

INTRODUCTION OF THE WORKER
ECONOMIC OPPORTUNITY ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. BALLENGER. Mr. Speaker, today I am pleased to join Senator McCONNELL and others in the introduction of "The Worker Economic Opportunity Act," a bipartisan bill to protect stock option programs for rank-and-file employees. In a February 12, 1999, opinion letter that has only recently become widely publicized, the Department of Labor determined that under the 1938 Fair Labor Standards Act, at least in some case, the profits from the exercise of stock options are part of an employee's "regular rate" of pay, and therefore must be taken into account in determining the employee's overtime rate of pay.

While the opinion letter constitutes the agency's interpretation of the law based on the facts and circumstances of one particular case, the practical effect of the letter is to "red flag" other similar programs and cause widespread confusion about overtime liability among employers who provide stock options for their hourly or "nonexempt" employees.

Stock option programs can be configured in a variety of ways and are referred to by different names, but all of the programs share similar objectives: to reward employees, provide ownership in the company, and to attract and retain a motivated work force. In testimony before the Subcommittee on Workforce Protections' hearing earlier this month, witnesses discussed how stock ownership programs are now available to more and more employees. In the past, such programs were used to reward executives, top management, and other key employees. However, there has been a dramatic increase in the past several years in the number of companies offering broad-based employee ownership plans to rank and file employees.

A 1998 study by Hewitt & Associates found that over 66 percent of the companies surveyed gave options to some portion of their nonexecutive workforce. The National Center for Employee Ownership estimates that more than 6 million nonexecutives receive stock options. In the high-technology industry, some 55 percent of rank-and-file employees participate in employee ownership programs.

I daresay that few employees who receive stock options from their employer consider the profit on those options to be part of their regular rate of pay for overtime purposes. Yet the Department of Labor's interpretation of the law that says stock options may be part of the employee's "regular rate," threatens to undermine the ability and the willingness of employers to make stock options available to their "nonexempt" employees. Ms. Abigail Rosa, an employee who testified at the hearing, expressed concern that DOL's interpretation of the law would force companies to do away with stock option programs for employees who are covered by overtime.

The Worker Economic Opportunity Act would amend the Fair Labor Standards Act (FLSA) to ensure that federal law does not end up discouraging the use of such programs or denying employee the opportunity to participate in the success of their company. The bill specifies that any value or income derived

from a stock option, stock appreciation right or employee stock purchase plan would be exempt from an employee's regular rate of pay for the purposes of calculating overtime. Plans must meet the following requirements: a minimum 6-month vesting period between the grant of the option and its exercise by the employee; any discounts on stock option or stock appreciation rights may not exceed 15 percent of fair market value at the time of the grant; the voluntary exercise of any grant or right by the employee; and disclosure of the terms of the plan to employees.

Employers may grant options based on employees' past performance, provided that the options are not pursuant to any prior contract. In addition, employers may grant options based on the future performance of any size facility, or a business unit or group consisting of at least 10 employees.

Under the bill, employers who are currently operating plans would be protected from liability for overtime back pay if: the grants or rights were obtained prior to the bill's effective date; the grants or rights were issued to employees within a year after the bill's effective date under plans that must be modified through shareholder approval; or the plans are part of a collective bargaining agreement as of the bill's effective date. Finally, the provisions of the bill would go into effect 90 days after the date of enactment, giving employers time to complete pending grants.

Mr. Speaker, this bill represents the hard work and attention of many Senators and Members of the House on both sides of the aisle, as well as the Department of Labor. I urge my colleagues to support the legislation.

CORRESPONDENCE FROM BOB
JONES UNIVERSITY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. CROWLEY. Mr. Speaker, today I am somewhat bewildered by correspondence I received yesterday from Bob Jones University. As you are aware, I am the sponsor of H. Con. Res. 261, which condemns the racial and religious intolerance at Bob Jones University. Additionally, on Friday, three of my colleagues, Representatives PETER KING, RICHARD NEAL, and SAM GEJDENSON, and I sent a letter to Bob Jones III expressing our concerns about the participation of Ian Paisley in a Bible Conference at the University. Reverend Paisley is an opponent of the peace process in Northern Ireland and an outspoken anti-Catholic bigot. Since coming to Congress, I have been a vocal supporter of the Irish Peace process and the Good Friday peace process. Additionally, I have always promoted religious tolerance. In fact, I am an active participant in Project Children; a program designed to eradicate the hatred between Catholics and Protestants in Northern Ireland by working with children.

Yesterday I received a response from Bob Jones III to my letter. I was bewildered by his venomous response. At this time, I would like to ask unanimous consent to submit to the RECORD a copy of my original letter to Bob Jones III, as well as his response.

I am disappointed that the leader of an institution of higher learning could not respectfully

respond to concerns of four Americans who happen to be Members of Congress. His labeling of the extreme religious views of Rev. Paisley as, and I quote, "leftist, radical IRA/Sinn Fein loving imaginations," is totally offensive to the Catholic minority in Northern Ireland.

I was horrified at being called a bigot and intolerant by Bob Jones the III. I have spent my life espousing peace and tolerance for Ireland and for all religious differences. I work actively with many religious groups, including Protestants, Jews, and Muslims.

Additionally, I recently marched in a St. Patrick's Day parade in Queens that was the first inclusive St. Patrick's Day parade in New York City. I believe Mr. Jones' letter reflects that he is the bigot and validates the concerns of myself and many of my colleagues.

Mr. Jones believes that I do not have the right to make demands of him. He is correct, we do have free speech. However, I believe that as an American, who happens to be a Member of Congress, I have a duty to request that the University does not invite someone whom I consider a proponent of hate to participate in any religious conference. Our country is founded on free speech, but it is also founded on religious freedom and tolerance. No institution, especially one of higher learning, should promote religious intolerance.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Washington, DC, March 27, 2000.

Mr. BOB JONES III,

President, Bob Jones University, Greenville, SC.

DEAR PRESIDENT JONES: Reports have come to our attention that over the weekend the Reverend Ian Paisley participated once again in a Bible conference at your university. We are writing to ask that you sever all professional contacts with Reverend Paisley immediately, including terminating his membership on your Board of Trustees. No American University should have a relationship with such an anti-Catholic bigot and opponent of peace in Northern Ireland.

Reverend Paisley has called the Catholic Church an instrument of the devil and "the mother of all harlots." He has described the Pope as the "Antichrist" and the "Great Fornicator." "Popery is contrary to Christ's gospel," Paisley said in one sermon. A recent biographer chronicled his lifetime commitment of "total resistance to every attempt to accept that [Catholic] system as a Christian church."

As leader of Northern Ireland's Democratic Unionist Party, Paisley has done his utmost to stir up sectarian violence between Protestants and Catholics. After serving time in prison for inciting to riot, he helped form the Ulster Protestant Volunteers paramilitary group. He has led contentious marches through Catholic neighborhoods, which are lightning rods for sectarian tension. Paisley's response to the Irish Republican Army's (IRA) statement on disarmament in 1994 was to denounce it as "a clever Jesuit expression."

In typical fashion, Paisley boycotted the peace talks led by Senator George Mitchell which produced the historic Good Friday Accord in 1998. Thankfully, his last minute attempts to sabotage the agreement failed. The comfort your university provides him jeopardizes the fragile peace in Northern Ireland that has stopped a conflict which claimed the lives of over 3,000.

Press reports indicate that Paisley has made more than 50 trips over the past 30 years to speak at your University. He should make no more.

Because of recent events in Washington and across the country, Catholics in America understandably have grown concerned about a retreat in tolerance toward all religions. Your continuing relationship with such a world renowned anti-Catholic such as Reverend Paisley only adds to that fear. The recent public uproar over your institution's restriction on inter-racial dating convinced you to alter that policy. The sense of outrage in the Irish and Catholic American communities over your continued relationship with Reverend Paisley requires you to take action on this issue as well.

Sincerely,

SAM GEJDENSON,
RICHARD E. NEAL,
PETER T. KING,
JOSEPH CROWLEY,
Members of Congress.

BOB JONES UNIVERSITY,
Greenville, SC, March 28, 2000.

Hon. JOSEPH CROWLEY,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN CROWLEY: It is no business of yours whom Bob Jones University invites to speak at its Bible Conferences. This is a free country. We're just as entitled to our religious beliefs as you are to yours. The fact that we have speakers whom you personally differ with does not make us bigots.

Your bigotry and intolerance, however, have been amply displayed in your March 27 letter, which makes unwarranted and intrusive demands of us.

The fact that Dr. Paisley's religious perspective differs from yours does not make him a bigot. He feels strongly about what he believes, and so do you. Is he not just as entitled to the expression of his beliefs as you are to yours?

With regard to Dr. Paisley's religious views, he is in the line of the Protestant reformers and says nothing more or less about the system of Roman Catholicism than the Bible maintains. Revelation Chapter 17 and the historic doctrinal documents of Protestantism all state clearly the views which Dr. Paisley enunciates. He preaches no new thing. The Presbyterian Confession of Faith and the Baptist Confession of Faith confirm this. He does not hate any individual Roman Catholic, as his works and writings testify. But he does reject the papacy which has the audacity to claim that all men must submit for salvation to the Church of Rome, outside of which, they maintain, there is no salvation. Surely, such teaching needs to be condemned. He has no apology for what the Bible says about Rome in Revelation Chapter 17.

Have you lost all sense of reason and fairness? You are the elected representative to your constituents. Thankfully, I am not one of them. And thankfully, this is America, where no congressman has authority to make any demands upon the religious beliefs and choice of speakers of any church or religious instruction. This is free America, not Nazi Germany.

Have you forgotten that there is a Constitution which forbids Congress from doing the kind of thing your letter presumes to do? Have you forgotten that you swore allegiance to uphold that Constitution?

I'm appalled by your audacity. I'm frightened for the future of religious freedom in America when I see four tyrannical congressmen abuse their authority as you have done. Your contempt for religious freedom makes you a menace to America.

The Ian Paisley your letter depicts exists only in your leftist, radical IRA/Sinn Fein-loving imaginations. To know the real Ian Paisley matters not to you, and would prob-

ably spoil your fun. Even if Ian Paisley were the man you described, we would still have the perfect right to invite him here, if we were so inclined. We are not, however, the sort of place that would invite a terrorist/madman such as you have conjured up. Let me tell you something about the Ian Paisley I know, and the one you don't want to admit exists.

Ian Paisley has the largest vote of all politicians in Northern Ireland. In the election last year, he trounced by a massive 80,000 vote majority the IRA/Sinn Fein candidate whom your friend Congressman Peter King supported. How dare you say he is not a representative of the people. His vote includes many Roman Catholics. Many priests and other Roman Catholic leaders have publicly paid tribute to his diligent and totally fair representation of all his Roman Catholic constituents. In five successive European elections he has consistently topped the poll with a higher number of votes than any other member of the European Parliament. He has served in the European Parliament for twenty years. He is also a thirty-year member of the British Parliament and the leader of the third largest party in the new Northern Ireland Assembly.

Your letter states that he was imprisoned for "inciting to riot." This is utterly false. Never in all his career has he been charged with this offense, let alone been convicted and imprisoned for it. In the same paragraph, you accuse him of leading marches through Catholic neighborhoods. This is untrue.

The truth is when Mr. King attacked Dr. Paisley's party some time ago on the radio in Northern Ireland, the radio company had to pay thousands of pounds worth of damages for the lying slanders which he broadcast. Being the coward Mr. Peter King is, he escaped from appearing in court by hiding in America. Has he no shame to publicly welcome the godfathers of the bloodthirsty IRA terrorism to America, and then to launch an attack on Ian Paisley, a law-abiding, God-fearing man of noble character? This is perverse!

Bob Jones University is just as entitled to its place in the educational life of America as any other university. We stand upon the Bible, we love Jesus Christ, and we train graduates to be men and women of biblically governed character with high moral ideals and loyal to the flag. If you despise us, you despise the founding purpose and early history of Harvard, Yale, Princeton, and many others.

I find your fascist demands arrogant, frightening, overreaching, and abusive. I believe the average, decent, and God-fearing American will feel the same way. I do not believe that you speak for "Irish and Catholic American communities."

Most Catholic Americans I know are fair, decent, and respectable people. They understand that Protestants and Catholics differ in theology, and they value their right to differ with us. They do not voice the kind of hatred that you voice against those of us who differ with them. They are good neighbors, good citizens, and unlike you, are freedom-loving people. They would respect our rights to have preachers of the Gospel here in line with our Christian perspective just as we respect their rights to have the pope, the cardinal, the bishop, the priest, or anybody else address them. You speak for yourselves, not for them. They would not like what you speak any more than I do.

Very truly yours,

BOB JONES III,
President.

P.S. Your statement, "The recent public uproar over your institution's restriction on

interracial dating convinced you to alter that policy," is untrue, and I want you to be assured of that.

It is untrue for two reasons. There was no "public uproar." There was only a media flap. The vast majority of the American public values religious freedom and would uphold the University's right to its own policies that govern no one but its own students who choose of their own free will to come here.

Secondly, the policy was not altered because of public pressure. It was altered because it was such an insignificant and immaterial thing to us that it was never discussed or taught here. Many generations had come and gone and didn't even know what it was. The University's greater mission and contributions were being obscured by the media's hysterical focus upon this policy. The policy was changed to show how wrong they were about its importance to us and how wrong they were about it being a symbol of racism. We're not at all like they caricatured us. Because the rule gave them a wrong impression of this school, it was incumbent upon the institution to take the initiative to give a right perspective of what it is. We're people motivated by principle, not by pressure.

SAN ANTONIO MOURNS ITS
FALLEN OFFICER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RODRIGUEZ. Mr. Speaker, today, in San Antonio, family, friends and members of the community, join in mourning the loss of Oscar Perez, a young San Antonio Police Officer cut down last week in the line of duty. As he is buried today, we all must take a moment to recount not only his story, but the story of every other law enforcement officer who daily risks life and limb to protect us.

Only 31 years old, Officer Perez expected last Friday, March 24, 2000, to be like any other, a day of hard work ending with a return home to his pregnant wife and two young children, ages 5 and sixteen months. Instead, as he was serving a warrant on a drug fugitive, he was mortally wounded by gun fire. In one instant, his 6½ year career as a San Antonio police officer came to a tragic and abrupt end.

Law enforcement officers leave the comfort and security of their homes each day to take on their duty to serve and protect. While we have worked hard to reduce crime rates, law officers continue to face real and substantial danger. As we expect them to be on their job day-in and day-out, we run the risk of taking their presence for granted. But Officer Perez, like the 41 others in the history of the San Antonio Police Department, serves as a reminder of the unique and fatal risks they all too often must bear.

Our hearts go out to his widow, two children, unborn child and other family members. Words cannot express the grief and loss they must feel. Our hope is that his children will grow up with a deep-rooted appreciation of their father's devotion and sacrifice. He lived to help others. His service to his family, community and country set an example his children can follow with pride.