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[Minimum Wage] [2]

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Internal Memos

Internal Memos

APRIL 16, 1996

MEMORANDUM FOR JOHN HILLEY

FROM: ANDY BLOCKER

RE: REPUBLICAN MINIMUM WAGE PROPOSAL

CC: JANET MURGUIA

FYI, fourteen moderate Republicans announced that they were introducing legislation to increase the minimum wage by $1.00 over the next two years, 10 cents more than the Administration proposal. Apparently, they have been feeling pressure on the issue in their districts (80+% of Americans support an increase). The following members were at the press conference:

Jack Quinn (NY)
Phil English (PA)
Jim Leach (IA)
Chris Shays (CT)
Michael Forbes (NY)
Ben Gilman (NY)
Jim Walsh (NY)
Rick Lazio (NY)
Peter Torkildsen (MA)
Bob Franks (NJ)
Amo Houghton (NY)
Nancy Johnson (CT)
Bill Martini (NJ)
Sherwood Boehlert (NY)

I have attached some of the press releases from the press conference. Amazingly, if you read them, you might think you were reading an Administration press release.

MAY 9, 1996

MEMORANDUM FOR JOHN HILLEY

FROM: ANDY BLOCKER AB

RE: REPUBLICAN MINIMUM WAGE STRATEGY -- HOUSE

CC: JANET MURGUIA

The House Economic & Educational Opportunities Committee is marking up H.R. 2391, the Compensatory Time for All Workers Act of 1995 (attached). **More importantly, the Republicans have decided to use this bill as the vehicle to attach minimum wage on the House floor next Tuesday.** While the Chairman is expected to offer a substitute amendment, the basic premise of the bill will remain the same.

The bill is supposed to allow employees the option of receiving either (a) overtime compensation or (b) compensatory time for hours worked in excess of 40 hours a week. However, while we have not taken an official position on this bill, we have serious concerns that without adequate protections to ensure that employees in fact have a **choice**, this bill will essentially repeal the 40-hour work week as outlined in the Fair Labor Standards Act. As a result, the Committee Democrats and labor organizations are opposed to this bill.

Note: Many Democratic members have already left town. So, if the Republicans are having the same problem keeping members in town for the mark-up and it looks like they will not have enough for a quorum, the Democrats will boycott the mark-up, forcing the Republicans to postpone action on the bill.

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Item Key: 5845

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104TH CONGRESS
1ST SESSION

H. R. 2391

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"(A) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representative of such employees; or

"(B) in the case of employees not covered by subparagraph (A), an agreement or understanding arrived at between the employer and employee before the performance of the work.

"(3) An employee, who is not an employee of a public agency, may accrue not more than 240 hours of compensatory time. 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 a rate not less than 1\1/2\ times the regular rate earned by the employee at the time the employee receives such payment. 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.

"(4) 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.

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There are no more items to read.

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FROM: ANDY BLOCKER ABB

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CC: JANET MURGUIA

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FROM: ANDY BLOCKER

RE: REPUBLICAN MINIMUM WAGE STRATEGY -- HOUSE

CC: JANET MURGUIA

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The statement also promised that several other Republican amendments to "increase the take-home pay of low-wage workers" would be made in order.

Concerning the cancelled mark-up, the Republicans apparently had a number of things working against them which prevented them from marking up the bill today:

1. The Democrats had notified the press and ABC News had cameras in the room.

2. A number of Republicans did not want a publicized vote on H.R. 2391 and did not show up.

3. As a result, the Republicans did not have a quorum to conduct business on there own if the Democrats decided walked out.

Congress of the United States

Washington, DC 20515

Statement from Speaker Newt Gingrich and Majority Leader Dick Armey

May 10, 1996

In the next two weeks, the House will consider H.R. 2391 to revise the Fair Labor Standards Act. At that time the Rules Committee will make in order an amendment to increase the minimum wage.

Several Republican amendments also will be offered to create opportunity and increase the take-home pay of low-wage workers. Provisions under consideration include an increase in small business expensing, relief for employer provided education, and a work opportunity tax credit. This package creates jobs, expands worker training and education opportunities and increases take-home pay for low-wage workers. It complements our belief that a first job is the best training for life long success in the world of work.

Further details on both amendments will be available prior to the vote.

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RE: REPUBLICAN MINIMUM WAGE STRATEGY -- HOUSE

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However, there may be an attempt to have amendments in the nature of a substitute made in order to replace minimum wage and comp time entirely. Two possible amendments are as follows:

McIntosh	Social Security Payroll Deduction Tax Credit for Employees
Hutchison	Revised EITC Reform

This idea has not been vetted with the Republican moderates in support of the minimum wage increase. It is uncertain whether or not this will satisfy them.

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Intra-Admin.
correspondence

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release May 22, 1996

STATEMENT BY THE PRESIDENT ON THE MINIMUM WAGE

An increase in the minimum wage would honor our values: work, family, responsibility, and opportunity. You cannot raise a family on $4.25 an hour. Over the years, both parties have worked together to ensure that the minimum wage keeps up with the cost of living. To continue that commitment to working families, I have challenged Congress to raise the minimum wage by 90 cents. It is clear that a bipartisan majority of the House of Representatives stands ready to pass this increase.

But the House leadership is today proposing a giant fraud on the American people. Their legislation will eliminate the minimum wage for all workers hired by fully two-thirds of American businesses. I hope Senator Dole will join me in opposing this extreme measure. We must not tolerate sweatshops and a repeal of wage protections for millions of Americans, as a condition of assuring a living wage for some workers.

Let me be clear: Eliminating the minimum wage is no way to raise it. If Congress sends me a bill to eliminate the minimum wage and wage protection for millions of workers, I will veto it. Speaker Gingrich and Majority Leader Dole should allow an honest up-or-down vote on the minimum wage.

-30-30-30-

E X E C U T I V E   O F F I C E   O F   T H E   P R E S I D E N T

10-May-1996 01:35pm

TO: (See Below)

FROM: Shana E. Tesler
Office of the Chief of Staff

SUBJECT: Conf Call time change

The conf Call time has changed to 12pm. Please let me know if that is a problem. The code it the same.

Distribution:

TO: Martha Foley
TO: John C. Angell
TO: Gene B. Sperling
TO: Tracey E. Thornton
TO: Janet Murguia

CC: Jason S. Goldberg

E X E C U T I V E   O F F I C E   O F   T H E   P R E S I D E N T

10-May-1996 01:15pm

TO: (See Below)

FROM: Shana E. Tesler
Office of the Chief of Staff

SUBJECT: Conf Call on TEAM Act

There will be a conference call on Sunday at 3pm on the TEAM Act. The call number is 7-2104 code: 6789.

Distribution:

TO: John C. Angell
TO: Martha Foley
TO: Gene B. Sperling
TO: Tracey E. Thornton
TO: Janet Murguia

CC: Jason S. Goldberg

719-6\97 3p.m. sum.

THE FACTS ABOUT THE "TEAM" ACT

Section 8(a)(2) of the National Labor Relations Act protects employees from company unions and other sham employee representation schemes. It also ensures that nonunion employers do not force undemocratic forms of "representation" on their employees and that unionized employers cooperate with their employees' democratically chosen collective bargaining representative in implementing employee involvement programs.

Senator Nancy Kassebaum (R-KS) and Rep. Steve Gunderson (R-WI) have introduced bills that, if passed, would effectively repeal of Section 8(a)(2). The Clinton Administration strongly opposes the bill --- the Teamwork for Employees and Management (TEAM) Act (S. 295/H.R. 743). The TEAM Act would not encourage employee participation, but employer domination. This fact sheet provides background on Section 8(a)(2), employee involvement, and the reasons the TEAM Act would harm labor relations in our country.

1. PRESIDENT CLINTON AND SECRETARY REICH HAVE LONG RECORDS OF SUPPORTING EMPLOYEE INVOLVEMENT AND LABOR-MANAGEMENT COOPERATION.

Increased participation by rank and file employees in decision-making is one of the key ingredients in the recipe for creating high performance workplaces. As such, this concept has bipartisan support. The President and Secretary of Labor have long championed employee involvement.

2. SECTION 8(a)(2) PROTECTS WORKERS AGAINST COMPANY UNIONS AND SHAM EMPLOYEE REPRESENTATION SCHEMES.

Before the National Labor Relations Act was passed in 1935, one of the most popular strategies among employers bent on preventing their employees from forming their own union was to create company unions or other forms of phony employee representation schemes. When such employer-dominated representation schemes reached their peak in 1934, they covered about three million workers, more than belonged to independent unions at the time. In sum, employers succeeding in occupying the field, setting up a "representation" system in which they sat on both sides of the table and retained absolute control, but telling employees it was "their" committee or council.

Section 8(a)(2) of the Act played the key role of discrediting those "employee participation programs" that purported to represent employee interests on questions of wages and working conditions but really left the final say to management. It made room for employees to choose freely whether to form an independent union to negotiate with the boss on such matters. This particular protection of employee free choice is afforded by no other part of the labor law.

3. SECTION 8(a)(2) LEAVES ROOM FOR EMPLOYEE INVOLVEMENT IN WORKPLACE DECISION-MAKING.

Under present law, employers may use many tools to encourage employee participation without running afoul of the NLRA. In particular, brainstorming groups, information sharing committees, and suggestion boxes are considered safe havens, even on traditional collective bargaining issues. Similarly, an employer may meet with its employees individually or as an entire group to discuss such issues.

In addition, an employer may allow employee work teams or committees to make decisions regarding traditional collective bargaining subjects such as hours and job assignments, as long as the workers involved really have the final say on the matters delegated to them. And employers are free to set up any kind of structure or process they want to involve employees in issues other than wages, hours and working conditions, such as product quality, efficiency, and productivity.

An employer only violates 8(a)(2) if it engages in a pattern or practice of dealing with a group of employees about certain subjects. The employees involved must make suggestions that management actually accepts or rejects. Otherwise, no violation can be found.

4. SECTION 8(a)(2) HAS NOT PREVENTED EMPLOYEE PARTICIPATION PROGRAMS FROM PROLIFERATING RAPIDLY.

A study of Fortune 1000 companies showed a dramatic increase in the use of employee involvement programs among employers from 70% in 1987 to 86% in 1990. A more recent study conducted by the Labor Policy Association (an employer-funded think-tank) and other employer groups suggests continued growth among the largest employers: 96% of employers with more than 5,000 employees reported using employee involvement programs. The study also shows that these programs are spreading to all kinds of employers -- more than 75% of all responding companies used employee involvement programs in 1994. Small employers have been catching up. The study found that most of the growth in employee involvement programs in recent years has been among companies with fewer than 50 employees.

Not only has the sheer amount of employee involvement been growing, but employers have also been able to create many different kinds of participatory structures under current law. Most companies that utilize employee involvement structures report using 10 or more different types in their operations.

5. THE NUMBER OF SECTION 8(a)(2) CASES BEFORE THE NLRB REMAINS MODEST.

Cases involving Section 8(a)(2) are actually quite few in number compared to other unfair labor practice cases -- a small fraction of the NLRB's total caseload. In the last 20 years, the NLRB has issued just 58 orders requiring an employer to disband a program under Section 8(a)(2). In all but three of those cases, the employer had committed other unfair labor practices in an effort to subvert an existing union or defeat an organizing campaign.

The flood of 8(a)(2) cases some predicted in the wake of the NLRB's 1992 *Electromation* decision has failed to materialize. In congressional hearings on the TEAM Act, proponents of weakening Section 8(a)(2) could identify <u>only six cases</u> pending before NLRB administrative law judges, the NLRB itself, or federal appeals courts. This does not represent a significant increase in cases concerning employee involvement programs, and pales in comparison to the large number of pending cases involving other unfair labor practices.

6. THE TEAM ACT WOULD GUT THE WORKER PROTECTIONS CONTAINED IN SECTION 8(A)(2).

(A) <u>The TEAM Act Includes No Meaningful Protection Against the Return of Company Unions.</u>

The TEAM Act includes no limits on the issues employer-initiated involvement programs can discuss or the extent to which employers can manipulate and control them -- even if such programs purport to represent employee interests. The proposed legislation includes only one limitation. It prohibits formal collective bargaining between the employer and committees or other groups the employer initiates or dominates.

History teaches that prohibiting formal collective bargaining provides *no meaningful protection* against company unions. The reason is simple. Even in their heyday in the early 1930s, company unions virtually never negotiated contracts with management. Formal negotiations and signed agreements were not necessary. Management simply sat on both sides of the table, got the "suggestions" it wanted from the "employees' voice," and called that "cooperation" or "participation." American Federation of Labor President William Green summed up the situation in congressional testimony when the Wagner Act was under consideration: "Show me a company union through which a wage agreement, signed and sealed by the representatives of the union and management, has ever been consummated. Never one." Thus, the single most important fact to remember in the debate over 8(a)(2) may be this: if the TEAM Act had been the law of the land in the early 1930s, the company unions then in existence would have been legal!

Management creates company unions to give their employees the false sense of having an organization to represent their interests without having to cede any real power -- like that which goes with a legally enforceable contract. Thus, no sincere proponent of a healthy collective bargaining system can support reform of Section 8(a)(2) that leaves a ban on formal contracts as the sole barrier to the spread of sham labor organizations. Such "reform" would turn Section 8(a)(2), and indeed the NLRA, into a hollow shell.

(B) <u>In Nonunion Facilities, Employers Could Set Up Old-Fashioned Company Unions.</u>

The TEAM Act would allow employers to establish, support, and dominate fake labor organizations as long as they did not collectively bargain with them. Employers would be free to set up internal labor organizations under their control to deal with all matters now left to unions. For example, an employer and its labor organization could discuss and informally agree on wages, health insurance, vacations, holidays, hours of work, and a seniority system.

As long as formal bargaining was avoided, an employer could establish a joint committee or a system of such committees that was comprehensive in scope and representative in character. The employer could decide unilaterally what the committee could and could not discuss. It could hand pick the employee "representatives" allowed to serve on the committee. It could put management representatives on the committee and give them veto power over the proposals the committee could submit to management. It could disband or change the representative structure unilaterally at any time, with no say for employees. It could refuse to allow employees to vote or speak out at any point in the process. Plainly, this is not genuine worker-management cooperation or employee involvement.

These measures bear a striking resemblance to the company unions of old. In sum, the TEAM Act does not update a 60-year-old statute. It turns back the clock on workers' rights sixty years.

(C) <u>In Unionized Facilities, Employers Could Set Up Parallel Organizations to Undermine The Employees' Democratically Chosen Representative.</u>

Section 8(a)(2) requires employers whose employees have chosen to join a union to work together with the union in setting up joint committees, work teams, and other employee involvement efforts that touch on wages, hours, and working conditions." This system has worked very well in practice. Unionized workplaces lead the nation in the extent and depth of employee involvement programs. The Administration has lent its support to the growth of labor-management partnerships through initiatives in both the Labor Department and the Commerce Department.

The TEAM Act would weaken the protections contained in Section 8(a)(2) for unionized and nonunion facilities without distinction. The proposed language contains no specific protection against the abuse of employee participation programs in unionized workplaces. Under the proposed legislation, an employer could set up a joint committee or other mechanism for employee involvement without consulting the union and in this way effectively undermine the employees' democratically chosen representative. This runs counter to the most basic principles of collective bargaining, not to mention democracy.

(D) <u>There are No Other Provisions of the National Labor Relations Act that Provide the Same Protections As Those Contained in Section 8(a)(2).</u>

Section 4 of the TEAM Act says the act would allow NLRA provisions other than Section 8(a)(2) to remain in place. NLRA Section 8(a)(5) provides some protection against improper use of employee involvement programs to undermine unions. That provision requires the employer to bargain with the union on wages, hours, and working conditions.

However, employer conduct in the employee participation area that violates Section 8(a)(2) may not violate other provisions of the NLRA, including Section 8(a)(5). The TEAM Act would render such conduct in a unionized setting legal. For example, the NLRB and the courts could interpret the new law as allowing an employer involved in contract talks with a union to set up a parallel organization to handle any topic, so long as the employer did not refuse to discuss that topic in negotiations with the union. In periods between negotiations, the act could be interpreted as allowing an employer to set up a parallel organization to deal with any issue it negotiated about in good faith with the union in the last negotiations.

At the least, the proposed legislation would seem to allow an employer to bargain to impasse on one or more issues, establish an alternative labor organization, and deal with that organization rather than the union on the subjects in question. There is no limit on the scope of the subjects that could be diverted from the employees' chosen representative in this way.

The TEAM Act: Myth and Reality

Myth:

Section 8(a)(2) outlaws most employee participation programs.

Reality:

A majority of all U.S. employers -- and almost all large employers -- report using a wide variety of employee involvement programs, ranging from joint worker-management committees to work teams to task forces. Only a tiny fraction of these programs are ever challenged as violative of 8(a)(2), and fewer still are disbanded.

The only thing Section 8(a)(2) prevents is sham labor organizations that purport to represent employee organizations but are really subservient to management. Employers may use many tools to encourage employee participation without running afoul of Section 8(a)(2). In particular, brainstorming groups, information-sharing committees, and suggestion boxes are considered safe havens, even on traditional collective bargaining issues. Similarly, an employer may meet with its employees individually or as an entire group to discuss such issues.

In addition, an employer may allow employee work teams or committees to make decisions regarding traditional collective bargaining subjects such as hours and job assignments, as long as the workers involved really have the final say on the matters delegated to them. And employers are free to set up any kind of structure or process they want to involve employees in issues other than wages, hours and working conditions, such as product quality, efficiency, and productivity.

An employer only violates 8(a)(2) if it engages in a pattern or practice of dealing with a group of employees about certain subjects. The employees involved must make suggestions that management actually accepts or rejects. Otherwise, no violation can be found.

Myth:

The way the NLRB and the courts have interpreted Section 8(a)(2) has prevented U.S. employers from implementing employee participation programs in practice.

Reality:

The truth is that employee involvement programs have shown steady, impressive growth throughout the economy. A study of Fortune 1000 companies showed that 86% of them had some type of employee involvement program in 1990 -- up from 70% three years earlier. A more recent study conducted by the Labor Policy Association (an employer-funded think tank) and other employer groups suggests continued growth among the largest employers -- 96% of those with over 5,000 employees now report using employee involvement programs. The study also shows how the programs are spreading to all kinds of employers. More than 75% of all responding companies used employee involvement programs in 1994. And small employers have been catching up. The study found that most of the growth in NLRA employee involvement programs in recent years has been among companies with less than 50 employees.

Not only has the sheer quantity of employee involvement been growing, but employers have also been able to create many different kinds of participatory structures under current law. Most companies that have adopted employee involvement structures report using 10 or more different types in their operations.

The most recent cases decided by the National Labor Relations Board and the federal courts make it clear that employers with legitimate employee participation programs have nothing to fear from Section 8(a)(2). The Court of Appeals for the Fourth Circuit recently decided that a hospital's relationship with a committee of nurses it had set up did not violate the NLRA. The court made it clear that an employer only violates Section 8(a)(2) if it engages in a pattern or practice of dealing with such a group about certain topics where the interest of employers and employees conflict -- wages, hours, or working conditions. In another case, the general counsel of the NLRB dismissed an 8(a)(2) charge against the Donnelly Corp., suggesting that politically motivated attacks on employers by parties other than their employees or an aggrieved union will not be entertained.

Myth:

Unfair labor practice charges against employers alleging violations of Section 8(a)(2) are growing explosively and have become a major problem.

Reality:

Cases involving Section 8(a)(2) are actually quite few in number compared to other unfair labor practice cases -- a small fraction of the NLRB's total caseload. In the last 20 years, the NLRB has issued just 58 orders requiring an employer to disband a program under Section 8(a)(2). In all but three of those cases, the employer had committed other unfair labor practices as well in an effort to subvert an existing union or defeat an organizing campaign.

The flood of 8(a)(2) cases some predicted in the wake of the NLRB's 1992 *Electromation* decision has failed to materialize. In congressional hearings on the TEAM Act, proponents of weakening Section 8(a)(2) could identify only six cases that are actually pending before NLRB administrative law judges, the NLRB itself, or federal appeals courts. This does not represent a significant increase in cases concerning employee involvement programs, and pales in comparison to the number of pending cases on other unfair labor practices.

Myth:

Labor unions oppose employee involvement and block innovative participation programs in facilities where they represent the workers.

Reality:

Employee involvement programs have broad support across the political spectrum -- among both labor and management, both Democrats and Republicans. All of these parties see increased employee participation in workplace decision-making as a key element of the high performance workplace. The AFL-CIO forcefully advocates employee involvement programs under collective bargaining agreements. This attitude has borne fruit. Numerous studies indicate that employee involvement is more widespread and more highly developed in unionized workplaces than in nonunion workplaces."

Myth:

The proposed TEAM Act would effectively prevent the return of company unions by prohibiting employers from engaging in formal contract negotiations with labor organizations they initiate:

Reality:

The single most important fact to remember in the debate over Section 8(a)(2) may be this: if the TEAM Act had been the law of the land in the early 1930s, the company unions then in existence would have been perfectly legal.

The TEAM Act includes no meaningful protection against the return of company unions -- no limits on what issues employer-initiated involvement programs could discuss or the extent to which employers could manipulate and control them. The proposed legislation includes only one limitation. It prohibits formal collective bargaining between the employer and committees or other groups the employer initiates or dominates.

However, prohibiting formal collective bargaining provides *no meaningful protection* against company unions. The reason is simple. Even in their heyday in the early 1930s, company unions virtually never negotiated contracts with management. Formal negotiations and signed agreements were not necessary. Management simply sat on both sides of the table, got the "suggestions" it wanted from the "employees' voice," and called that "cooperation" or "participation." American Federation of Labor President William Green summed up the situation in congressional testimony when the Wagner Act was under consideration. "Show me a company union through which a wage agreement, signed and sealed by the representatives of the union and management, has ever been consummated. Never one"

Under the TEAM Act, an employer could establish a joint committee or a system of such committees that was comprehensive in scope and representative in character. The employer could decide unilaterally what the committee could and could not discuss. It could hand pick the employee "representatives" allowed to serve on the committee. It could put management representatives on the committee and give them veto power over the proposals the committee could submit to management. It could disband or change the committee unilaterally at any time, with no say for employees. It could refuse to allow employees to vote or speak out at any point in the process. In short, it could create a company union. Plainly, this is not genuine worker-management cooperation or employee involvement.

Myth:

The TEAM Act would not affect facilities where employees have already chosen a union.

Reality:

The TEAM Act would modify the application of Section 8(a)(2) to unionized and nonunion facilities without distinction. The proposed language contains no specific protection against the abuse of employee participation programs in unionized workplaces.

Section 8(a)(2) requires employers whose employees have chosen to join a union to work together with the union in setting up joint committees, work teams, and the like that touch on wages, hours, and working conditions. This system has worked very well in practice. Unionized workplaces lead the nation in terms of the extent and depth of employee involvement programs.

Under the proposed legislation, an employer could set up a joint committee or other mechanism for employee involvement without consulting the union and in this way effectively undermine the employees' democratically chosen representative. This runs counter to the most basic principles of collective bargaining, not to mention democracy.

Myth:

The TEAM Act would create a very narrow exception to 8(a)(2), merely authorizing committees to deal with a few topics -- "quality, productivity, efficiency, and safety and health."

Reality:

In fact, the proposed language is very broad. It would allow management to establish and assist *"any organization or entity of any kind"* as long as it didn't negotiate union contracts.

The sponsors have repeated the language about quality, productivity and efficiency over and over. But in the bill, these are merely examples of what employer-dominated committees could deal with. The bill says employer-sponsored organizations could "address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health ...." There is nothing to stop employer-dominated groups from dealing with wages, benefits, seniority, and so forth.

Myth:

The NLRB's Electromation decision represents the heart of what is wrong with Section 8(a)(2) and must be overruled.

Reality:

The *Electromation* case did not involve a laudatory employee participation program struck down by old-fashioned law. Rather, it involved precisely the evil Section 8(a)(2) was designed to combat -- phony employee representation programs designed to forestall unionization. Perhaps that is why the case was unanimously decided by a Republican-appointed NLRB and unanimously approved by the U.S. Court of Appeals for the Seventh Circuit.

Electromation has become such a political football that the facts of the case are seldom mentioned and little understood. Let's look at what actually happened:

- Without consulting or warning employees, management unilaterally cut attendance bonuses and trimmed wages by giving a bonus instead of the customary raise. Employees gave management a petition protesting the new attendance bonus policy and . . . . organizing a union. After meeting with a small number of hand-picked employees, management decided that it couldn't make everybody happy without involving employees. The president of the company met with the same group of hand-picked employees a second time and proposed setting up five action committees. The workers reacted negatively to this idea. Management implemented it anyway.

■ Management unilaterally chose the number of committees, their subject matter, and their goals. Management selected the employee representatives for the committees from sign up sheets, and refused to let interested employees serve on more than one committee. It was understood that the employee committee members were to represent their peers.

■ The responsibilities of the five committees did not center on productivity or efficiency at all. The most important committees focused squarely on compensation: the Pay Progression for Premium Positions Committee and the Attendance Bonus Program Committee.

■ Each committee included one or two management representatives. They had effective veto power over the proposals the committees submitted to management. Thus, management was sitting on both sides of the table.

■ Within about two weeks of the first committee meetings, the International Brotherhood of Teamsters demanded recognition. Management refused to recognize the union.

■ Management suspended the committees during the union campaign, blaming its decision for this unilateral change on the union.

■ The union challenged the election and filed the now famous Section 8(a)(2) unfair labor practice charge. The NLRB and the Seventh Circuit Court of Appeals unanimously concluded that the company had violated the law by setting up a management-dominated representation structure. Later, the workers voted to join the union in a second election, and they are a functioning union today.

In short, Electromation management unilaterally reduced employee compensation and attempted to coopt its workers' displeasure by forming a phony representation structure in which management sat on both sides of the table. Management's gambit would have worked if Section 8(a)(2) did not exist in its present form -- after all, the union lost the first election. It was only after the NLRB informed employees that the company had violated Section 8(a)(2) that the workers fully understood their rights and voted to form their own organization.

Employers should not be encouraged to set up and dominate employee representation structures to deal with compensation and the like, nor to sit on both sides of the table, nor to create or suspend employee participation programs in order to discourage its employees from unionizing. Electromation did all of these things. The case was correctly decided.

Myth:

The Dunlop Commission would support the TEAM Act because the Commission recommended similar reform of Section 8(a)(2).

Reality:

The Commission's recommendations on Section 8(a)(2) bear no resemblance to the TEAM Act. Former Secretary of Labor John Dunlop made this clear in a detailed analysis of the TEAM Act he provided to Secretary Reich. Here are a few of the major differences:

> (1) The Commission found that workers today often do not have real freedom to unionize if they so desire. It recommended changes to Section 8(a)(2) only in the context of a larger reformulation of the NLRA. As Dr. Dunlop noted, "from the Commission's perspective, reform in representation processes is essential to expansion ... of employee participation programs." The TEAM Act includes no changes in the representation process, and its sponsors do not support any changes to make employee free choice on collective bargaining a reality.
>
> (2) In unionized workplaces, the Commission would maintain the current ban on employers establishing employee participation schemes to undermine the union. The TEAM Act does not include this protection.
>
> (3) The Commission would clarify Section 8(a)(2) to prevent employers from setting up, manipulating, or disestablishing employee participation programs as a way of discouraging union organizing. The TEAM Act has no such protection.
>
> (4) In nonunion settings, the Commission would continue to prohibit employer-initiated or dominated participation programs if they focus mainly on traditional collective bargaining subjects (e.g., compensation, hours, working conditions) or if they are representative in character and comprehensive in scope. These rules provide meaningful protection against the return of company unions. The TEAM Act does not adopt these rules or any other meaningful defense against company unions.

The Commission considered and rejected the TEAM Act's approach, which only rules out formal collective bargaining.

(5) The Commission would protect workers from reprisals for views they expressed in employee participation programs, including views concerning unions. Employee expression and activity connected with participation programs would be protected under Section 7 of the National Labor Relations Act as a form of "concerted activity for the purpose of ... mutual aid or protection." The TEAM Act does not protect employee free speech.

(6) The Commission would not upset the consensus among Republican and Democratic NLRB members represented by the *Electromation* and *du Pont* cases. The TEAM Act would overturn both.

Myth:

Encouraging employee participation programs is a totally separate issue from questions of employee freedom to form unions. Putting them together is a political move designed to kill 8(a)(2) reform.

Reality:

The two issues simply cannot be separated. First, Section 8(a)(2) is crucial to affording employees the freedom to form their own unions, because it prevents employers from "occupying the field" with counterfeit unions.

Second, making sure employees are free to unionize is the best way to police the quality of employer-initiated participation programs. It's a way to keep employers honest without resorting to detailed regulation of how authentic or democratic their participation programs are. It eliminates the need for detailed regulation by saying to employees, "The government will let your employer set up certain kinds of participation programs, but it will also make sure you can form a union if you're not satisfied with the amount or quality of participation the boss offers you." In short, it's a free market approach.

Finally, the laws to make this free market approach possible are simply not in place. Today, there are so many obstacles to forming a union, it takes so long, and the danger of discrimination is so great that workers fear the whole process. The Dunlop Commission found that 1 in 50 union supporters is fired illegally during organizing drives, that 1 in 4 elections is infected with such discriminatory activity, and that it takes an average of 7 weeks to get an election. As a result, there is significant unmet demand for union representation. In the most recent and comprehensive survey of worker attitudes, one-third of nonunion workers in large companies said they and a majority of their co workers would like to have a union.

HR743 Gunderson (R-WI) 09/29/95 (108 lines)
Referred in Senate

Teamwork for Employees and Managers Act of 1995.

Special typefaces used in this bill version:
// \\ Italic
!! !! Bold roman
Item Key: 6051
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104TH CONGRESS
1ST SESSION

H. R. 743

======================

IN THE SENATE OF THE UNITED STATES

September 29 (legislative day, SEPTEMBER 25), 1995

Received; read twice and referred to the Committee on Labor and Human Resources

======================

AN ACT

To amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

//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 "Teamwork for Employees and Managers Act of 1995".

!!SEC. 2. FINDINGS AND PURPOSES.!!

(a) FINDINGS.--Congress finds that--

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "Employee Involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has

consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham "company unions" to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated "company unions".

(b) PURPOSES.--The purpose of this Act is--

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

!!SEC. 3. EMPLOYER EXCEPTION.!!

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: ": //Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees who participate to at least the same extent practicable as representatives of management participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, and which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply;".\\

!!SEC. 4. LIMITATION ON EFFECT OF ACT.!!

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

Passed the House of Representatives September 27, 1995.

Attest:

ROBIN H. CARLE,
//Clerk.\\

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

MAY 22 1996

The Honorable Newt Gingrich
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

While a bipartisan majority in the Congress stands ready to give minimum wage workers a raise, the House leadership plans instead to deprive potentially millions of workers of any minimum wage increase. Further, millions of additional workers taking new jobs will be entirely denied minimum wage and overtime protections if the proposed Goodling Amendment is adopted.

This dramatic leap backwards from current law --- effectively exempting virtually all new employees of two-thirds of all firms from major worker protection provisions of the Fair Labor Standards Act --- threatens the President's efforts to raise working families' incomes. It goes well beyond the small retail and service business exemption that existed in the law prior to 1989. This proposal invites a return to the sweatshop conditions that Americans abhor.

If the Goodling Amendment I have described above --- which would deprive many working families of the minimum wage increase they deserve and repeal basic worker protections for millions of workers --- is included in H.R. 1227, I would recommend that the President veto the bill.

By resurrecting and making permanent a youth subminimum wage without training requirements or other protections, a second proposed amendment could pit young workers against older incumbent workers. In industries where high turnover is common --- like retail --- this type of youth subminimum wage may keep some young workers from graduating to the minimum wage. The Administration strongly opposes the amendment proposing this youth subminimum wage, no minimum wage increase for tipped employees, and new restrictions on the scope of overtime coverage for computer professionals.

Let's put aside this family income reduction package. America's working families deserve a clean vote on making the minimum wage a living wage.

Sincerely yours,

Robert B. Reich

WORKING FOR AMERICA'S WORKFORCE

Votes Analysis

Notes/Analysis

** 1996 CQ HOUSE VOTE 133 ** HRes412. Expedited Floor Procedures/Previous Question. McInnis, R-Colo., motion to order the previous question (thus ending debate and the possibility of amendment) on the resolution to waive through April 27, 1996, the requirement of a two-thirds majority to consider rules governing floor debate on the same day as reported by the Rules Committee. Motion agreed to 220-200: R 216-13; D 4-186 (ND 1-134, SD 3-52); I 0-1, April 25, 1996.
Item Key: 11558

*** YEAS(220) ***

DEMOCRATS (4)

Brewster B (OK)	Martinez M (CA)	Montgomery G (MS)
Hall R (TX)		

INDEPENDENTS (0)

REPUBLICANS (216)

Allard W (CO)	Gallegly E (CA)	Myrick S (NC)
Archer B (TX)	Ganske G (IA)	Nethercutt G (WA)
Armey D (TX)	Gekas G (PA)	Neumann M (WI)
Bachus S (AL)	Gilchrest W (MD)	Ney B (OH)
Baker B (CA)	Gillmor P (OH)	Norwood C (GA)
Baker R (LA)	Gilman B (NY)	Nussle J (IA)
Ballenger C (NC)	Goodlatte R (VA)	Oxley M (OH)
Barr B (GA)	Goodling B (PA)	Packard R (CA)
Barrett B (NE)	Goss P (FL)	Parker M (MS)
Bartlett R (MD)	Graham L (SC)	Paxon B (NY)
Barton J (TX)	Greene E (UT)	Petri T (WI)
Bass C (NH)	Greenwood J (PA)	Pombo R (CA)
Bateman H (VA)	Gunderson S (WI)	Porter J (IL)
Bereuter D (NE)	Gutknecht G (MN)	Portman R (OH)
Bilbray B (CA)	Hancock M (MO)	Pryce D (OH)
Bilirakis M (FL)	Hansen J (UT)	Quillen J (TN)
Bliley T (VA)	Hastert D (IL)	Radanovich G (CA)
Boehner J (OH)	Hastings R (WA)	Ramstad J (MN)
Bonilla H (TX)	Hayworth J (AZ)	Regula R (OH)
Bono S (CA)	Hefley J (CO)	Riggs F (CA)
Brownback S (KS)	Heineman F (NC)	Roberts P (KS)
Bryant E (TN)	Herger W (CA)	Rogers H (KY)
Bunn J (OR)	Hilleary V (TN)	Rohrabacher D (CA)
Bunning J (KY)	Hobson D (OH)	Ros-Lehtinen I (FL)
Burr R (NC)	Hoekstra P (MI)	Roth T (WI)
Burton D (IN)	Hoke M (OH)	Roukema M (NJ)
Buyer S (IN)	Horn S (CA)	Royce E (CA)
Callahan S (AL)	Hostettler J (IN)	Salmon M (AZ)
Calvert K (CA)	Houghton A (NY)	Sanford M (SC)
Camp D (MI)	Hutchinson T (AR)	Saxton H (NJ)
Campbell T (CA)	Hyde H (IL)	Scarborough J (FL)
Canady C (FL)	Inglis B (SC)	Schaefer D (CO)
Castle M (DE)	Istook E (OK)	Schiff S (NM)
Chabot S (OH)	Johnson N (CT)	Seastrand A (CA)
Chambliss S (GA)	Johnson S (TX)	Sensenbrenner F (WI)
Chenoweth H (ID)	Jones W (NC)	Shadegg J (AZ)
Christensen J (NE)	Kasich J (OH)	Shaw E (FL)
Chrysler D (MI)	Kelly S (NY)	Shays C (CT)
Clinger W (PA)	Kim J (CA)	Shuster B (PA)
Coble H (NC)	King P (NY)	Skeen J (NM)
Collins M (GA)	Kingston J (GA)	Smith C (NJ)
Combest L (TX)	Klug S (WI)	Smith L (WA)
Cooley W (OR)	Knollenberg J (MI)	Smith L (TX)
Cox C (CA)	Kolbe J (AZ)	Smith N (MI)

Crane P (IL)
Crapo M (ID)
Cremeans F (OH)
Cubin B (WY)
Cunningham R (CA)
Davis T (VA)
Deal N (GA)
DeLay T (TX)
Dickey J (AR)
Doolittle J (CA)
Dornan R (CA)
Dreier D (CA)
Dunn J (WA)
Ehlers V (MI)
Ehrlich R (MD)
Emerson B (MO)
English P (PA)
Everett T (AL)
Fawell H (IL)
Fields J (TX)
Flanagan M (IL)
Foley M (FL)
Fowler T (FL)
Fox J (PA)
Franks B (NJ)
Franks G (CT)
Frelinghuysen R (NJ)
Funderburk D (NC)
LaHood R (IL)
Largent S (OK)
Latham T (IA)
LaTourette S (OH)
Laughlin G (TX)
Lazio R (NY)
Lewis J (CA)
Lewis R (KY)
Lightfoot J (IA)
Linder J (GA)
Livingston R (LA)
LoBiondo F (NJ)
Longley J (ME)
Lucas F (OK)
Manzullo D (IL)
Martini B (NJ)
McCollum B (FL)
McCrery J (LA)
McInnis S (CO)
McKeon H (CA)
Metcalf J (WA)
Meyers J (KS)
Mica J (FL)
Miller D (FL)
Molinari S (NY)
Moorhead C (CA)
Morella C (MD)
Myers J (IN)
Solomon G (NY)
Souder M (IN)
Spence F (SC)
Stearns C (FL)
Stockman S (TX)
Stump B (AZ)
Talent J (MO)
Tate R (WA)
Tauzin W (LA)
Taylor C (NC)
Thomas B (CA)
Thornberry W (TX)
Tiahrt T (KS)
Upton F (MI)
Vucanovich B (NV)
Walker R (PA)
Wamp Z (TN)
Weldon C (PA)
Weldon D (FL)
Weller J (IL)
White R (WA)
Whitfield E (KY)
Wicker R (MS)
Wolf F (VA)
Young C (FL)
Young D (AK)
Zeliff B (NH)
Zimmer D (NJ)

*** NAYS (200) **

DEMOCRATS (186)

Abercrombie N (HI)
Ackerman G (NY)
Andrews R (NJ)
Baldacci J (ME)
Barcia J (MI)
Barrett T (WI)
Becerra X (CA)
Beilenson A (CA)
Bentsen K (TX)
Berman H (CA)
Bevill T (AL)
Bishop S (GA)
Bonior D (MI)
Borski R (PA)
Boucher R (VA)
Browder G (AL)
Brown C (FL)
Brown G (CA)
Brown S (OH)
Bryant J (TX)
Cardin B (MD)
Chapman J (TX)
Clay W (MO)
Clayton E (NC)
Clement B (TN)
Clyburn J (SC)
Coleman R (TX)
Collins B (MI)
Collins C (IL)
Condit G (CA)
Conyers J (MI)
Gephardt R (MO)
Geren P (TX)
Gonzalez H (TX)
Gordon B (TN)
Green G (TX)
Gutierrez L (IL)
Hall T (OH)
Hamilton L (IN)
Harman J (CA)
Hastings A (FL)
Hefner W (NC)
Hilliard E (AL)
Hinchey M (NY)
Holden T (PA)
Hoyer S (MD)
Jackson J (IL)
Jackson-Lee S (TX)
Jacobs A (IN)
Jefferson W (LA)
Johnson E (TX)
Johnson T (SD)
Johnston H (FL)
Kanjorski P (PA)
Kaptur M (OH)
Kennedy J (MA)
Kennedy P (RI)
Kennelly B (CT)
Kildee D (MI)
Kleczka G (WI)
Klink R (PA)
LaFalce J (NY)
Neal R (MA)
Oberstar J (MN)
Obey D (WI)
Olver J (MA)
Ortiz S (TX)
Orton B (UT)
Owens M (NY)
Pallone F (NJ)
Pastor E (AZ)
Payne D (NJ)
Payne L (VA)
Pelosi N (CA)
Peterson P (FL)
Pickett O (VA)
Pomeroy E (ND)
Poshard G (IL)
Rahall N (WV)
Reed J (RI)
Richardson B (NM)
Rivers L (MI)
Roemer T (IN)
Rose C (NC)
Roybal-Allard L (CA)
Rush B (IL)
Sabo M (MN)
Sawyer T (OH)
Schumer C (NY)
Scott R (VA)
Serrano J (NY)
Sisisky N (VA)
Skaggs D (CO)

Costello J (IL)
Coyne W (PA)
Cramer R (AL)
Cummings E (MD)
Danner P (MO)
de la Garza E (TX)
DeFazio P (OR)
DeLauro R (CT)
Dellums R (CA)
Deutsch P (FL)
Dicks N (WA)
Dingell J (MI)
Dixon J (CA)
Doggett L (TX)
Dooley C (CA)
Doyle M (PA)
Durbin R (IL)
Edwards C (TX)
Engel E (NY)
Eshoo A (CA)
Evans L (IL)
Farr S (CA)
Fattah C (PA)
Fazio V (CA)
Fields C (LA)
Filner B (CA)
Flake F (NY)
Foglietta T (PA)
Frank B (MA)
Frost M (TX)
Furse E (OR)
Gejdenson S (CT)
Lantos T (CA)
Levin S (MI)
Lewis J (GA)
Lincoln B (AR)
Lipinski W (IL)
Lofgren Z (CA)
Lowey N (NY)
Luther W (MN)
Maloney C (NY)
Manton T (NY)
Markey E (MA)
Mascara F (PA)
Matsui R (CA)
McCarthy K (MO)
McDermott J (WA)
McHale P (PA)
McKinney C (GA)
McNulty M (NY)
Meehan M (MA)
Meek C (FL)
Menendez R (NJ)
Millender-McDonald J
(CA)
Miller G (CA)
Minge D (MN)
Mink P (HI)
Moakley J (MA)
Mollohan A (WV)
Moran J (VA)
Murtha J (PA)
Nadler J (NY)
Skelton I (MO)
Slaughter L (NY)
Spratt J (SC)
Stark P (CA)
Stenholm C (TX)
Stokes L (OH)
Studds G (MA)
Stupak B (MI)
Tanner J (TN)
Taylor G (MS)
Tejeda F (TX)
Thompson B (MS)
Thornton R (AR)
Thurman K (FL)
Torres E (CA)
Torricelli R (NJ)
Towns E (NY)
Traficant J (OH)
Velazquez N (NY)
Vento B (MN)
Visclosky P (IN)
Volkmer H (MO)
Ward M (KY)
Waters M (CA)
Watt M (NC)
Waxman H (CA)
Williams P (MT)
Wise B (WV)
Woolsey L (CA)
Wynn A (MD)
Yates S (IL)

INDEPENDENTS (1)
Sanders B (VT)

REPUBLICANS (13)
Blute P (MA)
Boehlert S (NY)
Coburn T (OK)
Diaz-Balart L (FL)
Duncan J (TN)
Ensign J (NV)
Forbes M (NY)
Frisa D (NY)
Leach J (IA)
McHugh J (NY)
Quinn J (NY)
Torkildsen P (MA)
Walsh J (NY)

*** NOT VOTING (14) ***
DEMOCRATS (7)
Baesler S (KY) ?
Ford H (TN) ?
Gibbons S (FL) ?
Peterson C (MN) ?
Rangel C (NY) ?
Schroeder P (CO) ?
Wilson C (TX) ?

INDEPENDENTS (0)

REPUBLICANS (7)
Ewing T (IL) ?
Gingrich N (GA) S
Hayes J (LA) ?
Hunter D (CA) ?
McDade J (PA) ?
McIntosh D (IN) ?
Watts J (OK) +

KEY -- Special Categories of Not Voting

#	Paired For	X	Paired Against
+	Announced For	-	Announced Against
P	Voted Present	C	Voted Present to avoid possible conflict of interest.
S	Speaker exercised discretion not to vote		
?	Did not vote or make position known		

Minimum Wage

14 R's

** 1996 CQ HOUSE VOTE 153 ** HRes426. Housing Overhaul - Previous Question. Dreier, R-Calif., motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (HRes426) to provide for House floor consideration of the bill to repeal the 1937 U.S. Housing Act and consolidate federal funding for public housing and low-income rental assistance into block grants that would be provided to reconstituted local housing authorities. These authorities would be deregulated and given wide latitude to use the funds for locally-tailored housing programs. The bill also eases federal requirements which reserve public housing units for very low-income families. Motion agreed to 218-208: R 216-14; D 2-193 (ND 1-137, SD 1-56); I 0-1, May 8, 1996.
Item Key: 11606

*** YEAS(218) ***
DEMOCRATS (2)
Hall R (TX)
Martinez M (CA)

INDEPENDENTS (0)

REPUBLICANS (216)
Allard W (CO)
Archer B (TX)
Armey D (TX)
Bachus S (AL)
Baker B (CA)
Baker R (LA)
Ballenger C (NC)
Barr B (GA)
Barrett B (NE)
Bartlett R (MD)
Barton J (TX)
Bass C (NH)
Bateman H (VA)
Bereuter D (NE)
Bilbray B (CA)
Bilirakis M (FL)
Bliley T (VA)
Boehner J (OH)
Bonilla H (TX)
Bono S (CA)
Brownback S (KS)
Bryant E (TN)
Bunn J (OR)
Bunning J (KY)
Burr R (NC)
Burton D (IN)
Buyer S (IN)
Callahan S (AL)
Calvert K (CA)
Camp D (MI)
Campbell T (CA)
Canady C (FL)
Castle M (DE)
Chabot S (OH)
Chambliss S (GA)
Chenoweth H (ID)
Christensen J (NE)
Chrysler D (MI)
Clinger W (PA)
Frelinghuysen R (NJ)
Funderburk D (NC)
Gallegly E (CA)
Ganske G (IA)
Gekas G (PA)
Gilchrest W (MD)
Gillmor P (OH)
Gingrich N (GA)
Goodlatte R (VA)
Goodling B (PA)
Goss P (FL)
Graham L (SC)
Greene E (UT)
Greenwood J (PA)
Gunderson S (WI)
Gutknecht G (MN)
Hancock M (MO)
Hansen J (UT)
Hastert D (IL)
Hastings R (WA)
Hayes J (LA)
Hayworth J (AZ)
Hefley J (CO)
Heineman F (NC)
Herger W (CA)
Hilleary V (TN)
Hobson D (OH)
Hoekstra P (MI)
Hoke M (OH)
Horn S (CA)
Houghton A (NY)
Hunter D (CA)
Hutchinson T (AR)
Hyde H (IL)
Inglis B (SC)
Istook E (OK)
Johnson N (CT)
Johnson S (TX)
Jones W (NC)
Morella C (MD)
Myers J (IN)
Myrick S (NC)
Nethercutt G (WA)
Neumann M (WI)
Ney B (OH)
Norwood C (GA)
Nussle J (IA)
Oxley M (OH)
Packard R (CA)
Parker M (MS)
Paxon B (NY)
Petri T (WI)
Pombo R (CA)
Porter J (IL)
Portman R (OH)
Pryce D (OH)
Quillen J (TN)
Radanovich G (CA)
Ramstad J (MN)
Regula R (OH)
Riggs F (CA)
Roberts P (KS)
Rogers H (KY)
Rohrabacher D (CA)
Ros-Lehtinen I (FL)
Roth T (WI)
Roukema M (NJ)
Royce E (CA)
Salmon M (AZ)
Sanford M (SC)
Saxton H (NJ)
Scarborough J (FL)
Schaefer D (CO)
Schiff S (NM)
Sensenbrenner F (WI)
Shadegg J (AZ)
Shaw E (FL)
Shays C (CT)

Coble H (NC)
Coburn T (OK)
Collins M (GA)
Combest L (TX)
Cooley W (OR)
Cox C (CA)
Crane P (IL)
Crapo M (ID)
Cremeans F (OH)
Cubin B (WY)
Cunningham R (CA)
Davis T (VA)
Deal N (GA)
DeLay T (TX)
Diaz-Balart L (FL)
Dickey J (AR)
Doolittle J (CA)
Dornan R (CA)
Dreier D (CA)
Dunn J (WA)
Ehlers V (MI)
Ehrlich R (MD)
Emerson B (MO)
Ensign J (NV)
Everett T (AL)
Ewing T (IL)
Fawell H (IL)
Fields J (TX)
Flanagan M (IL)
Foley M (FL)
Fowler T (FL)
Fox J (PA)
Franks G (CT)
Kasich J (OH)
Kelly S (NY)
Kim J (CA)
King P (NY)
Kingston J (GA)
Klug S (WI)
Knollenberg J (MI)
Kolbe J (AZ)
LaHood R (IL)
Latham T (IA)
LaTourette S (OH)
Laughlin G (TX)
Lazio R (NY)
Lewis J (CA)
Lewis R (KY)
Lightfoot J (IA)
Linder J (GA)
Livingston R (LA)
LoBiondo F (NJ)
Longley J (ME)
Lucas F (OK)
Manzullo D (IL)
McCollum B (FL)
McCrery J (LA)
McDade J (PA)
McInnis S (CO)
McIntosh D (IN)
McKeon H (CA)
Metcalf J (WA)
Meyers J (KS)
Mica J (FL)
Miller D (FL)
Moorhead C (CA)
Shuster B (PA)
Skeen J (NM)
Smith C (NJ)
Smith L (TX)
Smith N (MI)
Solomon G (NY)
Souder M (IN)
Spence F (SC)
Stearns C (FL)
Stump B (AZ)
Talent J (MO)
Tate R (WA)
Tauzin W (LA)
Taylor C (NC)
Thomas B (CA)
Thornberry W (TX)
Tiahrt T (KS)
Upton F (MI)
Vucanovich B (NV)
Walker R (PA)
Wamp Z (TN)
Watts J (OK)
Weldon C (PA)
Weldon D (FL)
Weller J (IL)
White R (WA)
Whitfield E (KY)
Wicker R (MS)
Wolf F (VA)
Young C (FL)
Young D (AK)
Zeliff B (NH)
Zimmer D (NJ)

*** NAYS (208) ***

DEMOCRATS (193)

Abercrombie N (HI)
Ackerman G (NY)
Andrews R (NJ)
Baesler S (KY)
Baldacci J (ME)
Barcia J (MI)
Barrett T (WI)
Becerra X (CA)
Beilenson A (CA)
Bentsen K (TX)
Berman H (CA)
Bevill T (AL)
Bishop S (GA)
Bonior D (MI)
Borski R (PA)
Boucher R (VA)
Brewster B (OK)
Browder G (AL)
Brown C (FL)
Brown G (CA)
Brown S (OH)
Bryant J (TX)
Cardin B (MD)
Chapman J (TX)
Clay W (MO)
Clayton E (NC)
Geren P (TX)
Gibbons S (FL)
Gonzalez H (TX)
Gordon B (TN)
Green G (TX)
Gutierrez L (IL)
Hall T (OH)
Hamilton L (IN)
Harman J (CA)
Hastings A (FL)
Hefner W (NC)
Hilliard E (AL)
Hinchey M (NY)
Holden T (PA)
Hoyer S (MD)
Jackson J (IL)
Jackson-Lee S (TX)
Jacobs A (IN)
Jefferson W (LA)
Johnson E (TX)
Johnson T (SD)
Johnston H (FL)
Kanjorski P (PA)
Kaptur M (OH)
Kennedy J (MA)
Kennedy P (RI)
Obey D (WI)
Olver J (MA)
Ortiz S (TX)
Orton B (UT)
Owens M (NY)
Pallone F (NJ)
Pastor E (AZ)
Payne D (NJ)
Payne L (VA)
Pelosi N (CA)
Peterson C (MN)
Peterson P (FL)
Pickett O (VA)
Pomeroy E (ND)
Poshard G (IL)
Rahall N (WV)
Rangel C (NY)
Reed J (RI)
Richardson B (NM)
Rivers L (MI)
Roemer T (IN)
Rose C (NC)
Roybal-Allard L (CA)
Rush B (IL)
Sabo M (MN)
Sawyer T (OH)

Clement B (TN)
Clyburn J (SC)
Coleman R (TX)
Collins B (MI)
Collins C (IL)
Condit G (CA)
Conyers J (MI)
Costello J (IL)
Coyne W (PA)
Cramer R (AL)
Cummings E (MD)
Danner P (MO)
DeFazio P (OR)
DeLauro R (CT)
Dellums R (CA)
Deutsch P (FL)
Dicks N (WA)
Dingell J (MI)
Dixon J (CA)
Doggett L (TX)
Dooley C (CA)
Doyle M (PA)
Durbin R (IL)
Edwards C (TX)
Engel E (NY)
Eshoo A (CA)
Evans L (IL)
Farr S (CA)
Fattah C (PA)
Fazio V (CA)
Fields C (LA)
Filner B (CA)
Flake F (NY)
Foglietta T (PA)
Frank B (MA)
Frost M (TX)
Furse E (OR)
Gejdenson S (CT)
Gephardt R (MO)
Kennelly B (CT)
Kildee D (MI)
Kleczka G (WI)
Klink R (PA)
LaFalce J (NY)
Lantos T (CA)
Levin S (MI)
Lewis J (GA)
Lincoln B (AR)
Lipinski W (IL)
Lofgren Z (CA)
Lowey N (NY)
Luther W (MN)
Maloney C (NY)
Manton T (NY)
Markey E (MA)
Mascara F (PA)
Matsui R (CA)
McCarthy K (MO)
McDermott J (WA)
McHale P (PA)
McKinney C (GA)
McNulty M (NY)
Meehan M (MA)
Meek C (FL)
Menendez R (NJ)
Millender-McDonald J (CA)
Miller G (CA)
Minge D (MN)
Mink P (HI)
Moakley J (MA)
Mollohan A (WV)
Montgomery G (MS)
Moran J (VA)
Murtha J (PA)
Nadler J (NY)
Neal R (MA)
Oberstar J (MN)
Schroeder P (CO)
Schumer C (NY)
Scott R (VA)
Serrano J (NY)
Sisisky N (VA)
Skaggs D (CO)
Skelton I (MO)
Slaughter L (NY)
Spratt J (SC)
Stark P (CA)
Stenholm C (TX)
Stokes L (OH)
Studds G (MA)
Stupak B (MI)
Tanner J (TN)
Taylor G (MS)
Tejeda F (TX)
Thompson B (MS)
Thornton R (AR)
Thurman K (FL)
Torres E (CA)
Torricelli R (NJ)
Towns E (NY)
Traficant J (OH)
Velazquez N (NY)
Vento B (MN)
Visclosky P (IN)
Volkmer H (MO)
Ward M (KY)
Waters M (CA)
Watt M (NC)
Waxman H (CA)
Williams P (MT)
Wilson C (TX)
Wise B (WV)
Woolsey L (CA)
Wynn A (MD)
Yates S (IL)

INDEPENDENTS (1)
Sanders B (VT)

REPUBLICANS (14)
Blute P (MA)
Boehlert S (NY)
Duncan J (TN)
English P (PA)
Forbes M (NY)
Frisa D (NY)
Gilman B (NY)
Leach J (IA)
Martini B (NJ)
McHugh J (NY)
Quinn J (NY)
Stockman S (TX)
Torkildsen P (MA)
Walsh J (NY)

*** NOT VOTING (8) ***
DEMOCRATS (2)
de la Garza E (TX) ?
Ford H (TN) ?

INDEPENDENTS (0)

REPUBLICANS (6)
Franks B (NJ) ?
Hostettler J (IN) +
Largent S (OK) ?
Molinari S (NY) ?
Seastrand A (CA) +
Smith L (WA) ?

KEY -- Special Categories of Not Voting

#	Paired For	X	Paired Against
+	Announced For	-	Announced Against
P	Voted Present	C	Voted Present to avoid possible conflict of interest.
S	Speaker exercised discretion not to vote		
?	Did not vote or make position known		

MEASURE: **HR3265**

SPONSOR: Quinn (R-NY)

OFFICIAL TITLE: A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under the act.

INTRODUCED: 04/17/96

COSPONSORS: 23 (Dems: 2 Reps: 21 Ind: 0)

COMMITTEES: House Economic and Educational Opportunities

RELATED BILLS: See S413, HR363, HR940

CURRENT COSPONSORS:

Blute (R-MA)	Hinchey (D-NY)	McHale (D-PA)
Boehlert (R-NY)	Horn (R-CA)	Metcalf (R-WA)
Cremeans (R-OH)	Houghton (R-NY)	Riggs (R-CA)
Diaz-Balart (R-FL)	Johnson, N. (R-CT)	Ros-Lehtinen (R-FL)
English, P. (R-PA)	LaTourette (R-OH)	Shays (R-CT)
Forbes (R-NY)	Lazio (R-NY)	Torkildsen (R-MA)
Franks, Bob (R-NJ)	Leach (R-IA)	Walsh (R-NY)
Gilman (R-NY)	Martini (R-NJ)	

Roll No. 140 Time FINAL

Minimum Wage

12 Rs

QUESTION:
On Ordering the Previous Question
BILL TITLE:

Providing for the consideration of H.R. 2641, United States Marshals Service Improvement Act

H RES 418
YEA-AND-NAY

	Yea	Nay	Pres	Not Voting
Republican	218	12		6
Democratic	1	190		6
Independent		1		
Totals	219	203		12

Time Remaining FINAL

0

Berman
Bryant (TX)
Clay
Kaptur
Lewis (GA)
Matsui

Roll 140 6 Democrats Not Voting

Flanagan
Gingrich
Goss
Hayes
Molinari
Myers

Roll 140 6 Republicans Not Voting

N	Blute	N	Forbes	N	McHugh
N	Boehlert	N	Frisa	N	Quinn
N	Duncan	N	Gilman	N	Torkildsen
N	English	N	Leach	N	Walsh

Roll 140 12 Republicans Nay Page 1

Y Brewster

Roll 140 1 Democrats Yea Page 1

Roll No. 169 Time FINAL

QUESTION:
On Ordering the Previous Question
BILL TITLE:

Providing for the consideration of H.R. 1745

H RES 303
YEA-AND-NAY

	Yea	Nay	Pres	Not Voting
Republican	217	11		8
Democratic	4	185		8
Independent		1		
Totals	221	197		16

Time Remaining FINAL

0

Y	Hall (TX)	Y	Orton
Y	Martinez	Y	Wilson

Roll 169 4 Democrats Yea Page 1

N	Abercrombie	N	Chapman	N	Doggett
N	Ackerman	N	Clay	N	Dooley
N	Andrews	N	Clayton	N	Doyle
N	Baesler	N	Clyburn	N	Durbin
N	Baldacci	N	Coleman	N	Edwards
N	Barcia	N	Collins (IL)	N	Engel
N	Barrett (WI)	N	Collins (MI)	N	Eshoo
[illegible]	Becerra	N	Condit	N	Evans
[illegible]	Beilenson	N	Conyers	N	Farr
N	Bentsen	N	Costello	N	Fattah
N	Berman	N	Coyne	N	Fazio
N	Bevill	N	Cramer	N	Fields (LA)

N	Bishop	N	Cummings	N	Filner
N	Bonior	N	Danner	N	Foglietta
	Borski	N	de la Garza	N	Ford
	Boucher	N	DeFazio	N	Frank (MA)
N	Browder	N	DeLauro	N	Frost
N	Brown (CA)	N	Dellums	N	Furse
N	Brown (FL)	N	Deutsch	N	Gejdenson
N	Brown (OH)	N	Dicks	N	Gephardt
N	Bryant (TX)	N	Dingell	N	Geren
N	Cardin	N	Dixon	N	Gibbons

Roll 169 185 Democrats Nay Page 1

N	Gonzalez	N	Kennedy (RI)	N	McNulty
N	Gordon	N	Kennelly	N	Meek
N	Green (TX)	N	Kildee	N	Menendez
N	Gutierrez	N	Kleczka	N	Millender-McDonald
N	Hall (OH)	N	Klink	N	Miller (CA)
N	Hamilton	N	LaFalce	N	Minge
N	Harman	N	Lantos	N	Mink
N	Hastings (FL)	N	Levin	N	Moakley
N	Hefner	N	Lewis (GA)	N	Mollohan
N	Hilliard	N	Lipinski	N	Montgomery
N	Hinchey	N	Lofgren	N	Moran
N	Hoyer	N	Lowey	N	Murtha
N	Jackson (IL)	N	Luther	N	Nadler
N	Jackson-Lee (TX)	N	Maloney	N	Neal
N	Jacobs	N	Manton	N	Oberstar
N	Jefferson	N	Markey	N	Obey
N	Johnson (SD)	N	Mascara	N	Olver
	Johnson, E. B.	N	Matsui	N	Ortiz
	Johnston	N	McCarthy	N	Owens
N	Kanjorski	N	McDermott	N	Pallone
N	Kaptur	N	McHale	N	Pastor
N	Kennedy (MA)	N	McKinney	N	Payne (NJ)

Roll 169 185 Democrats Nay Page 2

N	Payne (VA)	N	Schumer	N	Torres
N	Pelosi	N	Scott	N	Torricelli
N	Peterson (MN)	N	Serrano	N	Towns
N	Pickett	N	Sisisky	N	Traficant
N	Pomeroy	N	Skaggs	N	Velazquez
N	Poshard	N	Skelton	N	Vento
N	Rahall	N	Slaughter	N	Visclosky
N	Rangel	N	Stark	N	Volkmer
N	Reed	N	Stenholm	N	Ward
N	Richardson	N	Stokes	N	Waters
N	Rivers	N	Studds	N	Watt (NC)
N	Roemer	N	Stupak	N	Waxman
N	Rose	N	Tanner	N	Williams
N	Roybal-Allard	N	Taylor (MS)	N	Wise
N	Rush	N	Tejeda	N	Woolsey
N	Sabo	N	Thompson	N	Wynn
N	Sawyer	N	Thornton	N	Yates
N	Schroeder	N	Thurman		

Roll 169 185 Democrats Nay Page 3

Y Allard
Y Archer
Armey
Bachus
Y Baker (CA)
Y Baker (LA)
Y Ballenger
Y Barr
Y Barrett (NE)
Y Bartlett
Y Barton
Y Bass
Y Bateman
Y Bereuter
Y Bilbray
Y Bilirakis
Y Bliley
Y Blute
Y Boehner
Y Bonilla
Y Brownback
Y Bryant (TN)

Y Bunn
Y Bunning
Y Burr
Y Burton
Y Buyer
Y Callahan
Y Calvert
Y Camp
Y Campbell
Y Canady
Y Castle
Y Chabot
Y Chambliss
Y Chenoweth
Y Christensen
Y Chrysler
Y Clinger
Y Coble
Y Coburn
Y Collins (GA)
Y Combest
Y Cooley

Y Cox
Y Crane
Y Crapo
Y Cremeans
Y Cubin
Y Cunningham
Y Davis
Y Deal
Y DeLay
Y Diaz-Balart
Y Dickey
Y Doolittle
Y Dornan
Y Dreier
Y Dunn
Y Ehlers
Y Ehrlich
Y Emerson
Y Ensign
Y Everett
Y Ewing
Y Fawell

Roll 169 217 Republicans Yea

Y Fields (TX)
Y Flanagan
Y Foley
Y Fox
Y Franks (CT)
Frelinghuysen
Funderburk
Y Gallegly
Y Ganske
Y Gekas
Y Gilchrest
Y Gillmor
Y Goodlatte
Y Goodling
Y Goss
Y Graham
Y Greene (UT)
Y Greenwood
Y Gunderson
Y Gutknecht
Y Hancock
Y Hansen

Y Hastert
Y Hastings (WA)
Y Hayes
Y Hayworth
Y Hefley
Y Heineman
Y Herger
Y Hilleary
Y Hobson
Y Hoekstra
Y Hoke
Y Horn
Y Hostettler
Y Houghton
Y Hunter
Y Hutchinson
Y Hyde
Y Inglis
Y Istook
Y Johnson (CT)
Y Johnson, Sam
Y Jones

Y Kasich
Y Kelly
Y Kim
Y King
Y Kingston
Y Klug
Y Knollenberg
Y Kolbe
Y LaHood
Y Latham
Y LaTourette
Y Laughlin
Y Lazio
Y Lewis (CA)
Y Lewis (KY)
Y Lightfoot
Y Linder
Y Livingston
Y LoBiondo
Y Longley
Y Lucas
Y Manzullo

Roll 169 217 Republicans Yea

Y McCollum
Y McCrery
Y McDade
Y McInnis
Y McIntosh
Y McKeon
Y Metcalf
Y Meyers
Mica
Y Miller (FL)
Y Moorhead
Y Morella

Y Petri
Y Pombo
Y Porter
Y Portman
Y Pryce
Y Quillen
Y Radanovich
Y Ramstad
Y Regula
Y Riggs
Y Roberts
Y Rogers

Y Seastrand
Y Sensenbrenner
Y Shadegg
Y Shaw
Y Shays
Y Shuster
Y Skeen
Y Smith (MI)
Y Smith (NJ)
Y Smith (TX)
Y Smith (WA)
Y Solomon

Y Myers
Y Myrick
Nethercutt
Neumann
Y Ney
Y Norwood
Y Nussle
Y Oxley
Y Packard
Y Parker
Y Rohrabacher
Y Ros-Lehtinen
Y Roukema
Y Royce
Y Salmon
Y Sanford
Y Saxton
Y Scarborough
Y Schaefer
Y Schiff
Y Souder
Y Spence
Y Stearns
Y Stockman
Y Stump
Y Talent
Y Tate
Y Tauzin
Y Taylor (NC)
Y Thomas

Y Thornberry
Y Tiahrt
Y Upton
Y Vucanovich
Y Walker
Y Walsh
Y Wamp
Y Watts (OK)
Y Weldon (FL)
Y Weldon (PA)
Y Weller
Y White
Y Whitfield
Y Wicker
Y Wolf
Y Young (AK)
Y Young (FL)
Y Zeliff
Y Zimmer

N Boehlert
N Duncan
N English
N Forbes
N Franks (NJ)
N Frisa
N Gilman
N Leach
N Martini
N Quinn
N Torkildsen

N Sanders

Roll 169 1 Independents Nay Page 1

Bono	Holden	Paxon
Brewster	Largent	Peterson (FL)
Clement	Lincoln	Roth
Flake	McHugh	Spratt
Fowler	Meehan	
Gingrich	Molinari	

Roll 169 16 Members Not Voting Page 1

Bill/Language

Bill/Language

104TH CONGRESS
1ST SESSION

H. R. 2531

To amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 1995

Mr. HUTCHINSON (for himself, Mr. GOODLING, Mr. ARCHER, Mr TALENT, Mr. FAWELL, Mr. CANADY of Florida, Mr. PETRI, Mr. GRAHAM, Mr. GREENWOOD, Mr. FUNDERBURK, Mr. HOEKSTRA, Mr. CUNNINGHAM, Mr. GUNDERSON, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. MCINTOSH, Mr. MCKEON, Mr. SOUDER, Mr. NORWOOD, Mrs. MEYERS of Kansas, Mr. EWING, Mr. INGLIS of South Carolina, Mr. SMITH of Texas, Mr. EDWARDS, Mr. CHRISTENSEN, Mr. QUILLEN, Mr. CRANE, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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A BILL

To amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

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

SECTION 1. REFERENCE.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. DEFINITION OF HOUSEPARENT.

Section 3 (29 U.S.C. 203) is amended by adding at the end thereof the following:

"(y) 'Houseparent' means any person employed by a nonprofit institution as a child-care worker, either as a member of a married couple or as a single person (1) to serve as a substitute parent for children who do not live with their own families, and (2) to reside in a family like setting with such children. The activities engaged in as a houseparent shall not be considered to be commerce or in the production of goods for commerce or a part of such an enterprise, even on an individual basis, for purposes of this section or section 6 or 7 (29 U.S.C. 203, 206, and 207).".

SEC. 3. MINIMUM WAGE AND MAXIMUM HOURS EXEMPTION FOR HOUSEPARENTS.

Section 13(a) (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (16) and inserting "; or" and by adding at the end thereof the following:

"(17) any employee who is employed by a nonprofit institution to serve as a houseparent for abused, neglected, delinquent, orphaned, homeless, or emotionally impaired children, when—

"(A) such children's primary residence is in the residential facilities of such institution,

"(B) such houseparent resides with such children in the residential facilities of such institution for at least 72 hours a week, and

"(C) such houseparent receives, without cost, board and lodging from such institution and is compensated, on a cash basis, at an annual rate of not less than $8,000.".

SEC. 4. CONFORMING AMENDMENTS.

(a) SECTION 3.—The first sentence of section 3(r)(1) (29 U.S.C. 203(r)(1)) is amended by inserting before the period the following: "or a houseparent".

(b) SECTION 13.—Subsection (b) of section 13 (29 U.S.C. 213) is amended by striking out paragraph (24).

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104TH CONGRESS
1ST SESSION

H. R. 1227

To amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1995

Mr. FAWELL introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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A BILL

To amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

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

SECTION 1. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.

Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", by adding at the end the following:

"(3) use of employer owned vehicles for traveling to and from the actual place of performance of the principal activity which such employee is employed to perform.".

To: Anne T.
From: Andy B

[DISCUSSION DRAFT]

MAY 21, 1996

AMENDMENT TO H.R. 1227, AS REPORTED OFFERED BY MR. GOODLING OF PENNSYLVANIA

Add at the end the following:

SEC. 3. FAIR LABOR STANDARDS ACT AMENDMENTS.

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (16) and inserting "; or" and by adding after that paragraph the following:

"(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, whose primary duty is—

"(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

paragraph (1) and the cash wage in effect under section 6(a)(1).

The additional amount on account of tips may not exceed the value of the tips actually received by an employee.".

(d) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(g)(1) In lieu of the rate prescribed by subsection (a)(1), any employer may pay any employee of such employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than $4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be considered to have violated section 15(a)(3).".

Portal to Portal - reg. of employment not voluntary

(1) Small Business Exemption 500,000 + below

(2) Tips + Credit $2.13

(3) Computer Operations

(4) Opportunities Wage - no displacement
90 days.

amendments made by this subsection is not subject to such section, the employer of such employee on such date shall—

(A) pay such employee not less than the minimum wage in effect under such section on May 1, 1996;

(B) pay such employee in accordance with section 7 of such Act (29 U.S.C. 207); and

(C) remain subject to section 12 of such Act (29 U.S.C. 212).

(c) TIP CREDIT.—The next to last sentence of section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended to read as follows: "In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employee's employer shall be an amount equal to—

"(1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the date of the enactment of this paragraph; and

"(2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in serting the following: "who in any workweek is (A) engaged in industrial homework subject to 11(d) and is either (i) engaged in commerce, or (ii) engaged in the production of goods for commerce, or (B) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(6) SEX DISCRIMINATION.—Paragraphs (1) and (2) of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) are each amended by inserting after "employees subject to any provisions of this section" the following: "or employees engaged in commerce or in the production of goods for commerce".

(7) HANDICAPPED WORKERS.—Section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended by inserting after "injury" the following: "and who are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce".

(8) PRESERVATION OF COVERAGE.—In the case of an employee who on May 1, 1996, was subject to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) and who because of the

(2) MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C 206(a)) is amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting the following: "who in any workweek is engaged in industrial homework subject to 11(d) and is either engaged in commerce or engaged in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce".

(3) WAGE ORDERS.—Section 8(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208(a)) is amended by striking "employers in American Samoa engaged in commerce or in the production of goods for commerce or" and inserting in lieu thereof "employers in American Samoa".

(4) MAXIMUM HOURS.—Paragraphs (1) and (2) of section 7(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)) are each amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and in-

"(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

"(D) a combination of duties described in subparagraphs (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than $27.63 an hour.".

(b) SMALL BUSINESS EXEMPTION.—

(1) SPECIAL INDUSTRY COMMITTEES.—Section 5(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205(a)) is amended by striking "engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce" each time that it appears and inserting each time the following: "who are (1) engaged in industrial homework subject to 11(d) and are either (A) engaged in commerce, or (B) engaged in the production of goods for commerce, or (2) employed in an enterprise engaged in commerce or in the production of goods for commerce".

articles

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NATIONAL JOURNAL'S
CongressDaily/A.M.

WEDNESDAY, MAY 15, 1996

House GOP Crafting Scheme To Ensure Wage Hike Win

Looking to break the logjam on raising the minimum wage and still satisfy conservative opponents, House Republican leaders Tuesday began developing a complicated procedure

OUTLOOK

that is likely to result in a bill that combines the wage hike and small business tax breaks passing the House next week. While the move is designed to get the minimum wage increase through the House, it also is expected to ease the bottleneck in the Senate — where maneuvering over the minimum wage, a gas tax repeal and several other bills has clogged up floor action.

House Republican leaders are trying to devise a rule for House floor debate that would allow conservative opponents of raising the minimum wage to vote for an alternative plan — while still getting the wage hike approved, leadership sources told *CongressDaily* Tuesday evening. To do so, an unusual "two-headed" rule would put the small business tax provisions and the minimum wage on separate tracks on the House floor within a single bill. A non-controversial measure would serve as the base bill on the minimum wage side. The House then would vote on two substitute amendments — the wage increase itself and legislation sponsored by **Reps. David McIntosh**, R-Ind., and **Tim Hutchinson**, R-Ark., that would refund all payroll taxes to low-wage earners. The McIntosh-Hutchinson bill is expected to lose, and the wage increase is almost certain to pass, but leaders believe that allowing the vote would placate conservatives. Separately, the small business tax elements would be passed. *(For a related story on committee passage of that measure, see Page 9.)* The two parts then would be melded, passed, and sent to the Senate.

Currently, House Republicans do not plan to include a measure that allows employers to offer workers compensatory time instead of overtime pay, leadership sources said. The White House

Continued on Page 8

SCHEDULE

SENATE

Convenes at 9:30 a.m. to consider S.Con.Res.57, the FY97 budget resolution, on which there is a 50-hour statutory time limitation.

HOUSE

Convenes at 9 a.m. and will immediately recess for the former members of Congress annual meeting. After 10 a.m., the House is scheduled to consider H.R.3230, FY97 Defense Authorization Act.

SENATE COMMITTEES

AGRICULTURE

COMMODITY MARKETS

Full committee hearing on the impact of tight supply on commodity markets. ***Witnesses:*** John Tull, acting chairman, Commodity Futures Trading Commission; Patrick Arber, Chicago Board of Trade; Michael Braude, Kansas City Board of

Continued on Page 9

Budget Action Set In Both Houses

The Senate this morning is slated to begin up to 50 hours of debate on the FY97 budget resolution, while the House Rules Committee later this afternoon plans to craft a rule for the House floor debate on the measure Thursday. The main GOP bill is a

BUDGET

six-year balanced budget proposal that includes $1.6 trillion in spending in FY97. House Democrats hope to offer at least two separate substitute budget resolutions. Amendments submitted to the House Rules Committee include proposals by The Coalition, a group of conservative Democrats, and the Congressional Black Caucus. It remains unclear whether Democrats will seek to offer President Clinton's FY97 budget plan. "That's an open question," **House Budget ranking member Martin Sabo**, D-Minn., told reporters Tuesday.

The Coalition proposal, which Sabo Tuesday said he plans to support, would make smaller reductions in Medicare and Medicaid than the GOP-proposed budget resolution. The Coalition plan would maintain Medicaid's status as an individual entitlement, while the Republican plan would make Medicaid a block grant to the states. The Coalition plan includes no income tax cuts, but assumes that expired excise taxes, including the airline ticket tax, would be re-enacted. It would reduce welfare spending by $42 billion, compared to $53 billion in the GOP plan, and trims spending on the Earned Income Tax Credit by $4.6 billion, instead of the GOP-proposed $20 billion.

The Congressional Black Caucus plan — which, like the Coalition proposal, would balance the budget by the year 2002 — would cut defense spending $276 billion below the GOP-proposed level and increase taxes by $487 billion. It would

Continued on Page 8

Wage Scheme

Continued from Page 1

and congressional Democrats Tuesday said adding that legislation is a "poison pill" that would scuttle any Senate agreement to break the deadlock.

In the Senate, the bipartisan leaders agreed late Tuesday afternoon to move to consideration today of the GOP's FY97 budget resolution — putting off, for now, trying to find an end to the partisan wrangling over the proposed gas tax repeal and minimum wage increase.

Senate Republicans were unable once again earlier in the day to invoke cloture and take a vote on **Senate Majority Leader Dole**'s amendment to repeal the 1993 4.3 cents-per-gallon increase in the gas tax. The amendment was offered to legislation that would reimburse former White House Travel Office employees, and Dole subsequently pulled that bill from floor consideration.

Senate Democrats insisted on assurances there would be no "poison pills" attached to a final minimum wage conference report that might warrant a presidential veto.

Under pressure from Senate Democrats — who fear House Republicans may try to botch any bipartisan deal reached in the Senate — Senate Republicans have decided to wait for the House to take action on the minimum wage before trying to bring it up again in the Senate.

Senate GOP leaders Tuesday said they would like to bring up the House minimum wage proposal, which will be attached to a package of tax breaks for small businesses, and also bring up separately four other bills: the Team Act, repeal of the 1993 gas tax, the Taxpayer Bill of Rights II and the White House Travel Office bill.

Senate Democrats said they would not sign off on the latest GOP compromise offer until they see in what form the House passes an increase in the minimum wage — and whether or not it will be attached to controversial labor provisions opposed by the administration.

Both Senate Republicans and Democrats, however, indicated a strong desire to resolve the issue before the Memorial Day recess.

At the same time, Democratic aides reported that Senate Democrats were divided over their strategy.

The sources said one camp of Democrats — the majority of Democratic members — would not necessarily view it as a political defeat if Republicans killed the minimum wage effort, and might possibly suffer for it in November. The other camp — mainly driven by the White House — is adamant about giving Clinton something he can sign and for which voters may likely give him and other Democrats credit.

Meanwhile, on a related front, **House Majority Leader Armey** Tuesday said the BIF-SAIF banking reforms will not be used as an offset for the gas tax repeal. Several times recently Republicans have considered using the additional bank contributions as offsets. In addition, some House Republicans are looking into the possibility that the administration has the authority to make many of the reforms without legislative action, one source said.

The House Ways and Means Committee last Thursday approved a standalone repeal of the 4.3 cents-per-gallon gas tax increase that uses as offsets cuts in the Energy Department and broadcast spectrum auctions.

Last Thursday, Dole said one of the offsets for his gas tax repeal amendment would be the BIF-SAIF plan. It was unclear late Tuesday if that still is the case.

Budget Action

Continued from Page 1

maintain Medicare and Medicaid at levels projected by the CBO, and increase spending for environmental programs, the Community Development Block Grant program, the Economic Development Agency, welfare and child care, veterans benefits, and Justice Department crime reduction and prevention programs.

Although the Rules Committee strongly encouraged House members to propose only entire substitutes to the GOP budget, two Democrats submitted piecemeal changes.

Rep. Carrie Meek, D-Fla., will seek to offer an amendment that would eliminate the GOP-proposed $20 billion reduction in spending for the Earned Income Tax Credit, offsetting the loss by reducing the proposed tax break for capital gains.

And **Rep. Bill Orton**, D-Utah, a Coalition leader, in addition to offering his substitute, also wants to offer a proposal to require that the CBO certify the budget is balanced before any tax cut can take effect. The provision — included by Senate Republicans in their version of last year's budget — was offered and defeated during committee consideration.

House GOP leaders apparently are looking to wrap up the floor action on the budget by Thursday evening; **Majority Whip DeLay** last week said the leaders hope to send House members home for the weekend by 6 p.m. Thursday.

Earlier Tuesday, House Democrats launched their attack on the GOP budget resolution. Even though the Republican plan had been moderated from last year's proposed cuts in many areas, Sabo told a news conference "many of the policies in this budget remain dangerously radical and should be rejected."

And in the Senate, **Minority Leader Daschle** on the floor Tuesday evening complained that Democrats had been "locked out" of the process on the FY97 budget, which he noted key House and Senate Republicans ironed out among themselves in what amounted to "preconference" negotiations. Daschle called this year's GOP effort "the most partisan budget in many, many years."

Daschle also declared it is "flat out illegal" to move three budget reconciliation bills, as the Republicans are planning. On Monday, Daschle had said Senate Democrats are likely to challenge the validity of the budget resolution on the floor.

Senate Democrats plan to offer the FY97 Clinton administration budget request as a substitute to the Republican plan, Daschle said Monday. The bipartisan group of senators led by **Sens. John Breaux**, D-La., and **John Chafee**, R-R.I., also has been expected to offer its spending blueprint.

Michael Kramer

Minimum Wage, Minimum Sense

AFTER 56 MINUTES OF RECYCLED CAMPAIGN THEMES, Bill Clinton finally made some news during last week's State of the Union address: the minimum wage should climb, he said, because "you can't make a living on $4.25 an hour." That's for sure—but as Clinton himself explained two years ago, hiking the minimum is "the wrong way to raise the incomes of low-wage earners."

First, some facts about the minimum wage and those who get it:

▸About 2.5 million Americans earn the minimum; 1.7 million more take home even less since the law doesn't cover them.

▸The minimum was first set at 25¢ an hour in 1938. Inflation has taken a heavy toll: since it was last raised from $3.35 in 1991, its value has fallen 50¢.

▸Contrary to popular belief, about 80% of those who get the minimum (or less) belong to families with combined incomes above the poverty line (currently $15,627 for a family of four) and thus are not defined as poor.

Many economists worry about two pernicious effects of raising the minimum. The first concerns job loss. Standard theory holds that every hike in the wage triggers employee firings, with the least skilled axed first. That view has been challenged by several recent studies co-authored by Alan Krueger, the Labor Department's chief economist. A modest increase, says Krueger, would have "negligible negative employment effects"—or, in plain English, next to no job losses. Negligible, though, is a term of art. Because wage-related costs like unemployment compensation and payroll taxes rise along with the basic wage, most experts say the contemplated hike to $5 an hour could cost between 40,000 and 100,000 jobs. "The consensus view has big problems with Krueger's results and methodology," says Texas A&M labor economist Finis Welch. "Alan ought to consider the old saw: If you drop an apple and it rises, question your experiment before concluding that the laws of gravity have been repealed."

But "even if Krueger's right and no one's fired," says University of Texas economist Daniel Hamermesh, "a raise will deter employers from hiring new workers. That's bad especially for young minorities—over 30% of whom are unemployed—because they're the people we want in the labor force, so they can begin learning basic job skills."

The other troubling question is, Who pays? "Businesses don't simply absorb increased wage costs," says Rob Shapiro, whom Labor Secretary Robert Reich tried hard (and unsuccessfully) to enlist as a supporter of the raise because, as a top Clinton campaign adviser, it was Shapiro who once convinced Clinton that hiking the wage was counterproductive. "They pass them on in the form of higher prices, which are regressive because they're borne equally by all. Thus the vast majority of the 39 million poor Americans who won't benefit from a raise will be worse off, while a very few get more pay."

When Clinton agreed with this analysis more than two years ago, he urged enhancing the earned-income tax credit instead. "It's better targeted to low-income people because it pays a supplement to everyone who earns up to 150% of the poverty line," Clinton told me in 1992. "Those who work full time should be able to support a family above that line, which is what an expanded EITC can achieve."

MICHAEL L. ABRAMSON FOR TIME

PAUL GOMEZ gets the $4.25 minimum wage cleaning up at a Chicago food market

Since many Republicans oppose hiking the minimum with near religious zeal ("I'll fight it with every fiber of my being," says House majority leader Dick Armey), the President's plan seems dead—which may explain why some Clinton aides say the proposal won't be actively pushed.

What Clinton *should* fight for seems obvious: For openers, the President should further promote the EITC. Many Americans still don't know they qualify for it, and many of those who do get it don't realize they're also eligible for food stamps. Above all, Clinton should invest his dwindling political capital in an all-out drive for his job-retraining programs. Upgrading worker skills remains the surest route to increased incomes. As Clinton says, "What you earn depends on what you learn; the most effective way to help is to make workers more productive because wages reflect the value of what people produce."

Alluding to Krueger's work without naming him, the President said last week that the "weight of the evidence is that a modest increase [in the minimum wage] does not cost jobs." That may be so, but Clinton's calculation was primarily political. "We need the energized support of minorities and unionists, our core group of voters," says a Clinton adviser, "especially if there's another three-way race in 1996."

That view seems shortsighted for two reasons. First, the Democratic base alone won't re-elect Clinton, and the swing voters he most needs disdain old-fashioned liberal solutions like raising the minimum wage. Second, the President's real problem involves a perceived lack of resolution and stamina. If Clinton lets his proposed hike die quietly and holds instead to his original diagnoses and prescriptions (which were right then and are right now), he might come across more like a President than a perpetual candidate—and possibly get the four more years he covets. ■

and have seen their wages not rise but decrease. They scramble to pay their bills, to make ends meet at the end of every week. More than two-thirds of minimum wage workers are 20 years and older, they are not teenagers.

The approximate annual average salary of a minimum wage worker is $8,500 a year. It is below the poverty level. It is below the welfare level.

Imagine, this Republican majority says no to a 90 cents increase an hour for working families in this country, 90 cents, when they make over $130,000 a year.

That is not justice. It is wrong to happen to working families in this country. Shame. Stop the excuses. Let us vote on a minimum wage in this House and let us past minimum wage for working families in this country.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, as a result of my previous parliamentary inquiry to the Chair and to others, that the debate was on the motion to recommit to determine whether or not it is an unfunded mandate; is that correct or incorrect?

The SPEAKER pro tempore. The Chair will read from section 426(b) of the Budget Act as to what the House is debating: question of consideration, "as disposition of points of order under section 425 or subsection (a) of this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order."

Mr. VOLKMER. The point of order is the motion to recommit is an unfunded mandate; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. VOLKMER. That is the point of order.

Now, the Parliamentarian does not rule on this and we are to vote and make an individual decision as to whether or not we believe that this is an unfunded mandate if the point of order is proper; is that correct, as an individual?

The SPEAKER pro tempore. The question is simply on whether this body wants to consider the motion to recommit, notwithstanding the point of order.

Mr. VOLKMER. Notwithstanding the point of order. Therefore, any Member can raise a point of order not on the motion to recommit or an amendment or anything under this rule, correct?

The SPEAKER pro tempore. Only against this motion at this time.

Mr. VOLKMER. Only against the motion.

Now, should the Members not make a decision based on recommendations like the Congressional Budget Office which says this is not an unfunded mandate?

The SPEAKER pro tempore. The Chair would remind Members that the reason the House is having this debate is so the Members can make up their minds on which way they want to vote on this question.

Mr. VOLKMER. Without listening to the Congressional Budget Office.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, it has to do with the nature of the question we are voting on.

As I understand it, we are talking about the new rule adopted at the beginning of this Congress dealing with what to do when there is an unfunded mandate. Would this vote, and this would help, I believe, us clarify it, because we have dealt with this once before in my recollection, would a vote now to proceed with the minimum wage vote be the equivalent of what the House did when we adopted the rule on the agriculture bill which waived the unfunded mandate point of order?

When the House adopted the majority's proposed rule on the agriculture bill, it waived the point of order with regard to unfunded mandates and allowed us then to proceed on the bill which CBO said had unfunded mandates. Are we now being asked to do the same thing; namely, take up the bill although CBO does not say there are unfunded mandates in there, as we did when we adopted the majority's rule on the agriculture bill?

The SPEAKER pro tempore. The Chair can only respond that the reason the House is having this debate is so the House can make the judgment on whether there shall be a vote on the motion to recommit.

Mr. ENGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ENGEL. Mr. Speaker, the previous gentleman mentioned that the rule on the agriculture bill waived a point of order with regard to unfunded mandates. Is this the blatant politics and blatant hypocrisy that the majority whip was referring to?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

The Chair would advise Members that the gentleman from Texas [Mr. ARCHER] has 3¼ minutes remaining, the gentleman from Michigan [Mr. BONIOR] has 30 seconds remaining, and the gentleman from Texas [Mr. ARCHER] has the right to close.

Mr. BONOIR. Mr. Speaker, I yield 30 seconds to the gentleman from Vermont [Mr. SANDERS].

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

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Mr. SANDERS. Mr. Speaker, the leadership of this Congress has passed huge tax breaks for the rich and for the largest corporations in America.

But somehow, when some of us want to raise the minimum wage for millions of American workers, we are told that we are not even allowed to have a vote.

People today are working longer hours for lower wages, and they are entitled to a raise. Mr. Speaker, let us raise the minimum wage; more importantly, let us have the guts to vote on the issue.

Mr. ARCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Speaker, after years of frustration and months of hard work we are here today to do three good things for the American people: to give the President of the United States the long-sought line-item veto authority the American people wish for him to have, to give the senior citizens of America a chance to work in their senior years and still retain their Social Security benefits with less prejudice from the Government's desire to take their earnings away, their benefits away, if they earn money, and to create job opportunities by lessening the red tape burden on small business. We are here to do these things that the minority, when they were in the majority, would not do, and we can complete that work.

Now we are being asked, and I might say it has been a very colorful and entertaining show; we are being asked to go back on the work that we did earlier on unfunded mandates and pose an unfunded mandate on the communities in our country in order to raise the minimum wage. Is this an effort to stop three good things from happening or to do one bad thing?

I was just asked by one of my colleagues a moment ago why is it the minority did not raise the minimum wage last year when they had the majority in the House, they had the majority in the Senate and they had the White House?

Mr. Speaker, I suspect the reason is that they read page 27 of Time magazine on February 6, 1995, where the President was quoted as saying that raising the minimum wage is, and I quote, "the wrong way to raise the incomes of low wage earners." Perhaps they did not.

We have had an interesting show, I have been much entertained by it, I am sure the Nation has been entertained. But this body belongs to the people for serious work.

I propose that we vote down this motion, get on with our work, and do some good things for America rather than punish the working poor.

The SPEAKER pro tempore. The question is, will the House now consider the motion to recommit?

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.