realistic remedy.

I think the employee has a burden of proof that would be almost impossible to sustain. I think there are some legitimate question as to under which -

specific circumstances that employee could, in fact, recover her attorney fees or his attorney fees.

I do not think this is truly a voluntary choice, and I think an employee who exercises his or her right to choose cash rather than comp time would not be able to achieve an effective remedy if the employer wanted to punish him or her for making that choice.

Second, we hear comparisons about the public sector and the private sector, and we hear how employees in the public sector in many cases have had this situation for many, many years. I would say there is an important difference between the public sector and the private sector, and it is this:

Most public sector employees are under some form of civil service protection, meaning if they are in fact singled out because of the choices they have made or because of some other reason on the job, there is a set body of law that provides for both substantive remedies and meaningful procedures in order to enforce their rights. That does not exist in the private sector.

Finally, I think there are real questions as to what happens here. I think there are very significant questions as to what happens under this bill should it become law. If an employee chooses comp time and her comp time adds up and adds up and adds up, and then the employer files bankruptcy, the employer goes out of business, how realistic is it that that employee is going to be able to recover the cash that she or he is owed in response to having that comp time?

Finally, I would say this to my colleagues. There is no question that working families in this country need help. Working women, in particular, in this country need help. What they really need is paid leave in many cases. They need to be able to take time off if they have a child, or a death in the family, or a need to pursue a family obligation with pay, not without it. What they really need is an assurance of health benefits so that the millions of Americans who go to work every day and have no health insurance coverage will have some.

Now, there are a lot of different theories of proposals of how to accomplish that. I do not know which one is the best. But I would like to implore my friends and colleagues in the Republican leadership that maybe we ought to spend some more time talking about that before we adjourn in October. We ought to bring to this floor some ways that people can have paid leave and health insurance benefits instead of the bill that we see before us today.

I oppose the bill; I urge its defeat.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER] the author of this very fine legislation.

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

Mr. BALLENGER. Mr. Chairman, let me just say that ever since I introduced H.R. 2391, I have tried to address the concerns that others have had with the legislation. I have tried to accommodate, as much as possible, suggestions to improve the bill since it was introduced in September 1995.

There have been changes made to the bill at each step of the legislative process. The substitute amendment which I offered at subcommittee markup was accepted by voice vote. It included six changes which clarified and improved the protections for employees. Many of the changes were taken directly from recommendations made by the Democrats' witness who testified at a hearing on the bill. And yet, while the Democrats on the subcommittee voiced their opposition to various parts of the bill, there were no Democratic amendments offered.

At full committee markup, I offered a substitute amendment which further strengthened the employee protections and directly addressed a number of the Democrats' concerns with the legislation. While the vote on final passage of the bill was along party lines, the substitute amendment was approved by voice vote. Again, no Democratic amendments were offered to the bill.

And, now on the House floor, I have sponsored an amendment with my distinguished colleague, the gentlewoman from Connecticut [Mrs. JOHNSON] which includes a number of clarifications and additional protections to ensure the voluntary use of comp time and to give employees greater control over their accrued comp time. Yet, many of my colleagues on the other side of the aisle continue to say that they have substantive problems with this bill.

Mr. Chairman, this is commonsense legislation. We support it. Most of all, employees want it. Their counterparts in the public sector, many of whom are unionized, have used comp time for years and strongly support the use of it there. As of recently, President Clinton supports it. Although in May, when this legislation was to be tied to the minimum-wage increase, his chief of staff called it a poison pill. While I am baffled by labor and this administration's objection to the legislation, the opposition appears to be nothing more than election year politics.

American workers want and deserve flexibility in the workplace to better deal with the challenges of balancing work and family obligations. The Working Families Flexibility Act removes obstacles in Federal law which prevent employees and employers from mutually agreeing to use alternative arrangements regarding compensation and scheduling. I urge my colleagues to support this legislation which will allow American men and women to make the choice for themselves between extra money or paid time off.

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

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this bill that will cut the pay of America's workers. This bill is yet another example of how this Congress continues to sell out working families.

Overtime pay is vitally important to these families because wages have not provided a rising standard of living. The Bureau of Labor Statistics reports that average hourly pay has fallen by 11 percent over the past 17 years, and working families rely on overtime pay to keep up with the costs of feeding their kids and paying the rent.

This bill will take away the opportunity to earn overtime pay. Middle-income families will be hit hardest by this bill because overtime pay is a much larger percentage of their income. In 1994, two-thirds of the workers who earned overtime pay had a total annual family income of less than $40,000.

On behalf of the hard-working families in Connecticut and across this country, I call on my colleagues to vote against this outrageous assault on working Americans.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, the gentlewomen who just spoke is one of the leading advocates of choice in the U.S. Congress. Apparently, she is for choice for everyone but the American worker because, and, no, I will not yield, I do not have time; because of the fact that no one in America will have to take comp time unless they choose to. It is automatic that one gets time and a half pay overtime under the Fair Labor Standards Act, and under this bill unless they choose that, they would rather than doing that have some free time.

In Wisconsin, we love to have free time in the summer on weekends to go up north, to go fishing, to go to the son and daughter soccer game, to go to Little League or to go do something else of our choice. That is not allowed today. Under this bill that will happen if the worker wanted it to.

In addition, I want everyone to understand that this legislation in front of us will not affect one unionized collective bargaining agreement unless the leadership of that union in negotiations with the management agrees to add this to the existing collective bargaining agreement.

All we are doing today is we are saying to the American worker in today's economy flexibility is key. It is flexibility for the workplace, flexibility for management, and, yes, flexibility for the worker to decide what works best for them at a particular point in time.

Third, I want everyone to understand that this flex time cannot occur unless there is a written agreement, and, as my colleagues know, interestingly enough we talk about coercion. My good friend from New Jersey said that

he does not think that this is really freedom of choice by the worker.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

□ 1430

Ms. WOOLSEY. Mr. Chairman, I know about work schedules and overtime from two perspectives. In fact, I am an expert on this issue. First, as a human resources/personnel manager for over 20 years.

And, second, as a working mother. I have raised four children—now four wonderful adults. I know what its like to have a job and try to find the time to go to a parent/teacher conference or a child's plan or sporting event. I know what it means to get that phone call early in the morning that the babysitter is sick and will not be coming that day.

Believe me, I know how important it is for working parents to have flexible work schedules.

But this bill before us today, H.R. 2391, is not about flex-time for workers. It is about more flexibility for employers.

As a human resources professional, I know how this can work. Like mandatory overtime, comp time can become just as mandatory because it allows the employer to restrict use of comp time to the employer's schedule—when it will not unduly disrupt the business.

Let me tell you that means—plain and simple—the boss will stay the boss, not only in deciding on who works overtime and when, but, also when comp time can be used. That is flex-time for the employer.

If my colleagues on the other side of the aisle are so concerned about working families, they should use their influence as the majority party to make the use of comp time truly voluntary and to get a bill to the President increasing the minimum wage.

In fact, my colleagues should work overtime on getting the minimum wage bill passed, and then take some comp time to get in touch with what working families really need—a livable wage and a truly flexible schedule.

Mr. GOODLING. Mr. Chairman, I am glad we have the ''no coercion'' part in the bill in the bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON], a member of the committee.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of the Working Families Flexibility Act.

This bill allows private sector employees to have the same opportunities 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.

Back in 1938, when the current law was put in place most families had a parent who worked and another who stayed at home. Today, in 60 percent of homes, both spouses work. This is up by over 36 percent in just the past 25 years.

It is wrong to deny private sector workers the flexibility they want and need. This bill is about allowing parents to choose to spend more time with their children.

Opponents of the bill have raised false claims that the bill does not protect employees. The bill before us offers private sector employees more protections than government workers have today. If the worker protection provisions are inadequate, why did not the opponents of the bill impose more protections for government workers when they were in the majority.

The bill has built-in protections for employees. It is at the employee's discretion whether to take comp time or overtime pay. The employee decides.

Also, the bill makes it illegal for an employer to pressure employees to take comp time rather than overtime pay. Any employer who engages in such pressure or forces an employee to take comp 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.

Clearly workers are protected.

Let us stop denying private sector employees the same privileges that government workers have today.

Let us support equality.

Let us support the bill.

Mr. Chairman, in closing, I would like to quote from Bill Clinton when he said, ''You can choose money in the bank or time on the clock. With more Americans working more hours, simply spending more time with the family can be a dream.'' President Bill Clinton, June 24, 1996.

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

Mr. Chairman, I want to correct the gentleman. The President said that about his bill, not about this bill that we are debating now. The President thinks this bill is a disaster.

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

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

Mr. MILLER of California. Mr. Chairman, I support giving working families flexibility in their schedules, but I cannot support the Ballenger comp time bill because it seriously threatens the existence of overtime pay and the 40-hour workweek. This bill is just one part of a series of Republican bills that favor special interests over the public interest.

All across this Nation, millions of working families are facing stagnant wages and the realization that for them the American Dream may be slipping away. Between 1979 and 1989, real wages either fell or were stagnant for the bottom 60 percent of the workforce. Moreover, while corporate profits were increasing during the first half of this decade, wages were continuing to lag far behind.

For many struggling families, receiving overtime pay is often the difference between making ends meet and falling behind on bills. It is no wonder then that 64 percent of Americans oppose eliminating overtime pay.

Equally important for struggling families is maintaining some normalcy in their lives by keeping the 40-hour workweek as our benchmark work schedule. Parents are finding they have less time to spend with their families given the increasing difficulty of staying financially afloat.

Compared to the 1960's, the average person is working about an extra month more a year, and the number of mothers working has nearly tripled from 27.6 to 67.5 percent. As a result, polls show that most Americans believe their free, non-work time has been reduced nearly in half over the last two decades. Consequently, for 58 percent of families, working less the next week is not worth working more this week.

Supporters of the comp time bill argue that their proposal would help these families by making voluntary, flexible work schedules available. But his bill would actually make matters much worse.

There are no enforcement mechanisms in the bill to insure the voluntariness of any comp time arrangement. Workers would also have no power to refuse working longer hours, nor any clear ability to take time off when they need it. There are no record-keeping requirements, and unscrupulous employers would have a free hand to conveniently miscalculate comp time owed to workers.

Additionally, this bill legalizes sweatshops because there is no exception for vulnerable industries. Under this bill, an unscrupulous employer who is violating wage and hour law will be able to say, ''My employees all opted for comp time instead of overtime pay, they just haven't taken their time off yet.''

Therefore, under the Ballenger bill, it may be lawful for an employer: to move workers into a comp time arrangement by stressing a preference for that system; to retaliate against workers who insist on receiving overtime pay; to make employees work 60 hours 1 week, and 20 hours the next with very little or no notice; and to effectively eliminate overtime pay all together.

This is not what American families want or need. Workers are asking for higher wages, a predictable work schedule, and more time with their families. The Ballenger bill would not help families achieve those goals, and, in fact, would very likely make matters worse.

Mr. GOODLING. Mr. Chairman, I yield myself 5 seconds, merely to say, his bill? I have not seen any bill from the President. We did not get any

amendments in full committee or subcommittee from the minority.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as more families have both parents working, families are making painful choices; either work, or risk their jobs and the income the family needs.

H.R. 2391 is an attempt to ease this burden on families. It'll allow the employer to voluntarily offer, and for the employee to voluntarily accept, comp time instead of overtime.

But, those who apparently support Government intrusion are opposing this legislation. They believe employers and employees should be forced to take comp time.

H.R. 2391 does not force employers or employees to offer or accept comp time. It requires that any unused comp time must be made up with overtime pay. And, it maintains the 40-hour workweek.

H.R. 2391 is a win-win for America's families. The House should pass this bill.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleague, the gentleman from St. Louis, MO for allowing me to speak today, and for yielding the time to me.

Mr. Chairman, I would like to support the bill. I like the idea of employees being able to decide whether they are going to have overtime pay or comp time. In fact, when the President made his announcement in June, I thought we would see an effort to come out with real flex time and a compromise. In fact, as has been quoted from the majority side, nationwide polls show an overwhelming number of Americans support the concept.

But also, from a different poll, it shows that an overwhelming number of workers expect to be forced by their employer to accept comp time instead of overtime pay. That is what is wrong with the bill. The bill should be addressing both concerns of the workers: First, the need for the flexibility, but also, the fear that they have that they may not be hired if they do not agree beforehand to take comp time instead of the pay.

Before coming to Congress, I helped manage a business. We used comp time. It was successful, both for the business and for the workers. But every time it was the choice of that employee, more so than this bill ever does, because it worked. It was successful. I would hope that if this bill goes down, and if not this Congress, the next Congress we will really be able to come together and come up with one that not only allows the flexibility, but also provides the teeth to the bill that it needs.

It would be so important to have a way to be clear whether it is employee choice or employer mandate. This bill was drafted to expect employers to do what is right and give that choice. Ninety-five percent of our employers will do that. The bill lacks the teeth because the 5 percent of the employers, whether they be in the garment industry or any other industry, are the ones who will take advantage of this and take advantage of those workers. That is why about 60 percent of those workers are afraid they are going to be abused with that.

Mr. Chairman, the Republican comp time proposal is that the employer and not the employee decides who earns the comp time and who will earn the overtime pay. This bill does not contain clear provisions to prevent the employer from forcing workers to take time off in lieu of overtime pay. I know both the bill and the manager's amendment has some effort to try to prevent coercion, but we need more than just the statement in here. We need some real teeth in the law.

In my district people depend on their overtime pay oftentimes to make ends meet. They should not have to live in fear of losing it, particularly some workers who are seasonal workers, who have to earn overtime for the period of time they can work because the rest of the year they cannot practice their trade, whether because of weather or because of whatever conditions.

In H.R. 2391 employers maintain the ultimate control when to grant that worker the comp time. Regardless of the amount of notice the worker provides, employers can deny the use of comp time if the firm claims they would be unduly disrupted. Again, I think this is something we can work out, but we have not been able to. What good is it to earn comp time if the employer does not allow you to use it, or forces you to use it instead of your vacation time that you may have earned?

Additionally, this proposal does not include the protections necessary to make sure workers receive their comp time when a business files bankruptcy. I know we have talked about that, but this bill does not deal with the Bankruptcy Code. Comp time should stay in the same place wages do in the Bankruptcy Code. This bill does not set that up on that level.

H.R. 2391 does not give the employees the full remedies available under the law to an employer who violates the overtime law. Civil fines should be imposed on employers who operate comp time programs in violation of the overtime laws. Instead of this Republican proposal, I would hope we can work on a real bipartisan proposal giving employees real comp time.

Comp time means employees have the choice of taking their time to go to the soccer games. I use it, Mr. Chairman, and I know how important it is, but I also want to make sure it is the employee's choice when to do it. I urge my colleagues to vote ''no'' on the bill.

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

Bankruptcy certainly is covered in the legislation, Mr. Chairman. Unused comp time is handled the same as unpaid wages, and therefore, is right at the top of the list in any kind of bankruptcy proceeding.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

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

Mr. Chairman, this is a fascinating debate, because a week or two ago nobody offered an amendment in committee, nobody showed any opposition to this bill. The President has said he supports this bill. All of a sudden, then, the labor unions jerked the chain and lap dogs become pit bulls to kill an effort, a modest effort, in non-union shops between employers and employees who agree voluntarily to take compensatory time as opposed to time and a half, and it is going to be tried to be stopped on this floor, the same as the TEAM Act in the Senate, because labor union leaders cannot stand it when employers and employees get along. They thrive on conflict. They create conflict. Then they come to the rescue.

Mr. Chairman, this is a modest bill. It merely says if employers and employees want to get together and voluntarily agree on this, this should be legal. I do not understand this debate about adversarial relationships. I have built 7 businesses. If you are building businesses, you soon begin to understand that the most valuable resource you have is your employees. You cannot treat them this brutally as you are implying. They leave. It costs you twice as much to train a new one. You learn as a business owner. But if you get along with your employees and treat them right and reach voluntary agreements with them, they make you money. They are the most valuable things you have.

Mr. Chairman, this is simply not about this bill, this is about big labor bosses jerking the chain, turning lap dogs into pit bulls to try to stop a convenient arrangement that already exists in many union contracts, and, indeed, throughout the Federal Government. Why can they not have, in the private sector, what we have in the Federal Government? This is a good bill and it deserves to be passed for the very reasons President Clinton said so.

□ 1445

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

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

Mr. MARTINEZ. I thank the gentleman for yielding me the time.

Mr. Chairman, to the last speaker in the well, there are a lot of reasons why

the Democrats have not offered amendments to this bill as it came before us. First, when we do offer amendments, we never get them accepted anyway, so what is the use? Second, he mentions the businesses he was in and how benevolent they were.

I have worked since I was 12 years old. In all that time—my colleagues have to understand that I am 67 now—in all that time, I found very few benevolent employers who had a greater concern for the employee than the bottom line profit. When it comes to the bottom line profit, they are going to do whatever they need to do in order to run that business so it is profitable, and there is nothing wrong with that. I agree with that. A lot of times when it weighs a little bit of profit against a little bit of consideration for the employees, they do not even do that.

I will say that there are some employers who are benevolent, but as far as this bill is concerned, this bill sounds as if it is a wonderful thing, it gives choice to employees. I am for choice. In fact, I am a pro-choice person. I am especially pro-choice when it comes to employees. But the way this bill is written, it will never give that employee that choice.

Let me make Members understand something about workers. Workers generally are not of the aggressive type, that they are going to challenge the employer on any of his decisions, especially when it means their job or long litigation which they may not win because they do not have the wherewithal to hire the kinds of lawyers the employer has. So they usually will take their lumps, go their way and go to another job and hope they are treated better there.

If this were not the fact, there would be no need for organized labor. There would be no need for Government to pass labor laws. The truth of the matter is that there are more people out there who will take advantage of it than less.

Mr. Chairman, this bill as it is written now will give the employer the right to decide whether it will be comp time or pay and when that employee will use that time. That employee would have to depend on the employer being benevolent, to understand his family situation, to be able to allow that employee to take advantage of that time when it would best suit him and his family. I doubt very much that that is going to happen.

We are going to find that if this legislation were to pass and be signed into law, we would have exceeding litigation by those employees who do have the courage to stand up to their employer regardless if they lose their jobs or not. We already have that in a lot of different legislation.

Let me close by saying that if there were not the need to protect that employee, even in this bill as it was written by the other side, they would not have put those kinds of restrictions on employers and those kinds of threats to action by the Department of Labor if they abused or violated the employees' rights. The second we write a piece of legislation like that, I guarantee there are going to be problems. So why write it at all?

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

Ms. DUNN of Washington. Mr. Chairman, for too long parents have been forced to make tough choices between work and spending time with their children. In fact, a 1994 U.S. Department of Labor report found that the No. 1 concern for two-thirds of working women with children is the difficulty of balancing work and family.

In two recent surveys, 3 out of 4 parents indicated that they would prefer the option to choose either overtime pay or compensatory time off for working overtime hours. Parents say this would enable them to find a better balance between their work and their family responsibilities.

What are we really talking about? Mr. Chairman, in the late 1970's, when my sons were 6 and 8 years old, I found myself in a position to have to have a full-time job and still juggle the responsibilities to my family. Often I would have taken the choice, with a job that required some evenings and weekends and travel, to simply leave that job for a few hours and go to my children's school, talk with their counselors, or see their school plays. A mother should have that choice, Mr. Chairman.

Under current law, too many working mothers lie awake at night worrying about whether or not they are giving their children enough quality time. We can do something to help those mothers and we ought to do it. This bill addresses exactly that problem. The legislation is balanced, it is commonsense, and it is a solution to the problem facing the hardworking parents of our country.

Mr. Chairman, it is worth noting that Federal workers have long had this option, but the Government does not allow private employees to have this option. They should get the same consideration in the private sector that families in the Government have had since 1985.

Mr. Chairman, I am proud to be a cosponsor of this legislation that supports the value of the family. On behalf of all the working families in this country, and especially the working mothers, I urge my colleagues to support this time legislation.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Chairman, I rise today to express my strong opposition to H.R. 2391, the so-called Families Flexibility Act. This bad bill is just one more attempt by the Republican-controlled 104th Congress to weaken the rights of working men and women. I am very concerned that permitting employers to compensate hourly employees' overtime work in time off, rather than in cash, will in many workplaces, significantly reduce workers' take home wages.

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

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

What the authors of this bill would like you to believe is that this bill offers workers more control over their working lives. What it really does is take away an individual's right to choose. Under H.R. 2391, workers do not have the ability to schedule their earned compensatory time when they need. it. In fact an employer can schedule compensatory time anytime he chooses without ever having to consult the worker. I am concerned about the steelworker in northwest Indiana, who has legitimately agreed to compensatory time and has been doubling up on shifts to earn overtime. He's going to approach his boss to request time-off at the end of the summer so he can plan some time together with his kids before they return to school in the fall.

His boss may tell him, ''Sorry, but if I gave you your earned time off when you want, it would disrupt my operations. Don't worry I'll schedule your 'comp time' in October when the blast furnace shuts down for a four-week re-line job.''

That steelworker would have had that time off anyhow and his kids are already going to be back in school. Thanks a lot.

In essence, H.R. 2391 gives employers a veto over their workers' use of their own earned hours off, opening the door to abuses such as making employees work 60 hours 1 week and then 20 hours the next, with little or no notice.

Mr. Chairman, when the people back home in my district sit down each month to figure out financially how they are going to make it through the upcoming month, they take into account their expected overtime wages. Employers do not just hand out bonuses anymore. Today, you have got to earn them. I am

voting against this misguided bill because without overtime pay, many of my constituents cannot afford to send their kids to college, buy a reliable car for work, or provide themselves and their families with adequate health care. This bill guts the protections of the Fair Labor Standards Act and undermines living standards for workers. H.R. 2391 is not designed to give workers more control over their working lives. It is, instead, an attempt to snatch hard won rights out of the hands of this country's workers and deny them basic, simple needs, like respect for their hard work, a decent living wage, and a chance to provide for their families. I urge a ''no'' vote on H.R. 2391.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. GRAHAM], a member of the committee.

Mr. GRAHAM. Mr. Chairman, to begin with I would like to congratulate the gentleman from North Carolina [Mr. BALLENGER] and our committee chairman for working on some legislation for a long period of time that really will help people.

This Congress has been historic in the sense we have done two good things: We have applied all of the laws in America to the body itself. I think that is going to make the laws in this country better because we have to live under them as an employer, the U.S. Congressmen and their offices themselves. But what we have done here is we have extended to the private sector some options that people that work for the Federal Government have. If you want the time off rather than the money for working overtime, it is your option as an employee. That is a good thing. That is what we do in the Federal Government. The private sector should have that same right. But it is up to the employee.

It is true that when you schedule the compensatory time, that the employee has to work with the employer, just like we do here in the Federal Government. That is the way business works, that is the way it works here, that is the way it works in the private sector. We have extended some benefits to the private sector that we in the Government have had for many years. I think that is a good thing to do. It is time for us to take on the burdens of the private sector. I ask for support for this bill.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

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

Mr. Chairman, last week I said to CASS BALLENGER, the primary sponsor: How could anyone oppose this legislation? The employer makes it available. He does not have to. He makes it available. It does not have to be activated. The employee has the option to activate this proposal. Once he enrolls in it and decides he wants to disenroll, it shuts down. The employee is in control.

This, Mr. Chairman, provides comp time flexibility which may be paid in any time period during the calendar year, and must be paid out at the calendar year's end. I repeat, to my friend from North Carolina, how could reasonable people not agree with this?

They keep talking about employees being afraid. If employees read this bill, they will not be afraid. If they listen to the rhetoric coming from this hall, they will run to the high ground for fear because it is laced with fear. This bill is generous and the employee is the direct beneficiary of the generosity.

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

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

Mrs. FOWLER. Mr. Chairman, there is a movie showing in theaters right now called ''Multiplicity.'' It is about a man who has himself cloned several times so that he can meet all the responsibilities of home, family, work, and personal relationships. It's a great idea, but unfortunately, in the real world, we don't have that option.

As a working mother, I learned the hard way that you can't be in two places at once. Whether it is due to a Little League game; a case of chicken pox; a visit to the doctor or caring for an elderly parent—sometimes the needs of a family require a flexible working schedule. With comp time, employees can prepare for the unexpected. H.R. 2391 will make striking a balance between work and family easier, providing increased freedom and empowering workers.

Since the 1930's when the Fair Labor Standards Act was passed, the American workplace has changed tremendously. Today both parents in a family must often work, necessitating a real juggling act between their professional responsibilities and the needs of their families.

If we really want to put families first, this is a good first step. H.R. 2391 does not impose taxes on working Americans; it does not spend taxpayer dollars or add to the deficit; it does not mandate benefits or rely on a one-size-fits-all Washington model; and it does not impose an unfunded mandate on business. It is a commonsense measure that helps working families by adding some flexibility to an outdated law, and I urge my colleagues to support it.

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

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

Mr. Chairman, I believe everyone would agree that all of us who work would love flexibility at the workplace. Whether you are the employee or you are the employer, you want to know you have a chance to make use of your vacation time, your benefits, and obviously do the best job you can while you are on the job.

With the realities that today's families must face, two working parents, kids off to school, kids trying to be able to participate in recreational activities, it is difficult. Let us give employees that flexibility, but let us give them the flexibility of doing what they wish with their time and the money they have earned through their wages.

The problems I have with this bill are that it does not do that. Let me give some quick examples.

The issue of coercion. We have people who work here who have graduate degrees, who oftentimes find themselves picking up laundry for Members of Congress or shuttling family members to and from offices because the Member says, ''I need to have it done.''

If we can see that happening here in the halls of this place, think what happens in the workplace where someone is working for $7 an hour and the employer says, ''I need you to do this this way. I need you to take comp time versus the overtime pay you could get on Saturday.'' What is the employee going to say? ''Sorry, I think I would rather take my overtime and not agree with you''?

Chances are there is going to be a lot of pressure on that employee to do what the employer wants. This bill gives the employer that kind of leverage.

Slow periods. When I was working my way through college, I worked as a construction worker on highways. It is seasonal work and it is unpredictable work. If it rains, you do not work because you cannot go outside and work in the mud.

What happens in the case of seasonal work, slow periods, where the employer says to himself, ''I know I don't need any workers next week, I've got a slowdown in my jobs, in my contracts, so I'm going to tell everyone who has got comp time to use it rather than have them come in to work and not do as much work.'' It is great for the employer but it is terrible for the employee, because the employee is not expecting necessarily to have to use the comp time on that occasion.

What you do is give employers a way to slough off some of their obligation to their employees where they would otherwise have to pay them to go to work.

Finally, let us just leave it at this. On bankruptcy, the chairman of the committee says that there are provisions in the bill that deal with it. I say to the chairman, he cannot have that in there because this is a bill that deals with the Fair Labor Standards Act. We are not dealing with bankruptcy law, so there is nothing to address the concerns of those who say, ''I have got comp time and it is not taken care of because an employer goes out of business, I will not get my money.''

There is nothing in the bill that would protect the employee beyond what is in current law, and the changes that we have in this bill do not address the bankruptcy laws that we currently have in effect. Therefore, an employee who finds himself or herself working for someone who goes out of business

takes the risk of not getting money from the employer, and that is not fair.

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Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I stand today in strong support of this legislation and I say it is about time.

For nearly 15 years I worked with mainly middle-aged women trying to juggle family and jobs and build a career, and as I hired them, so often it became real clear that we need to adjust. We needed to be able to let family and work have some latitude, and we find now that with the Fair Labor Standards Act it is very, very difficult.

The flexibility that we need, and yes, gentlemen, I will say, as women, often is stopped by law. I have not in my 15 years of managing a business found that often I could coerce employees very long before they wanted to go somewhere else. I think that that particular argument falls on the fact that we need good employees. We want to make it work for them, not take advantage of them.

I encourage my fellow colleagues to finally give women a chance. Give us the chance to balance work and family, put it all together and work with our employees in a way that makes sense. I urge my colleagues to strongly support this bill. It is about time.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in opposition to this antifamily legislation. Let us face it, the Republican record has been hideous on workers rights, and this bill is just their Medusa of antiworker proposals.

In my 3½ years in Congress, I have never seen a bill more insidious than this attempt to lengthen the workweek with no corresponding increase in pay. Contrary to what the Republicans say, this bill abolishes overtime pay, period.

Does anyone believe for 1 minute that workers were consulted on this bill? The so-called Working Families Flexibility Act allows employers to suddenly coerce workers into taking comp time instead of overtime pay.

Employers will use this legislation to hire workers who agree to accept comp time instead of overtime pay. This bill allows employers to promote workers who acquiesce to comp time in lieu of overtime pay.

Unlike overtime pay, workers can only use their comp time when it is convenient for their employers, not their families. So much for family friendly legislation

Moreover, Mr. Chairman, workers can be forced to 75 hours a week and not see any comp time for 13 months. If the company goes bankrupt in that 13 months, too bad, the worker gets no comp time and no overtime pay. In effect, this bill forces workers to give their employers interest free loans until the boss says it is OK for them to use their accrued comp time.

For families who rely on overtime pay to supplement their low salaries, they will be comforted in knowing that they might get some time off in the next 13 months.

In short, Mr. Chairman, this bill legalizes the extraction of unpaid labor from workers at a time when people are already working longer and harder for less pay.

Finally, employers can already give workers comp time as long as it is used in the same week that the overtime is worked.

Mr. Chairman, I do not mind being a pit bull for the working men and women of this country.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut, [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I do not believe this debate. I simply do not believe this debate. This is really a debate between union leaders and rank-and-file members. The union leaders tell me they do not want their employees to have the choice, their union workers to have the choice between getting time and a half pay for time and a half vacation. The employees, the union members tell me they want the choice. It just seems to me logically that we would give them the choice.

What this bill does is simply allow for them to get time and a half pay or time and a half off. So, if an individual works 10 days, they would get 15 days off. If they worked 20 days overtime, they would get 30 days off. Their choice. If they chose not to, they could get 10 days of work. They could get 15 days of pay, 20 days of extra work. They could get 30 days of pay.

Tis is basically a choice to the individuals who work to allow them to decide for themselves. They are not idiots. They are not fools. Give them the choice.

What I cannot understand is the protections we have for these employees are the same as we have under the Fair Labor Standards Act, under the Family and Medical Leave. They can go to court directly or they can go to the Labor Department and the Labor Department can go to court against an employer who basically coerces a worker.

We have all the protections. Why should people in the private sector not have the same right that exists in the State, local, and Federal Governments?

Mr. GOODLING. Mr. Chairman, what is the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] has 8¼ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 5¼ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

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

Mr. Chairman, I just want to again make a couple of points. One is that there are adequate employee protections built into the Working Families Flexibility Act and that explicit language in the bill prohibits an employer from compelling an employee to take compensatory time, or time off, in lieu of overtime compensation. So no employee in any occupation in any industry can be compelled to take compensatory time off in lieu of overtime compensation.

This is a good and fair bill. It is balanced. It is a bill that is designed to relieve some of the pressure, some of the strain that working families, particularly two-income families face today in America, and it is a bill that is designed to help families attend to their unique circumstance and needs.

This is a practice that has been working well in the public sector for years and years and years and I can speak to that from personal experience, and I really do not understand when we have the President on record as in favor of this concept, at least in favor of this legislation, conceptually saying, ''You can choose money in the bank or time on the clock. With more Americans working more hours, simply spending more time with the family can be a dream in itself.''

When you have the President of the United States on record as supporting this legislation conceptually, I cannot understand the kind of reckless claims that have been made about this legislation on this floor. This is sensible legislation.

We are not attacking the 40-hour workweek and we are not intent on eliminating overtime pay. This kind of extreme rhetoric does a disservice to the American people following this debate, and it is flat-out wrong. As I said before, this legislation does not eliminate or change the traditional 40-hour workweek. It simply provides employees with another option in the workplace, time off instead of overtime pay.

Mr. Chairman, today as we consider the Working Families Flexibility Act, we have a unique opportunity to do something good for America's working families. We have the chance to revolutionize an employee's ability to balance the growing demands of work and family.

While the concept of comptime may be revolutionary to some, to America's workers, who are increasingly frustrated about coping with the demands of contemporary life, it is an important and long-awaited reform. In fact, this is an issue that we should have acted on long ago.

Simply put, the Working Families Flexibility Act gives employees more power and control over their lives by allowing them take home pay or time off to help balance work, family, and personal responsibilities.

Surprisingly, because of an outdated labor law which was written in a time when issues such as a two-income family and child care were unheard of, employers and employees today do not have these options.

Common sense dictates that both employees and employers benefit from the ability to

make flexible arrangements about compensation. By passing the Working Families Flexibility Act, we will give employers the ability to offer, and workers the ability to choose, either cash wages or paid time off for any overtime worked. At long last, working men and women will be able to achieve the elusive balance between work and family that they have long sought. They will be able to work, make a living, and spend more time with their families.

Unlike the irresponsible claims that opponents of this legislation are espousing, this bill does not attempt to eliminate overtime pay. However, it does provide employee protections to ensure that employees will not be forced to take comptime and to ensure that employers actually pay for any overtime accrued by a worker.

Those same opponents would have you believe that this legislation destroys the 40-hourweek. Wrong. This legislation protects the 40-hour workweek. Employees will continue to receive time-and-a-half pay for hours worked over 40 hours a week. If the employer decides to offer comptime—the employee gets the choice of whether to be paid in time off or cash.

The bottom line is this—working families win with the passage of the Working Families Flexibility Act. Over 60 percent of employees surveyed said that they would like to have the option to choose comptime instead of paid ovetime. Why? To be able to spend precious time with their families. To go to school events with their children, to attend parent-teacher conferences or to even take a long-awaited family vacation. It is as simple as that. Families need more time together. The last thing families need are rigid, inflexible, and outdated Federal laws making basic family activities more difficult.

Working families and working conditions are going through major changes today. At the very least, we can make the simple changes that will allow them to build and enjoy strong and loving families.

We have a rare opportunity here today. I urge my colleagues to ignore the outrageous rhetoric that we have heard here today and listen to working Americans. Support this H.R. 2391 and support America's families.

Mr. Chairman, I include for the RECORD extraneous material on the Working Families Flexibility Act.

The legislation has no effect whatsoever on the 40-hour workweek for the purposes of calculating overtime. Employees who are covered by the Fair Labor Standards Act will continue to receive overtime pay for any hours worked over 40 in a week. If an employer decides to make comp time available as an option, then the employee will have the choice of taking overtime pay in the form of paid time off or overtime wages.

If an employee voluntarily chooses comp time over cash wages, then there must be an express mutual agreement in writing or some other verifiable statement between the employer and the employee, which must be retained by the employer in accordance with the recordkeeping provisions of the Fair Labor Standards Act.

Accrued comp time could be taken by the employee when the employee chooses to take it, so long as reasonable notice is given and its use doesn't unduly disrupt—the same standard used in the public sector and under the Family and Medical Leave Act—the operations of the business. Employers would be prohibited from requiring employees to take their accrued comp time solely at the convenience of the employer.

Employees would be able to accrue up to 240 hours of comp time within a 12-month period; however, employees and employers could agree to set a lower limit. Employers must pay employees in cash wages for any unused, accrued comp time at the end of each year.

Employees may request in writing, at any time, to be paid cash wages for accrued comp time. Employers must comply with the request within 30 days.

Employees may withdraw from a compensatory time agreement with an employer at any time. However, employers are required to provide employees with at least 30 days' notice prior to discontinuing a policy of offering comp time to employees.

Employers must provide at least 30 days notice before cashing out an employee's accrued comp time. However, employer may only cash out accrued comp time in excess of 80 hours.

The legislation allow double damages to be awarded against employers who coerce employees into choosing compensatory time instead of overtime wages or into using accrued comp time.

The legislation would require the Secretary of Labor to revise the Fair Labor Standards Act's posting requirements so that employees are notified of their rights and remedies regarding the use of comp time.

If an employer failed to pay cash wages to an employee for accrued comp time or refused to allow an employee to use accrued comp time, all of the current remedies under the Fair Labor Standards would apply, including enforcement by the Department of Labor and through individual lawsuits.

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5¼ minutes.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I especially thank the gentleman from Missouri for his long, long, long battle in the trenches with me for real family leave.

The gentleman from Missouri understands this, and I have scars all over our bodies for having been beaten by many on this floor for having introduced over 9 years ago the Family Medical Leave Act, which is now passed and has been very, very positive.

Let me tell my colleagues when we finally got it passed and we finally got a President to sign it into law we only had 40 votes on the other side of the aisle to help us. Everyone else voted against family leave on that side of the aisle. Know what? Family leave has been a phenomenal help for America's families. It has been a phenomenal help in that it has allowed people to have unpaid leave at the time of birth or adoption of a family member or a serious illness of a family member.

So suddenly we have a Presidential election where everybody is talking about working family issues, because people are realizing the incredible strain America's families are under as they are trying to juggle their caregiver roles and their employer-employee roles and that stress is forcing American families every day to run faster and faster and faster, their tongues are hanging out; they feel like a squirrel in the wheel. They are more and more tired and they never get out of the bottom of the wheel.

So now we are getting ready to go into the campaign mode and we have to figure out what we did if we are one of those many people who did not vote for family leave that has become so successful.

We just finished a whole 2-year study showing that none of the terrible things they predicted would happen, happened. So the folks who did not vote for it have to find a way to cover their backsides. This is the bill, and this is a bill that I think any employee who works for the wage and hour provisions understands very seriously that this bill is the wrong way to go.

We hear people saying, oh, employers will not compel employees to say they would rather have time off than pay, time-and-a-half pay. Oh, yeah? Show me the employer that would rather give you money than time off. Employers are going to say, ''You want to work here, this is a voluntary decision. If you voluntarily decide you want to work here, then you better bloody well volunteer to sign this thing saying if there is any overtime you will take time off rather than get money.''

Let us be real clear about this. When people are working at those kinds of levels of jobs, they cannot negotiate with their employer like Michael Jordan. If they say I am not going to sign that, one of two things will happen: Either they will never get overtime, or they will not get hired at all. And employees know this. Who are we kidding here?

Now, let us go to the next level. So let us say a person has signed one of these and they are adding all this time that they are going to be able to use. The next part of the bill is they only get to use it when it is convenient for the employer. Now, if they have a working family, like I had for many years, let me tell my colleagues that is no good.

What we need is predictability. We need to be able to predict when we have to work and predict when we are going to have time off so that we can tell the school we can be there to help with the kids, or we can tell our mom that we can help her go shop for groceries, or

we can do whatever our family's responsibilities are. If we do not have that predictability, we do not have anything that is worth anything.

So basically what this bill does, let us just put it right out there, if you are a minimum-wage worker and you work 47.5 hours a week, this bill mandates you get a 22-percent pay cut and time off whenever the employer finds that you can have it. But we cannot really program it. We cannot really plan it because we do not know when it is going to be.

If this side of the aisle were really serious about doing something, they would get on the bill that the gentleman from Missouri and many of the others of us are now trying to push, and that is let us give family medical leave for people who work for companies of 25 or more. When we passed this bill, we put it at 50. It has worked so well, let us lower the threshold to 25 or more. So people upon the birth of a baby or the adoption of a baby can have that ability to say I get time off to try to stabilize the situation.

Oh, no, they do not want to do that because they still really have not even bought into the family medical leave bill we passed that is working so sell.

This bill also allows people to take uncompensatory time off a couple times a year to work in their child's school or to help in some community institution. It is kind of a community reinvestment kind of thing. This is what the President is for. But this is time the employee controls.

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If my child is going on a field trip, that is when I need to have the time off, not 3 weeks later when it is a convenience for the employer. That is why this bill is a joke, and let us be perfectly clear about that.

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

Mr. SMITH of Texas. Mr. Chairman, if my colleagues want to make the workplace more family friendly, I urge them to vote for the Working Families Flexibility Act. This bill provides working mothers and fathers with the choice of comp time pay or overtime pay. This option empowers employees to balance family needs and career needs.

Mr. Chairman, there are some things that money simply cannot buy: time with your children, your parents, or your spouse. Comp time allows workers to choose more of all these things.

If Members 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. Do not private sector employees have the same option? This bill says yes. Support the Working Families Flexibility Act for our families, our workers, and our children.

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

Mr. Chairman, first I would say to the gentlewoman that just spoke, yes, in the public sector it can be a condition of employment but in the legislation, if she would read it, she would find that no way can it be a condition of employment.

This is not some wild Republican idea. The President himself endorsed the concept. He has not sent us any legislation but endorsed the concept. Since most people apparently that I have heard speak over there have not read the legislation since we made 20 changes all geared to protect the employee, and there will be some more offered in an amendment to do the same, I would like to just tell my colleagues what is in the bill so if the American public is confused, at least they will know what is in the legislation.

The legislation has no effect whatsoever on the 40-hour workweek for the purpose of calculating overtime. Employers who are covered by the FLSA, the Fair Labor Standards Act, will continue to receive overtime pay for any hours worked over 40 in a week. If an employer decides to make comp time available as an option, then the employee will have the choice of taking overtime pay in the form of paid time off or overtime wages. If the employee voluntarily chooses comp time over cash wages, then there must be an express mutual agreement, in writing, or some other verifiable statement from the employer and the employee which must be retained by the employer in accordance with the recordkeeping provisions of the Fair Labor Standards Act.

Accrued comp time would be taken by the employee when the employee chooses to take it, so long as reasonable notice is given and its use does not unduly disrupt, which is taken from the standard used in the public sector and under the Family and Medical Leave Act, the operation of the business.

Employers would be prohibited from requiring employees to take their accrued comp time solely at the convenience of the employer. Employees would be able to accrue up to 240 hours of comp time within a 12-month period; however, employers and employees could agree to set a larger limit. Employers must pay employees in cash wages for any unused accrued comp time at end of the year.

Employees may request in writing at any time to be paid cash wage for accrued comp time. Employers must comply with the request within 30 days. Employees may withdraw from a compensatory time agreement with an employer at any time. However, employers are required to provide employees with at least 30 days' prior notice to discontinuing a policy of offering comp time to employees. Employers must provide at least 30 days' notice before cashing out an employee's accrued comp time. However, employers may only cash out accrued comp time in excess of 80 hours.

The legislation allows double damages, I repeat double damages to be awarded against employers who coerce employees into choosing compensatory time instead of overtime wages or into using accrued comp time and, I might add, also pay the attorney's fees.

The legislation would require the Secretary of Labor to revise the Fair Labor Standards Act, posting requirements so that employees are notified of their rights and remedies regarding the use of comp time.

If an employer failed to pay cash wages to an employee for accrued comp time or refused to allow an employee to use accrued comp time, all of the current remedies under the Fair Labor Standards Act would apply, including enforcement by the Department of Labor and through individual lawsuits.

It also makes it very clear that unused comp time in the case of bankruptcy is unpaid labor time and, therefore, moves it to the very top of the ladder when dealing with a bankruptcy situation.

The bill states unpaid comp time is considered the same as unpaid wages; accrued comp time has the same priority in bankruptcy as any other unpaid wages.

We have given Members an opportunity to give choice to the American worker, to those who are not members of a union. Of course, the union remains the same as it is. They negotiate whether they get comp time or whether they do not. But for all of the other, which is the largest percentage of the employees, they finally have an opportunity to do what 75 percent of all working Americans said they would like to do: have a choice; have a choice between compensatory time or overtime wages.

Now, I am sorry to hear, secondhandedly, that the Secretary of Labor has indicated that this might be something that he would have the President veto. I think it is very clear the President has to make a choice. He has to make a choice as to whether he represents the 75 percent of the Americans who would like to have this time or whether he wants the $36 to $46 million available for the campaign.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to H.R. 2391, the so called Working Family Flexibility Act, which will severely undermine long-standing protections for working men and women in this country.

The overtime requirement in the Fair Labor Standards Act was established to protect workers in this country from being forced to work excessive hours. The development of the right to premium pay—the time-and-a-half standard—for overtime compensation was intended to establish a market incentive to spread work among more employees and prevent employers from assigning excessive work to a fewer number of employees.

Along with the minimum wage this is a basic protection for workers in this country against potential abuses. H.R. 2391 would create a massive loophole for employers, which would

allow them to deny employees their right to overtime compensation. Republicans argue that employers only have their employees best interest in mind and want to provide comp time so that employees can take time off to attend to family business. I have no doubt this is the case for many employers in this country. But evidence clearly points out that there are a significant number of employers who would not have such noble objectives.

Even the Employment Policy Foundation, an employer-funded organization, admits that workers are currently cheated out of overtime pay. They estimate that workers lose $19 billion a year in unpaid overtime. The foundation also estimates that 10 percent of workers entitled to overtime are not paid for the overtime. Other organizations believe that estimate is low. H.R. 2391 would make it easier for employers to get around the overtime law.

The majority claims that under this bill comp time would be purely voluntary for employees, yet the provisions of the bill provide no such assurances and in fact would allow employers to coerce workers to accept comp time instead of overtime pay.

The assignment of overtime work is purely at the discretion of the employer, this is the case under current law. This bill goes one step further and allows employers to decide what kind of compensation workers will receive for overtime work, and if such compensation is in the form of leave time, when they can take that leave. Nothing in the bill prohibits an employer from substituting current annual and vacation leave policies with comp time. And nothing in this bill prohibits employers from assigning overtime work on the basis of an employee's willingness to take comp time.

Under H.R. 2391 any employer could deny a worker the use of their comp time if the employer determines that it unduly disrupts the business. Even if the employee provided a month's notice to make a parent-teacher meeting or to attend a school play, the employer could deny the use of comp time. In fact, nothing in the bill assures workers that they can use their comp time to attend such events. It is all in the hands of the employers.

Finally, Mr. Chairman, H.R. 2391 does nothing to assure that the comp time provisions will be applied in a fair and nondiscriminatory manner. Employers can apply the comp time provisions in a purely arbitrary and capricious manner, which could subject employees to discrimination and even coersion by their employers.

We would all love workers to have family-friendly work policies, but this bill is not family-friendly. It seriously erodes long-standing labor protections for working families in this country. Family-friendly means assuring that workers in this country are treated fairly and are compensated adequately so they can provide a decent standard of living for their children and this the core of the Fair Labor Standards Act.

I urge my colleagues to vote ''no'' on H.R. 2391.

Mr. POMEROY. Mr. Chairman, I rise in opposition to the so-called Working Families Flexibility Act, H.R. 2391. While skillfully titled, this legislation will not, in fact, help today's working families cope with the struggles they face. Instead, this legislation will make life harder for those who toil each week to provide for their families. Perhaps it is unintentional, but unfortunately this bill represents yet another proposal put forth by the majority which will increase the strain on working families and jeopardize our nation's basic workplace protections.

This legislation attempts to offer workers a choice between overtime pay and compensatory time off when they work greater than 40 hours per week. However, the bill does not assure that the employer-employee agreements on this subject will be truly voluntary. Employers who wish to offer compensatory time rather than overtime will find a way to impose this choice on their employees. Today's workers, who face a climate of reduced job security and corporate downsizing, will find it difficult to reject their employers stated preference for time off rather than overtime pay. For example, employers could screen job applicants or assign overtime to employees according to their willingness to accept comp time.

Reducing opportunities for overtime pay in this way is particularly damaging for the many workers in today's economy who depend on overtime to maintain a decent standard of living for themselves and their families. Fully two-thirds of the workers who earned overtime in 1994 had a total family income of less than $40,000. For these many workers at the low end of the wage scale, the extra dollars earned from overtime can mean the difference between family self-sufficiency and government dependence. At a time when we are rightly demanding that people move from welfare to work, we must not remove a basic safeguard—overtime pay for hours worked in excess of 40 per week—that has allowed low-wage workers to stand on their own.

Mr. Chairman, the overtime provisions of the Fair Labor Standards Act have served this Nation well. They protect workers from demands for excessive work, reward, in a financially meaningful way, those who put in extra time for their employer, and by requiring premium pay for overtime, provide an incentive for businesses to create additional jobs. Weakening these overtime provisions and giving employers additional authority over the work schedules of their employees is not the way to help today's working families. I urge my colleagues to oppose this legislation.

Mr. REED. Mr. Chairman, this bill is another example of a good idea gone bad in the hands of the Majority, and that is why I will vote against it.

I support workers choosing compensatory time off instead of overtime. Moreover, I recognize the need to give employees greater flexibility, particularly in light of the number of families in which both parents must work. And, I also support giving workers the opportunity to take care of family issues, and that is why I fought for the Family and Medical Leave Act.

While the legislation before us today may sound like it embraces these concepts, it fails to expand employee options. Indeed, the bill, for all its efforts, would be a false promise to millions of hard-pressed workers, who want time off in lieu of overtime.

First, the bill does not establish universal access to comp time. It would be up to an employer to determine which workers are eligible for compensatory time off. In fact, an unscrupulous manager could deny comp time to an employee on any basis, while offering comp time to another worker performing the same job. Contrary to the protestations of my colleagues on the other side of the aisle, an employee in this situation would have no choice, no resource, and no chance at comp time.

Second, an employee would not sufficiently control the use of their comp time. Unlike overtime, an employee would not have comp time in hand. Instead, an employee would have to ask an employer when they could use their compensation. And, an employer can simply buy this comp time back.

Third, the amount of compensatory time that can be earned or banked is so great that it lessens the likelihood of an employer offering vacation. Currently, there is no law mandating vacation. However, this bill would provide yet another disincentive for paid leave, by allowing managers to tell their employees to earn comp time if they want vacation time. Obviously, an employee would lose out on both vacation and overtime under this scenario.

Finally, this bill fails to address the unique circumstances of certain workers. For example, a carpenter, a temporary employee, or a garmentmaker who works overtime is currently paid time-and-a-half. That is the law, but, under this legislation, if these workers accept comp time, they may never get to use it because of the nature of their industry. Indeed, these kind of workers often move from employer to employer, and I am skeptical if their future employers would honor a previous employers comp time. The same question arises if an employer goes bankrupt.

Simply put, H.R. 2391 is not universal, does not provide choice, jeopardizes existing leave policies, and fails to address the unique circumstances of certain workers.

Mr. Chairman, there is a better way. The President has proposed a sensible alternative to this poor second cousin, and I support the President's plan.

Mr. Chairman, America's hard working families deserve the choice between overtime and comp time. Regrettably, H.R. 2391 fails to deliver it.

Mr. SAWYER. Mr. Chairman, I rise in opposition to the Ballenger comp time bill for many of the reasons that have already been cited during the limited amount of committee and floor debate on this measure. It fails to count used comp time as hours worked as part of a 40-hour week. It lacks any real penalties for employer coercion of workers. And it emphasizes employer, rather than employee, choice in numerous areas, including the critical question of when and if comp time can be used.

Mr. BALLENGER approached me soon after the committee mark-up and asked me why I opposed it. I told him that one of my concerns centered on the provision that allowed employers unilaterally to ''cash out'' an employee's entire accrued comp time without warning. The bill now before us is much improved in that regard, and I do appreciate both those changes and the gentleman's effort to solicit my views.

However, approaching selected Members after the committee has already considered the bill is decidedly not the same as attempting to work out a compromise that all Members could support. And in this case, there was a real opportunity to do that. Earlier this year, Mr. CLAY began an effort to put forth a genuine counterproposal which would be the basis for negotiations. That process ended, however, when the Republicans on the committee scheduled, and then cancelled, an emergency mark-up of the bill, designed to rush the bill to the floor without substantive debate.

I truly wish that had not happened. This bill is better than the committee bill, which itself

was better than the seriously-flawed subcommittee version. But it still has troubling shortcomings.

The concept of comp time seems straightforward. But the practical details and implications of allowing comp time are numerous and complex. If that weren't the case, we could have changed the law long ago.

Forcing workers to work overtime not only keeps them away from their families, it can also diminish the number of jobs available. Time-and-a-half pay for overtime work was intended to limit required overtime for these very reasons. By diminishing that deterrent—by, in effect, selling required overtime work as a positive employee benefit—this bill could actually encourage the very exploitative behavior that the Fair Labor Standards Act was intended to prevent.

It does not have to. But we need to think through carefully the practical details of what this bill would actually do. We have not had the opportunity to do that in an open forum. We owe it to the American people to delay consideration of this proposal until we have done so.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to this bill which changes the Fair Labor Standards Act.

Today working overtime and the money it provides in pay have become regrettably a necessity, not an option, for many workers. Now some want to take away, the premium and make it flexible for the employer.

For over 50 years these basic rules of the 40 hour workweek have ensured fair treatment and pay for working men and women. There is no need to change them now other than to weaken and undercut workers' rights and benefits. No matter how you package these changes, the bottom line is that workers are shortchanged and pushed to a work schedule in line with the employers' interests. The fact is that the current FLSA is working. Workers don't need the help purported to be extended in this measure.

Once again during this Congress, I come to the floor of this House to oppose the Republican majority's efforts to strip away the longstanding and hard-fought rights of working men and women in this country. The bill before us today is a direct assault on the Fair Labor Standards Act and the traditional 40 hour workweek with premium compensation for work beyond the 8-hour day. Workers don't need to be defined into lower pay checks.

H.R. 2391, the so-called Working Families Flexibility Act, would allow employers to grant compensatory time to workers instead of overtime pay as long as there is a so-called mutual agreement or understanding. Although this may seem like a reasonable concept at first glance, take a good long realistic look at this legislation's predicate. Apparently, my Republican colleagues intend to rely on the good nature of employers and assume an equal authority between employer and employee since this measure does absurdly little to protect workers from obvious pressure and abuse that could and would occur if this measure is implemented. It makes me wonder if the advocates are connected to the real world of work. Many employers are fair and evenhanded. That some are not is or should be readily apparent.

The bill before us today is so deficient as to be considered nothing other than antiworker, antilabor legislation. The bill does precious little to stop employers from coercing their employees to accept compensatory time instead of pay—its anticoercing provisions are weak and unenforceable; it does nothing to stop employers from giving overtime hours only to workers who will choose compensatory time; it even puts restrictions on the use of compensatory time by workers; and it does nothing to prohibit employers from hiring only workers that will accept compensatory time as a condition of their employment. So much for safe guards.

Working families in this country are struggling to make ends meet. Many families depend on the additional income of overtime pay to get by. So when these families are forced to mutually agree to accept compensatory time, they go without. Compensatory time does not pay the bills nor fairly pay for the inconvenience of working beyond the defined day.

Finally, it amazes me how my Republican colleagues can claim this measure is pro-working families. Why do you think that every major labor group opposes this measure—if this bill were truly positive for the American workers, that wouldn't be the case, labor groups would favor such. Well, labor unions do not support, they oppose—strongly oppose this legislation. Let's identify this bill for what it is; yet another break for the Republican Party's big corporate friends at the expense of the American working men and women.

I urge my colleagues to defeat this bill.

Mr. CUNNINGHAM. Mr. Chairman, as a cosponsor of H.R. 2391, I thank you for recognizing me in support of this important legislation, the Working Families Flexibility Act.

In San Diego County, families work hard to make ends meet. They have some of the county'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. Workers can accumulate up to 240 hours of comp time. Any comp time that is not taken must be paid at time-and-a-half. And all comp time must be cashed-out once a year into time-and-a-half pay.

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

Interestingly enough, Congress granted similar flexibility to public sector employers 11 years ago. 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.

Last Month, President Clinton joined the bandwagon in support of more flexibility in family work schedules. But the President's proposal does not do the job for America's working families. It creates unnecessary bureaucratic paperworker for employers. And it does not allow employees to bank any sizeable amount of their comp time, as the Working Families Flexibility Act does. Nevertheless, we appreciate the President's interest.

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.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours. The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 2391

Be it enacted by the Senate and 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 1996''.

SEC. 2. COMPENSATORY TIME.

Subsection (o) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended—

(1) by striking paragraphs (1) through (5) and inserting the following:

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

''(2) An employer may provide compensatory time under paragraph (1) only—

''(A) pursuant to—

''(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representatives of such employees, or

''(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, an agreement or understanding arrived at between the employer and employee before the performance of the work if such agreement or understanding was entered into knowingly and voluntarily by such employee;

''(B) in the case of an employee who is not an employee of a public agency, if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time in lieu of overtime compensation; and

''(C) if the employee has not accrued compensatory time in excess of the limit applicable to the employee prescribed by paragraph (5).

In the case of employees described in subparagraph (A)(ii) who are employees of a public agency and who were hired before

April 15, 1986, the regular practice in effect on such date with respect to compensatory time off for such employees in lieu of the receipt of overtime compensation, shall constitute an agreement or understanding described in such subparagraph. Except as provided in the preceding sentence, the provision of compensatory time off to employees of a public agency for hours worked after April 14, 1986, shall be in accordance with this subsection. An employer may provide compensatory time under paragraph (1) to an employee who is not an employee of a public agency only if such agreement or understanding was not a condition of employment.

''(3) An employer which is not a public agency and 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 overtime compensation for overtime hours; or

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

''(4)(A) An employee, who is not an employee of a public agency, may accrue not more than 240 hours of compensatory time.

''(B)(i) Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any 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.

''(ii) The employer may provide monetary compensation for an employee's unused compensatory time at any time. Such compensation shall be provided at the rate prescribed by paragraph (6).

''(C) 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).

''(5)(A) If the work of an employee of a public agency for which compensatory time may be provided included work in a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 480 hours of compensatory time for hours worked after April 15, 1986. If such work was any other work, the employee engaged in such work may accrue not more than 240 hours of compensatory time for hours worked after April 15, 1986. Any such employee who, after April 15, 1986, has accrued 480 or 240 hours, as the case may be, of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.

''(B) If compensation is paid to an employee described in subparagraph (A) for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

''(6)(A) An employee of an employer which is not a public agency 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 at a rate of compensation not less than—

''(i) the average regular rate received by such employee during the period during which the compensatory time was accrued, or

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

whichever is higher.

''(B) An employee of an employer which is a public agency 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 at a rate of compensation not less than—

''(i) the average regular rate received by such employee during the last 3 years of the employee's employment, or

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

whichever is higher.

''(C) Any payment owed to an employee under this sub-section for unused compensatory time shall, for purposes of section 16(b), be considered unpaid overtime compensation.

''(7) 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.''; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively.

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 of the following:

''(f) An employer which is not a public agency and which willfully violates section 7(o)(3) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(o)(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.''.

The CHAIRMAN. Before consideration of any other amendment it shall be order to consider the amendment printed in House Report 104–704 if offered by the gentleman from Pennsylvania [Mr. GOODLING], or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

No further amendment is in order except those printed in the appropriate place in the CONGRESSIONAL RECORD. Those amendments shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on amendment; and reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electric vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. 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. GOODLING: Page 3, line 20, insert ''(4) or'' after ''paragraph''.

Page 5, line 10, insert ''in excess of 80 hours'' after ''time''.

Page 5, insert after line 12 the following:

''(iii) An employer which has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice. An employee who is not an employee of a public agency may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time.''.

Page 5, line 11, insert before the period the following: ''after giving the employee at least 30 days notice''.

Page 7, beginning in line 12, strike '', for purposes of section 16(b),''.

Page 8, line 9, strike ''willfully''.

Page 8, insert after line 15 the following:

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. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and a Member opposed each will control 5 minutes.

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

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, this amendment clarifies and adds a number of employee-protections which will ensure that the choice of comp time is truly the employee's choice and to give employees control over when comp time is used or cashed in.

First, the amendment requires a private sector employer to give an employee 30 days notice prior to cashing out the employee's accrued comp time. However, employers may only cash out accrued comp time in excess of 80 hours, unless the cash out is in response to an employee request.

There has been some concern expressed about the fact that would an employer could cash out comp time. But, an employer is not required to offer comp time—so to offer it and then, in effect retract it, in the absence of a very compelling reason to do so, would not be a very sensible policy for an employer. The amendment addresses this concern by assuring that the employer could not cash out the first

80 hours of accrued comp time, unless the employee requests it.

Second, the amendment clarifies that an employee may withdraw from a comp time agreement with an employer at any time. Nothing in the bill currently prohibits an employee from doing so, but I have added language which explicitly gives the employee that right.

Third, the amendment would require employers to provide employees with 30 days notice prior to withdrawing a policy of offering comp time. There may be instances where an employer decides for whatever reason that providing comp time is not a workable option for that particular business. This would accommodate that type of situation by allowing the employer to discontinue the program, so long as the employees are provided with 30 days notice.

Fourth, the amendment requires the Secretary of Labor to revise the posting requirements under the regulations of the Fair Labor Standards Act to reflect the comp time provisions of the bill. This will help to ensure that employees are informed of the circumstances under which comp time may be provided and their rights regarding the use of comp time.

Fifth, the amendment would eliminate language which limited a private sector employee's remedies against an employer to willful violations of the anti-coercion provision. I know that this particular issue was of concern to my colleague on the Economic and Educational Opportunities Committee, Congressman ANDREWS. By removing the willful requirement, the remedies in the bill would be available to an employee who is directly or indirectly coerced by an employer into selecting or using comp time.

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

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. SCHROEDER. Mr. Chairman, under rule VIII, which talks about conflicts of interest and members and their votes, my question is, can Members of this body who own substantial parts of businesses that are under the Fair Labor Standards Act vote on this bill, since obviously this would affect very much their bottom line on their balance sheet?

The CHAIRMAN. Rule VIII commends questions of that sort to individual Members. It is under the discretion of individual Members.

Mrs. SCHROEDER. Mr. Chairman, further parliamentary inquiry. The Chairman is saying it would depend on that Member's business.

The CHAIRMAN. The Chair is stating that it is left to the discretion of individual Members.

Mrs. SCHROEDER. Thank you, Mr. Chairman.

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

Mr. Chairman, I am a little puzzled about this debate this afternoon. All during the debate, Members of the other side have been quoting the President as being in favor of this in concept. Now the floor manager quotes the Secretary of Labor as saying he is going to recommend to the President to veto the bill.

I am also confused about Members on the other side getting up talking about what a great thing family and medical leave is, when 190 of them voted against the Family and Medical Leave Act.

So, Mr. Chairman, I rise to oppose this manager's amendment which in my opinion is too little too late. I want to commend my Republican colleagues, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from North Carolina [Mr. BALLENGER] for belatedly recognizing that their bill has many flaws. Frankly, the bill should not have been reported out of committee without basic employee protections in the first place. Mr. BALLENGER says that he has made 6 changes, Mr. GOODLING has referred to 20 some odd changes during this debate, which indicates to us that the bill should have been repaired in committee in a bipartisan agreement.

Apparently, there are more changes still to come if they think that this bill will meet the objections of the President and of the Democrats on this side of the aisle.

While the manager's amendment, Mr. Chairman, makes improvement in the bill, it does not make sufficient improvements to rescue a bill that is fatally flawed. H.R. 2391 still does not provide assurance that employees will be able to use the comp time they earn. The bill still permits employers to administer comp time in an arbitrary and capricious manner. The bill continues to discourage employers from offering paid leave.

□ 1530

The bill continues to encourage employers to work fewer employees for longer hours, and the bill continues to encourage further violations of the overtime law.

Most importantly, H.R. 2391 continues to undermine family income. The manager's amendment is a day late and a dollar short. I urge Members to vote against H.R. 2391 on final passage.

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

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] has the right to close.

Mr. GOODLING. Mr. Chairman, see all the rights the minority has, and they are always complaining.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. JOHNSON] who also has cosponsored this amendment.

The CHAIRMAN. The gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 2½ minutes.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Working Families Flexibility Act and to commend the sponsor of the bill, Mr. BALLENGER, for his enlightened leadership in bringing forward this important legislation on behalf of working families. I am pleased to have been able to join him in offering this amendment to fine tune the bill and further clarify the protections for employees. This amendment will give employees greater control over the management of their accrued compensatory time and make clear the choice of compensatory time instead of overtime wages must be voluntary. Thus, the main criticism of this bill by AFL–CIO has been addressed. No one wants management to prevent employees from getting time plus one-half in wages for overtime if the employee needs the money more than time. But as to 70 percent of working women, for some, time is a far more valuable commodity and getting 1½ hours off for every hour of overtime would be blessing. And, this amendment assures that the employee's choice rules.

First, the amendment would require a private employer to give a 30 days notice prior to cashing out accrued comp time in excess of 80 hours, unless the cash out is requested by an employee, preserving the employee's right to access to the cash if an emergency comes up, or they find the sofa they always wanted, or a car, or new eyeglasses, or, as my daughter faces, the high cost of a new hearing aid. There has been some concern expressed about the fact that the bill would allow the employer to cash out comp time. But, an employer is not required to offer comp time—so to offer it and then in effect retract it, in the absence of a very compelling reason to do so, would not be a very sensible policy for an employer. Our amendment addresses this concern by adding a provision which assures that the employer would not be able to cash out the first 80 hours of accrued comp time, unless the cash out is initiated by the employee.

Second, the amendment clarifies that an employee may withdraw from compensatory time agreement with the employer at any time. Nothing in the bill currently prohibits an employee from doing so, but we have added language which explicitly gives the employee that right.

Third, the amendment would require the employer to provide the employees with 30 days notice prior to withdrawing a policy of offering compensatory time. There may be instances where an employer decides for whatever reason that providing comp time is not a workable option for that particular business. This would accommodate that type of situation by allowing the employer to discontinue the program, so long as the employees are provided with 30 days notice.

Finally, the amendment requires the Secretary of Labor to revise the posting requirements under the regulations of the Fair Labor Standards Act to reflect the comp time provisions of the bill. This will help to ensure that employees are informed of the circumstances under which comp time may be provided and their rights regarding the use of comp time.

The changes made by this amendment along with changes which have already been made to the bill by the Economic and Educational Opportunities Committee will ensure that employees are not coerced into selecting time off instead of wages. Employees will be able to decide for themselves what form of compensation best suits their individual needs.

Mr. Chairman, I believe that this is a sound amendment which further clarifies and improves the bill and should resolve many, if not all of the remaining concerns about the bill. The strength of this legislation is that it empowers workers by giving them a choice and it creates an opportunity for working men and women to have additional time with their families or to pursue interest outside of work.

I am pleased to have been able to work with my colleague, Mr. BALLENGER on this legislation. I commend him for the process that has produced this bill. His willingness to listen to all sides and develop a bill that simply offers employees a very desirable option of time plus ½ hours off for overtime work. What a gift for parents? for dental appointments, parent conferences, sick kids, emergencies, or just a little time alone!

Terrific. And how sadly small of the public employees unions to oppose the bill. They have a form of comp time, not as generous only hour for hour, but flexibility. They want to be included in this. But sadly and shortsightedly, AFSME and others oppose this legislation. I guess because they want to do collective bargaining on it. Yet this is simply a benefit, like other FLSA rules, that assures fair treatment of all employees. So I say to unions that oppose this, open up your hearts and support the interest of all working people of America.

I commend and thank Mr. BALLENGER for his perseverance and compassion and his sensitivity to the times we live in and the tough challenges young families and all workers face in todays' workplaces.

I urge my colleagues to support this amendment.

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 2½ minutes.

Mr. BECERRA. Mr. Chairman, either this is a good bill or it has got real problems. If it is a good bill, and that is what we were told when it left the committee, then why do we see more than 20 changes being made now at the last moment now that it is on the floor to try to correct all these problems in the bill?

Explain to me and explain to the American worker, who you are going to impose this upon, how a good bill comes out of committee and needs more than 20 changes through amendments that we do not have a chance to read very well because we get it at the last moment and tell American workers that these are good changes.

If they are so good, then why does the Wall Street Journal, which is not your most liberal of publications, and not your employee supporting of publications, make mention of analysis that they show that over 695,000 workers in America won settlements for overtime? Not that they claimed they were due overtime pay, they won settlements from their employers. There are estimates that two-thirds of America's workers deserve overtime and may not get it.

There is no problem in having flex time. No one here disagrees with that. What we are saying is, truly give the flex time to the person who has earned it, the employee. What you have here are too many problems in the bill because it does not give it to the employee. It gives the employer the right to determine who will take time off, how it will be called compensatory time.

Give it to them. Let us give it to them, but let us be honest and let us give them the time, not the employer. Once the employee has worked for that employer, he or she has earned either the salary or the time. But do not confuse the issues and do not deceive the American worker. Let them take the time. Do not let the employer all of a sudden have this leverage of denying overtime pay and saying, compensatory time is what you get whether you want it or not.

This is not a good bill. The 20-some-odd changes that we have had to make proves it. There will be more changes if this passes, and, hopefully, the President will veto it if it gets through here. Let us defeat this bill.

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

The amendment was agreed to.

Mr. TATE. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. TATE. I would like to engage in a colloquy with the gentleman from North Carolina [Mr. BALLENGER].

I am concerned that it be absolutely clear that paragraph 3 of H.R. 2391 does not authorize public agencies to intimidation, threaten or coerce working police officers and firefighters in Washington State or anywhere else. Am I correct in understanding that such intimidate, threats or coercion would not be authorized under this provision in paragraph 3?

Mr. BALLENGER. Mr. Chairman, will the gentleman yield?

Mr. TATE. I yield to the gentleman from North Carolina.

Mr. BALLENGER. Yes; the gentleman is correct. The provision in paragraph 3 is not intended to authorize any public agency to intimidate, threaten or coerce any public employee. This bill is specifically designed to deal with compensatory time in the private and not the public sector.

Mr. TATE. Mr. Chairman, do I understand that public sector employees are protected by Section 15(a), the antidiscriminatory provisions of the Fair Labor Standards Act?

Mr. BALLENGER. Mr. Chairman, if the gentleman will continue to yield, yes, section 15(a) of the Fair Labor Standards Act applies to any person who is covered by the act. H.R. 2391 does not change or affect coverage of section 15(a) in any way.

Mr. TATE. Mr. Chairman, do I understand the subcommittee chairman is willing to explore this issue involving public sector use of compensatory time in the next session of Congress and review these matters more fully?

Mr. BALLENGER. The gentleman is correct.

Mr. TATE. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MS. MCKINNEY

Ms. MCKINNEY. 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 Ms. MCKINNEY: Page 4, line 22, strike ''240'' and insert ''222''.

Page 5, line 23, strike ''480'' and insert ''444''.

Page 6, line 1, strike ''240'' and insert ''222''.

Page 6, line 3, strike ''480 or 240'' and insert ''444 or 222''.

Page 8, insert after line 15 the following:

SEC. 4. OVERTIME.

(a) AMENDMENT.—Section 7(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)) is amended by striking ''forty'' and inserting ''thirty-seven''.

(b) REVISIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall report to the Committee on Economic and Educational Opportunities of the House of Representatives the revisions required to be made in the employment hours specified in section 7 of the Fair Labor Standards Act of 1938 to conform to the amendment made by subsection (a).

Mr. GOODLING. Mr. Chairman, I reserve a point of order against the amendment.

Ms. MCKINNEY. Mr. Chairman, I rise to offer this amendment because I believe that this is an amendment whose time has come. Unfortunately, I understand that it will be ruled nongermane and, therefore, I offer the amendment but I will withdraw the amendment as well.

I do want to talk about my amendment, which instead of increasing the workweek as this legislation does, my amendment reduces the workweek. In fact, while this is called the comp time bill, some of my friends have said this is the chump time bill because our colleagues on the other side of the aisle are taking the working men and women of this country for chumps.

My amendment reduces the workweek as defined in the Fair Labor Standards Act from 40 hours to 37 hours. That means that overtime pay would start at 37 hours rather than 40 hours and also that comp time would start at 37 hours rather than 40 hours.

Already the United States lags far behind other countries in terms of our time off for our workers. I would like to submit for the RECORD an article from the Atlanta Constitution that documents the fact that we lag behind other industrialized countries in the world with respect to the time off for our men and women who are in the work force.

We do not need to be talking about making our hard-pressed workers work

longer hours for even less money. If America's workers had 3 hours less work time, what would we see? I believe we would see more families together. I think we would see more fathers and mothers with quality time with their children. We would see an enhancement in the quality of life for our working men and women, our working fathers and mothers. I think if our colleagues truly supported family time, they would support this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of gentlewoman from Georgia?

There was no objection.

The CHAIRMAN. Are there further amendments? The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WELLER] having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees, pursuant to House Resolution 488, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the Committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 14, as follows:

[Roll No. 370]

YEAS—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Zeliff

NAYS—195

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Forbes
Frank (MA)
Franks (CT)
Frisa
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—14

Foglietta
Ford
Gephardt
Hastings (WA)
Inglis
Lincoln
McDade
Meek
Ortiz
Peterson (FL)
Richardson
Sisisky
Young (FL)
Zimmer

□ 1603

Mr. LIPINSKI and Mr. BEVILL changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. WELLER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3118, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr.