struggling to make ends meet. The bill fails to recognize that people usually work overtime because they need the money.

The legislation essentially ends overtime pay by allowing an employer to give time off instead. Supporters say it gives working mothers more flexibility because they would have the option of spending their time at home—that's the flexibility.

But no matter how you slice it, you cannot feed a family with time off. Every hour of work matters to a family's bottom line. It's a factor in food and clothing and keeping a roof over your head.

So I urge a ''no'' vote on this bill that takes the money out of the pockets of working women and families in Texas and across the country.

PROVIDING FOR CONSIDERATION OF H.R. 807, FULL FAITH AND CREDIT ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 202 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 202

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 807) to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Camp of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the ranking member of the Committee on Rules, the gentlewoman from New York, my friend (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SESSIONS. House Resolution 202 provides for a structured rule for consideration of H.R. 807. This rule provides for discussion opportunities for Members of the minority and the majority to participate in this debate.

Today, Mr. Speaker, we have an opportunity to guarantee the full faith and credit of the United States for generations to come by ensuring that our Nation will never default on our debt obligations.

Functionally, H.R. 807, the Full Faith and Credit Act of 2013, ensures that the Treasury Department will continue to make payments on the principal and interest of our debt, including debt held by the Social Security trust fund, in the event that the statutory debt limit is reached. Requiring the Treasury to make good on its obligations to the Social Security trust fund will ensure that those funds are available to honor our commitment to seniors and disabled Americans.

Moreover, H.R. 807 provides certainty to investors, small businesses, retirees, pension beneficiaries, and international markets that we will never negatively impact our economy by allowing this Nation to default on its debts.

In the larger sense, it is our opportunity to engage, in a public forum, the Treasury Department and the administration on what we believe is the right way to engage in discussions about how we will move forward in uncharted territories as it's dealing with the financial difficulties of our country.

However, today's debate is symptomatic of the larger problem. For far too long, our Federal Government has spent too much money and borrowed too much. We have spent money and not listened to the American people, nor looked ahead at the consequences of spending too much, saving too little, and not creating jobs that will help to sustain the American Dream, the next generation, and the systems which we hold so dear to the American system.

House Republicans however, today, come to the floor, under the leadership of our great Ways and Means Chairman, DAVE CAMP, and some ideas that have come from Congressman TOM MCCLINTOCK of California, and we are working on ideas with commonsense solutions to cut wasteful spending, reform entitlement programs, and balance the budget in a way that furthers our country, strengthens what we do, and makes sure we are ready for tomorrow.

Yet at almost every turn, including yesterday, up in the Rules Committee upstairs, our colleagues on the other side of the aisle have opposed progrowth agendas and pushed for higher taxes and more spending. It happens almost every single day, every single bill that we bring before the Rules Committee, a demand to increase spending and increase taxes.

Our Nation does not have a taxing problem. It has a spending problem; and until we enact meaningful reforms, we will not improve our dire financial dilemma and the circumstances that come with trying to manage a problem instead of a growth opportunity to make our country stronger.

Today, the American economy is struggling and has been struggling now in our fifth year to regain momentum and is burdened by massive amounts of Federal spending and Federal debt. Allowing our Nation to default would severely hinder what little growth there is, potentially causing the U.S. to slip back into another recession and risk another downgrading of our credit rating.

For these reasons, default is unacceptable; and that is why House Republicans, we think weeks, perhaps months ahead of trying to finally address this issue, we think it's time that our ideas are on the floor of the House of Representatives, talking openly, not just among ourselves and with the administration, but also the American people. And that is the purpose of us being here today.

House Republicans are willing to work with our colleagues in the Senate, as well, and also at the White House; and we'd like to find a compromise that would raise the debt limit, while simultaneously enacting meaningful legislation that will fix our Nation's broken tax system.

We need to create jobs through job enrichment, through a Tax Code that is vibrant and does not harm job creation, that does not do things that would cause people to want to not invest in this country because of taxes that are out of control and spending that harms their business.

So we want to rein in our out-of-control spending and reform our ballooning entitlement programs to preserve them for generations to come. It should be our responsibility.

We, as Members of Congress, were elected by the people, and we should be able to come and face tough issues with good answers. We should not try and scare people back home. We should be able to tell the truth about the legislation, and we need to be honest about the circumstances of the pathway that we remain on because of our President's and the Democrats' agenda.

So, unfortunately, President Obama has already stated that he is unwilling to negotiate with the House or the Senate over the debt limit.

□ 1250

It is this President when he was a Senator who voted repeatedly against a debt limit increase, called it irresponsible and a lack of leadership; and yet today he says just give him all the power, he'll take care of this himself. As such, the bill before us today is a necessary and prudent safety net designed to avoid economic calamity

should we reach the debt limit and not have resolved that between the House, the Senate, and the President.

I applaud Congressman TOM MCCLINTOCK, my dear friend from California, and our great young chairman from Michigan, DAVE CAMP, chairman of the Ways and Means Committee. Each of them brings their work product to the floor today, as well as many of our other colleagues such as my Rules Committee member, the young man from Orlando, Florida, DAN WEBSTER, who brought forth ideas that would help shape not only the legislation that we have today, but the desire of the Republican conference to make sure that we continue to talk about the issues and problems that we see before they become a crisis, before they become something that is unworkable and rather to share our great ideas now. So for the timeless work on this issue, I thank all three of them for working on this bill today.

I encourage my colleagues to vote ''yes.'' I encourage them to vote ''yes'' on the rule, I encourage them to be thoughtful and truthful about the legislation, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman, my friend from Texas, for yielding me the customary 30 minutes and yield myself such time as I may consume.

Mr. Speaker, before I really begin, I want to make clear that what the President said in his statement of disapproval and veto, that he would not negotiate over this foolish bill, that he was not going to negotiate what to do if we go into default because his intent, as well as the intent of the Democratic Party, is not to default.

It's right honest, but instead of really talking about today lifting the debt limit, we're going to discuss the usual do-nothing legislative agenda: let's fiddle while Rome burns and pass a one-House bill that the Senate will never touch and the President will never see, which is what we do here once, sometimes twice, a week.

But today, I think they've really outdone themselves. Instead of wasting time on a bill that can be characterized as redundant like we do the 35, 36 times that we vote against health care, the majority is now considering legislation that treads into the realm of the precarious.

Regardless of whether the legislation before us is approved by this Chamber, the very fact that the majority is proposing policies to manage the economic default is by itself a threat to our economy. Both the Treasury and outside experts have made clear that picking and choosing which debts we pay is legally questionable and logistically impossible.

The President has, as my colleague said, warned that in the highly unlikely event that this bill reaches his desk, he will unequivocally veto it. But instead of listening to this fact, the majority is moving ahead with a proposal and a debate that puts us on the road to default. They do so even as The Washington Post reports this morning that the economy is improving, revenues are up and spending is down, which undermines the stream of doom that we hear. But today the irresponsible actions of the majority are, once again, needlessly encouraging the economic recovery.

Let me be clear: the legislation does not raise the debt ceiling, which is the only way to take away the threat of default; but, instead, the bill guarantees that when we hit the debt ceiling, our foreign creditors and the Social Security trust fund will be paid in full while the well-being of millions of Americans—vendors and people we owe legitimate debts to—are left to chance.

Under this legislation, the majority is actively putting the interests of China before millions of Americans, including Active military servicemembers, veterans, and even the men and women who clean the floors of the Capitol and fold napkins in the Members' dining room. Every single one of these citizens relies upon their paycheck and upon the United States Government to pay the debts in order to put the food on their tables and to make ends meet.

With today's bill, the majority is proposing that the welfare of these Americans be left to chance while they protect China and foreign bondholders from the threat of default. In addition, the majority is endangering the regular payments owed to infrastructure projects, food safety inspectors, education programs, and public health research. It is a reckless plan that would directly hurt the most vulnerable members of society who already struggle in the sequestration to get by.

Furthermore, the act of choosing whom we will repay when we default on our debt is in and of itself an act that will threaten to throw our economy back into recession. During the recent hearing of the Committee on Ways and Means, the MIT economist Simon Johnson warned that if we default on even a portion of our debt, the unemployment rate would more than double, countless companies would go out of business, and investors would flee the United States.

Meanwhile, The Economist magazine has written:

> Failure to raise the debt ceiling would force immediate spending cuts equal to 6 percent of GDP. Not only would that threaten to send the economy back into recession; it would also deprive doctors, pensioners, contractors, and millions of others the money needed to meet their own obligations and set off a chain reaction of defaults. Even a few days' default would roil the global financial system which relies on Treasuries in countless transactions. The mere possibility could incite skittish investors to dump their holdings, driving up interest rates.

Tony Fratto, a former spokesperson for President George W. Bush, said:

> Prioritization is impossible. Is the government really going to be in the position of withholding benefits, salaries, rent, contractual payments, and so forth in order to pay off Treasury bondholders? That would be a political catastrophe.

It should be clear by now that the act of even bringing a bill such as this to the floor for debate can scare investors and endanger our economy. This type of economic brinksmanship is extremely dangerous. The majority's games are compounded by their uninterest in repealing the sequester. As we speak, the sequester is preventing thousands of cancer patients from receiving lifesaving treatment and keeping thousands more children from receiving the education—I think 70,000 is the figure—through the Head Start program. These are some of the devastating cuts that don't go away simply because the majority refuses to take action and repeal the sequester in full.

Tragically, the majority's willingness to endanger our economy is not new. In August of 2011, the majority headed down the road to default for the first time in our history by threatening to default on our debts. Despite the opportunity to reach compromise with the administration, the majority claimed a zero-sum political game that had serious consequences. And because of their actions, August 2011 was the worst month for job creation in 3 years. The Dow Jones Industrial Average plunged 2,000 points, and our Nation's credit rating was downgraded for the very first time. The effects were very real and very dangerous. A responsible legislative body would never head down that road again a second time. But that's exactly what we're doing here today.

For more than 225 years, this Chamber has been dedicated to preserving the order and stability of our government even in the most partisan of times. Despite their differences, generation after generation of legislators has known that when it comes to the integrity of our Nation, we must succeed together or else fall alone.

Dangerously in the last 2 years, the majority has taken step after step to undermine the central pillar of our government, including the proposal that they put forward today. We've frequently done so through a closed legislative process. And while the majority states that today's legislation is moving forward under a structured rule, it is only structured for the Members of the majority.

For the second time this week, the majority is bringing forth a rule that denies consideration of a single Democrat amendment. As a result, we debate a dangerous proposal and one that puts the interests of China before the welfare of the American people and the economic stability of the United States.

Yesterday, the Speaker of the House was asked if the proposal laid before us would indeed pay China before paying U.S. troops. He admitted that it would and said:

> Listen, those who have loaned us money, like in any other proceeding, if you will,

court proceeding, the bondholders usually get paid first. The same thing here.

That simple statement tells us what we need to know.

□ 1300

I refuse to put China's interests before the interests of the American people, and I refuse to sit silently as the majority moves us one step closer to default.

I urge my colleagues to please vote ''no'' on today's rule and the underlying legislation, and I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, one of the Members of Congress that I spoke about that not only brought pieces of this legislation to the Ways and Means Committee but really as part of the debate for our conference and to the American people is our next speaker.

I yield 5 minutes to the gentleman from Elk Grove, California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this rule to bring the Full Faith and Credit Act to the House floor.

I had hoped that amidst all the controversies gripping this Congress that certainly we should at least be able to agree that the full faith and credit of the United States Government should not hang in the balance every time there's a fiscal debate in Washington. Unfortunately, even so commonsense a proposition as this cannot produce a consensus in today's Congress.

This bill simply guarantees the debt of the United States. No matter what political storms are raging in Washington, the public credit must be maintained. Yet this President and his followers—who have taken our Nation on the biggest borrowing binge in its history, who have run up more debt than almost all of his predecessors put together—oppose this commonsense attempt to assure credit markets that whatever else happens in Washington, their loans to this government are absolutely safe.

You know, most States have had similar provisions in their laws or constitutions guaranteeing their debt for generations. Last year, in testimony to the Senate, Fed Chairman Ben Bernanke praised these State provisions for maintaining confidence in State and municipal markets. He told our own House Budget Committee that a similar measure at the Federal level would help protect our Nation against the threat of default.

The President and his followers argue that this is somehow an excuse for not paying our other obligations. What absolute nonsense. I challenge them to name one Member of Congress who has ever suggested that this measure is an acceptable alternative to not paying our other bills.

Their reliance on this falsehood is a measure of the bankruptcy of their argument. Do they actually suggest that all of these other States—that have guaranteed their sovereign debts for many generations—have ever used these guarantees as an excuse not to pay their other bills? On the contrary, by providing clear and unambiguous mandates to protect their credit first, they actually support and maintain their ability to pay for all of their other obligations.

The gentlelady from New York puts forth the argument that this measure would put foreign creditors ahead of programs serving Americans. Well, I would remind her that public credit is what makes possible all of the other programs of this government, from paying our troops to seniors' health care. Without it, we cannot pay our other bills.

I would also remind her that most of the public debt is held by Americans—much of it through American pension funds. China holds less than 10 percent. So the overwhelming effect of this measure is to protect the investments that Americans have made in their own government while protecting the credit that supports every other expenditure of this government, including our troops.

In its original form, this measure restated the already existing authority of the Treasury Department to prioritize the other obligations in order to assure prompt and full payment of the debt, and added a mandate requiring it to do so. The committee's much simpler and more practical approach directs the Treasury Secretary to pay the debt, even if it means temporarily borrowing outside the debt limit in order to do so. I want to thank it for this improvement, which I gratefully acknowledge and wholeheartedly endorse.

Let me say this again: no one advocates that this government delay paying any of its bills, and this legislation does no such thing. Indeed, this measure protects our ability to pay all of our other bills because paying those bills depends on maintaining the Nation's credit.

But given the precarious nature of our Nation's finances, principle disputes over how the debt limit is addressed are going to happen from time to time. I remember just a few years ago when then-Senator Barack Obama vigorously opposed increasing the debt limit sought by the Bush administration. Well, I've never equated Mr. Obama's opposition to the debt limit increase as anything other than a principled and well-placed concern over the proper management of our finances. It's sad that he cannot grant the motives of his opposition the same courtesy.

But when these controversies erupt—as they inevitably will do in a free society—it is imperative that credit markets are supremely confident that their loans are secure.

So I say this a third time: an impasse on the debt limit is something much to be avoided because it could do enormous damage to our Nation's prestige and its prosperity. But there is one thing that could do even more damage than delaying payments on our other bills, and that is the threat of a default on our sovereign debt. This measure takes that threat off the table. It assures credit markets that their investments in the United States are as certain as anything that can be had in this life.

Mr. Speaker, let us pass this rule and proceed with consideration of the bill.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the ranking member on Ways and Means.

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

Mr. LEVIN. You know, when you boil this all down, essentially what this bill says is pay some bills first and not others. I came here because, if the rule passes, we'll have a full discussion tomorrow, but I wanted to share with everybody the story that I saw this morning. It's accurate.

The headline is: ''John Boehner on Debt Ceiling: Let's Pay China First, Then U.S. Troops.'' That headline in Huff Post is based on an interview with the Speaker on Bloomberg TV by Peter Cook. I quote Mr. Cook:

> Doesn't it mean, as Democrats have suggested, that you're basically choosing to pay China before you pay U.S. troops?
>
> The Speaker: Listen, those who have loaned us money, like in any other proceeding, if you will, court proceeding, the bondholders usually get paid first. Same thing here.

Then the Speaker says, to conclude his comments as to the Administration:

> If it comes to the point where they don't have enough money to pay the bills, here is some order that we think is sound.

It's not sound. As the SAP says, it's not workable. It endangers our economy. I quote Keith Hennessey, a former Bush administration economist:

> It would be the first step to becoming a banana republic. A bloody mess.

As mentioned earlier by our distinguished ranking member on the Rules Committee, another Bush administration official, Tony Fratto, said:

> Prioritization is impossible. Is the government really going to be in the position of withholding benefits, salaries, rent, contract payments in order to pay off Treasury bondholders?

Almost half, by the way, are held by foreigners. So it isn't sound also to choose some over others. So I just wanted to go through the list, if I might, so everybody understands essentially what this is saying.

China and other bondholders first, not American troops in harm's way.

China first, not retired and disabled veterans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. LEVIN. China first, not doctors and hospitals treating Medicare patients.

China first, not American small businesses who provide goods and services.

China and others first, not school lunch programs.

China and others first, not universities doing medical research.

China and other bondholders first, not college students who earn Pell Grants, or taxpayers due refunds, or other Federal trust funds holding Treasury bonds—for example, Medicare trust funds, deposit insurance, highway and airport trust funds, and the Federal Housing Authority.

□ 1310

In a word, this is irresponsible. Default is default is default. The Republicans are playing with fire, I think, to gain political leverage. Instead, they should think of the national interest.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

We've had an opportunity once again today, as we did yesterday, to hear from the ranking member of the Ways and Means Committee, the gentleman from Michigan. He brought his ideas, the best ideas he had, up to the Rules Committee yesterday on this same issue.

But the issues that the gentleman speaks about are attacking our answers. Their answer that they propose is tax increases and spending increases, and that way we'll simply have more money into the system. Because as we've already heard today just a few minutes ago, the more money we give in unemployment compensation, the more vitality is in our cities, more spending takes place, more unemployment compensation, more vitality, more spending in our cities.

Mr. Speaker, that's the wrong way to go. The Republican Party does not believe that we should create a permanent underclass of people who receive unemployment compensation or who are afraid of facing the truth about where this country is headed.

The facts of the case are other countries are ahead of us on this curve. Most of them are in Europe, and they ignored the signs that Republicans are here talking about today, the signs of spending too much, relying on its people to raise taxes for them to bring money in, and a big government continuing to put rules and regulations and impediments in front of people.

The facts of the case are simple. We are here today because it is President Obama and the Democrats who spent too much money, who are destroying jobs, and who even today are holding back the Keystone pipeline, what could be thousands of jobs for people in this country, lessen our reliance on other parts of the world for our energy, and bring back American-made jobs. This is exactly why we are having problems.

So, it's the Republican Party that is trying to offer a public discussion, a public debate, including our great Speaker, JOHN BOEHNER, who says we need to make sure that part of the debate comes down to, if we get to that point, that we pay back the people who loaned us money in the first place. They need to have confidence that they can continue loaning us money because we are still having to borrow a lot of money.

I can think of few things that would be worse than to publicly announce we are going to pay somebody else before we pay back our creditors. That is how creditors no longer lend any money to you.

So, what Republicans are doing is having a public debate. We are bringing this to the floor. And I do recognize our friends on the other side, our Democrat friends, that they want to spend more and tax more. They have never seen enough spending in this place. They want more and more. They are like our President—they have an insatiable appetite to spend people's money. And then, like, literally, somebody who started a fire, is an arsonist, show up as the firefighter, the hero, to say, but I want to save our country.

They created the economic malaise that we have. It is overspending, it's holding back job creation, and Republicans are going to stand on the floor and have this debate with the media and the American people and the administration and say, let's know what we are going to do when we get there months ahead of time so that we don't falter like we did some time ago, and take on the President's idea again of sequestration only to have him argue against his own idea later and then try to mislead the American public what this whole issue is about. It's about the economic demise of the United States of America and how we are having to work here to make sure that we publicly discuss this before it becomes too late.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California, one of our impressive freshmen, Mr. HUFFMAN.

Mr. HUFFMAN. Mr. Speaker, I rise to oppose the impossibly misnamed Full Faith and Credit Act, a bill which would actually make a mockery of our country's full faith and credit. It prepares our country for default by prioritizing payments to Wall Street and foreign governments over nearly every other national obligation.

We've seen the disastrous effects on our credit rating, our stock market, and our economic recovery when Congress plays political games with the debt ceiling, but here we go again.

Why would my colleagues across the aisle prioritize paying the Chinese Government over paying our troops in Afghanistan? What about air traffic controllers, FBI investigators, disabled veterans, small businesses who contract with the government, doctors who treat Medicare patients? This bill says it's okay to stiff all of them, as long as Chinese bondholders are paid in full.

Mr. Speaker, it's time to move forward with House-Senate negotiations on a final budget resolution that strengthens the economy and avoids default. That's what we've been asking Speaker BOEHNER to do. Instead of taking that responsible step, we are here today considering a bill that will take us closer to the brink of economic chaos.

For the sake of American workers and businesses, I urge my colleagues to reject this dangerous bill.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Once again, the dominant theme from our friends on the other side seems to be China first, this pays China first. That's the constant refrain we're hearing.

Let me again remind them, China holds about 10 percent of our debt; Americans hold more than half of it. All of our spending from this government depends on maintaining our credit.

That means whoever is loaning us money, whether China or Timbuktu, whether it's the Teamsters pension fund or a child's savings bond that they've gotten for their birthday, we are borrowing over a quarter of everything that we spend. If we cannot borrow, if the confidence of the credit markets is ever compromised, this whole house of cards collapses around us, a house of cards constructed by this administration's profligate borrowing.

Our credit is now bearing a greater burden and strain that it has ever borne before. All this measure suggests is that we should at least reinforce that credit with exactly the same guarantees that most of our States have successfully employed for generations and, I would remind my friend from California, California has had in its Constitution for over 100 years.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I'm opposed to the rule, and I'm opposed to the Pay China First bill. It is my understanding that they've added something, I think it's called the Camp amendment, that would make sure that Members of Congress are not paid if the Nation, in fact, defaults. This borrows an idea that I introduced back in the summer of 2011, H.R. 2653. We had a number of bipartisan cosponsors.

I'm worried, though, that despite imitation being the sincerest form of flattery they've diluted this concept to make it unconstitutional. Due to the 27th Amendment, it is unconstitutional to adjust Member pay during a session. We had it drafted so that Members would be paid last, which would pretty much ensure that we would not be paid. Perhaps they've corrected the drafting on their side.

□ 1320

They've also done this to me once before this year. They took our no budget-no pay idea that the No Labels

group had sponsored, which has now become law, but they took out the heart of it. Right now, we should be having a House-Senate conference since both Houses have finally passed legislation. The Senate being the laggard, now after 4 years, they've finally passed a budget, but now we're refusing to conference the budget.

I am a believer in pay-for-performance. The American taxpayers are not getting their money's worth from today's Congress. They should be getting their money's worth, and I think these concepts about penalizing Congress when we fail to do our job are very powerful concepts; but they should be given full strength, not diluted and unconstitutional treatment in a quicky amendment such as is being offered here. The core idea of pay-for-performance I hope that more of my colleagues will look at because Congress does many things right, and we should be rewarded for that. We fail in many ways, and we should be penalized for that.

Today, sadly, the only people in America who are not able to pay Congress by performance are the taxpayers. Those special interests are paying us by performance all the time whether in PAC contributions or in post-retirement job opportunities. That is one reason this Congress is not performing to full capability. It is one reason we are not living up to our potential. So, as we look at this concept, at this Camp amendment, please let's do it right. Please, let's make sure that Congress is not paid for failure.

Mr. SESSIONS. I yield myself 2 minutes.

Mr. Speaker, I want to acknowledge Mr. COOPER's presence here today. His idea was valid and, in fact, was utilized in what we have done.

The slight difference of how I'd like to describe this to the gentleman is: we did not say that Members cannot be paid. What we said is that no new debt can be used to pay Members. So, if we're spending 40 percent too much money today and if 60 percent were coming in, we could be paid out of that amount, but we could not be paid out of the debt-side amount, which is what this legislation is about and why this legislation is germane.

I do thank the gentleman. I thank the gentleman for his idea that Members of Congress should equally suffer or equally gain as the American people have. In this circumstance, it's a loss for all of us, and that is why Chairman CAMP included this as an amendment. It was to make sure that we clarified: As part of this bill, Members of Congress could not be paid with new debt that was being brought to the United States.

So I hope that clarifies not only the success that we believe that Mr. COOPER brought with his ideas but also the intent of what this legislation actually does, what we spoke about in the Rules Committee and the fine line between paying a Member and whether it comes from new debt or whether it comes from operating entities that would be within the 60 percent that would not be the new debt. I hope this clarifies not only what we are trying to do but that we speak forthrightly to Members about what this legislation actually is.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Article I, section 8.1:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

Now Amendment 14, section 4:

> The validity of the public debt of the United States . . . including debts incurred for payment of pensions and bounties for services . . . shall not be questioned.

But that's precisely what the Republican Party, the Republican majority, is doing today. I have many friends on the Republican side of the aisle whom I respect, but I've never been as disappointed in them as I am today.

''Pari passu.'' That means ''equal.'' The United States of America, for 235 years, has treated all of its creditors equally. If you're the landlord, if you get a salary, if you mow the lawn on the National Mall, you get paid at the same time that somebody who loans money to the United States gets paid. Everybody gets paid. That's how we treat it. We don't treat it that China or Wall Street or Saudi Arabia, because they've loaned us money, gets paid before the nurse working in one of our VA hospitals. That's not America. That is wrong. That is not how we run our country. It is unconstitutional.

I'd say to my friends that this short, little bill of yours to prioritize our debts is exactly the wrong thing to do. If I were a credit-rating agency, I'd say, if you're prioritizing your debts, you're getting ready to not pay somebody. Everybody is treated equally. If I were that credit rating agency, I would downgrade us today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional minute.

Mr. PERLMUTTER. I'd say to my friends on the Republican side of the aisle, to the majority party: Don't do this. This is wrong. This is not our Nation.

We have built this Nation on equality, and that includes the equality of payment. Whether you're a landlord or if you work for the country or if you're a veteran, whatever it may be, you get paid. That's how we operate it.

We in this Congress have the ability not only to raise the revenue that's needed to do that but to manage our expenses, but we don't stiff anybody. So I'd say to my friends: Withdraw this bill now. It is bad legislation. It is wrong for this Nation. Get rid of it.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 5 minutes to the chairman of the Financial Services Committee, the Member from the Fifth District of Texas, the gentleman from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the distinguished chairman of the Rules Committee for yielding, Mr. Speaker.

I also want to thank the gentleman from California (Mr. MCCLINTOCK), who has been, perhaps, the most cogent defender of the Constitution on the floor of the United States House of Representatives and who has provided his leadership today to ensure that we do not have default on sovereign debt but that we put this Nation on a path to fiscal sanity, and I thank him for his leadership.

Mr. Speaker, the folks in the Fifth Congressional District of Texas, whom I'm proud to represent, have a lot of insecurity about their personal economy, and they have great fear that their children will not enjoy a brighter future.

I heard my friend, the gentleman from Colorado, say that everyone gets paid. Well, maybe that's part of the problem. Maybe that is one of the reasons under President Obama's leadership there has been more debt created in the last 4 years than in our Nation's first 200. We are awash in debt. We know that we have a debt, not because we have insufficient taxes, but because we spend too much. Math is a pesky thing.

In the last 10 years, the Department of Ag: up 114 percent; HUD: up 61 percent; HHS: up 79 percent. Our total government spending has increased 70 percent; and measured by median family income, the family budget, which has to pay for the Federal budget, it is down 6 percent.

Now, some have said, You know, revenues are a problem. Well, revenues are up 52 percent, but you can't raise taxes enough to chase the spending that the Democrats and the President want to foist upon the American people. They have put us on a path to national bankruptcy. At some point, we've got to quit spending money we don't have. Again, we are on the precipice of a debt crisis, and we have it because of too much spending.

To some of my friends on the other side of the aisle, their answer to the debt ceiling is to get rid of it. Some have introduced legislation just to get rid of the debt ceiling.

□ 1330

That's kind of like, Mr. Speaker, a fire breaks out in your home and your response is to unplug the smoke detector because of that nuisance noise in the background that maybe your house is on fire. I would remind my friends on the other side of the aisle, Greece didn't have a debt ceiling vote, and yet we have Democrats who say, No, let's just get rid of it.

But for those who believe that we're not going to get rid of it, we have other friends from across the aisle who essentially want to use it as a hostage for

something that is not a debt. A debt is when you go out and you borrow money and you must pay it back. Every family understands this. It's one thing for an American family to borrow money to pay their mortgage versus borrowing money so that they can pay for a Las Vegas vacation that they would like to take. They are not equivalent.

Mr. Speaker, paying sovereign debt is not the same thing as borrowing money so that this institution and this town can continue to spend money for pottery classes in Morocco, to pay for the travel expenses of the Alabama Watermelon Queen, to pay for robotic squirrels and all the rest of the lunacy that this Federal Government spends and in the end takes bread off the table of hardworking American families.

Mr. Speaker, we believe that the President has this power, but he says, No, I don't have this power. So I find it ironic that we're willing to codify what we already believe to be the law of the land, and the President says, No, I want to veto that. Again, he wants to use this as a hostage.

This is a very simple bill introduced by the gentleman from California to require our Treasury to make good on all of our debt payments. That's it. We must stop borrowing money to squander our children's future. This bill will help us do this.

But the Democrats, they don't want to take this specter of default off the table. It's the only way they can continue spending. They say they do. If they do, Mr. Speaker, I look forward to seeing their name up on the big board soon.

This is the right thing and the smart thing to do, and I urge that the House, adopt this rule and adopt the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to talk about what it is we're trying to pay for on our side:

Pay and benefits for 1.4 million active duty troops and 780,000 troops in reserves will not be paid while China is paid;

Benefits to 3.4 million disabled veterans;

1.3 million veterans receiving education or home purchasing assistance;

Earned payments to American small businesses;

Payments to 1.1 million doctors and health care practitioners who provide care to seniors with Medicare;

Payments to schools for nutritious lunches served to 32 million children;

Payments to 44,000 National Institutes of Health grantees.

With that, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentlelady for yielding.

Mr. Speaker, this bill would raise the debt ceiling, but only insofar as necessary and only for the purpose of paying our debts to China and to Social Security.

Not raising the debt ceiling beyond what this bill does would mandate not paying Medicare beneficiaries or our troops overseas or our veterans here at home or anyone owed money for working for the Federal Government and would generally collapse the economy by forcing default on most of our debts.

Raising the debt ceiling merely allows us to pay debts we have previously incurred—all debts previously incurred. We should recognize this simple reality by eliminating the debt ceiling and passing responsible budgets. But Republicans now use the debt ceiling to hold the entire country hostage unless the demands that they haven't figured out yet are met. This reminds me of a 1930s gangster film: it's a nice restaurant you've got over there; it's a nice economy you've got over there; pity if it should happen to blow up if you don't meet our demands.

This Republican tactic has already brought about the first downgrade in the U.S. credit rating in history and has brought about brutal spending cuts that have punished the middle class, failed to help the millions of Americans looking for work, and weakened the safety net for working families and seniors.

Mr. Speaker, it was two wars and two Bush tax cuts and 8 years of irresponsibility that brought us the deficit in the last budget adopted under George Bush of 10.1 percent of GDP. We have reduced that budget deficit in 3 years from 10.1 percent of GDP to 4.8 percent today. This is the fastest deficit reduction since the demobilization after World War II.

Economists agree that the draconian austerity decreed by the sequester is slowing our economic growth, eliminating millions of jobs, and could create a double-dip recession. We have seen this in Europe where, starting 2½ years ago, they adopted the policies the Republicans want. They adopted severe austerity and they cut budgets too much. The result is a double-dip recession. With their negative economic growth, we're still at positive economic growth.

We're hearing from our Republican friends today about how endangered our credit rating is. Our credit rating is so endangered, despite their frightening rhetoric, that we are paying the lowest interest rates on our bonds ever, and our bonds are selling higher. People are getting in line to buy our bonds because our credit rating is, in fact, quite good.

Yet, in spite of presenting the American people with a plan to invest in our economy and create jobs for the 12 million Americans looking for work, Republicans are once again intent on manufacturing a crisis that will only increase unemployment. We should not develop a plan for how to generate and then manage a devastating default that will put our economy into chaos; we should repeal the sequester, slow down our deficit reduction, spend the money on highways and bridges and infrastructure investing and putting our people back to work so that more people work, unemployment goes down, government spending and unemployment insurance and food stamps go down, and the economy improves and our unemployment also goes down. That's the proper path.

What the Republicans are trying to do would say, Don't do that. Follow the path of Europe. Get 12 percent or 15 percent unemployment. This bill would head us in that direction. That's not the direction we should be going.

We ought to safeguard our credit and not even contemplate the possibility of default.

The SPEAKER pro tempore. The gentlewoman from New York has 7½ minutes remaining, and the gentleman from Texas has 4 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Mr. Speaker, I rise in opposition to House Resolution 202 and H.R. 807 because the last time Congress did something this dumb it cost the American public $19 billion over the next 10 years. Why? Because our credit rating was downgraded for the first time in the history of the United States. Let's not do something like that again.

That does not help the economy, and it doesn't put anyone to work. All it does is make sure that everybody around the world who loves to buy American-backed paper just gets more money for it, which means more money out of the pockets of Americans for one reason and one reason only: to have the optics of politics of a bill like this that actually basically states that we are not going to back the paper that people buy.

That is something that is not within our American values. That's something that doesn't even need to see the light of day. And it's a shame that we would play politics with the American dollar and we would play politics with the reputation of this great country by having these two bills before us.

Mr. SESSIONS. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire if my colleague has any more requests for time?

Mr. SESSIONS. Except for my final close, I do not. And I thank the gentlewoman.

Ms. SLAUGHTER. I thank the gentleman.

Let me introduce the previous question.

Mr. Speaker, if we can defeat the previous question, I will offer an amendment to the rule that will allow the House to hold a vote on the Student Loan Relief Act.

If Congress doesn't act, next month undergraduate students across the country will see a hike in their student loan interest rates. If my Republican colleagues want to talk about debt priority, this should be a part of the dialogue.

To discuss the proposal, I yield 4 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in opposition to the previous question.

As the gentlelady said, defeat of the previous question will allow her to propose, instead, an amendment to the rule to a bill that intentionally degrades the full faith and credit of our country, sets that aside and instead allows for consideration of the Student Loan Relief Act, a measure which will prevent the subsidized Stafford student loan program from doubling in 53 days.

□ 1340

Let me again reiterate that point. On July 1, if Congress does not act, the subsidized Stafford student loan program, which provides student loan assistance to over 7 million young Americans, will double from 3.4 percent to 6.8 percent. We have heard a lot of talk on the floor here today about debt and about trying to protect the young people of this country. Well, the Federal Reserve Bank of New York recently issued its latest update regarding student loan debt in this country, which is now $1.1 trillion. It's higher than credit card debt, and it is higher than car loan debt.

When we talk about the challenges facing, particularly, young people in this country who are trying to get the opportunity to upgrade their skills, something that this recession has taught us painfully is necessary because the unemployment rate of people with high school degrees or less is three times as high as people with 4-year degrees, the fact of the matter is that the subsidized Stafford student loan program is a lifeline in terms of young people being able to pay the rising cost of tuition.

Despite the fact that we have a ticking clock of 53 days and only 24 session days scheduled between now and July 1, the majority has not brought a single proposal forward to avoid this catastrophe from happening to young people all across the country.

The Student Loan Relief Act, which I am the lead cosponsor of, has over 125 cosponsors here in the House, will extend the lower rate for 2 years, and will allow this Chamber to once and for all get its arms around this serious, critical problem for the future of this country. The fact of the matter is that the student loan debt issue requires a comprehensive rewrite of the Higher Education Authorization Act which will give tools to young people, starting in high school, to make better choices about where they go to school, how they're going pay for it, with better awareness and information. It would also allow people who have graduated to be able to refinance their debt so they can lower those monthly payments.

Again, talk to the Realtors in this country about what's holding back the housing market. Young people in their twenties and thirties who are carrying student loan debt of 60, 70, $80,000 are not in a position to go out and buy a house because they can't qualify for a mortgage because of these high payments.

It is time for Congress to focus on what people are really waking up in the morning thinking about and worrying about, which is how to pay for college.

Mr. Speaker, on May 1, we just celebrated decision day, which is the day when young people make the choice about where they're going to college. Unfortunately, they have no clue about whether or not their subsidized Stafford loan rate, which has been in place for the last 6 years, is going to continue beyond July 1.

It is time for this Chamber to focus on what's important for American families. Let's take up the Student Loan Relief Act. Let's pass a higher education authorization bill which deals with this issue from soup to nuts, and let's set aside this crazy bill which intentionally degrades the full faith and credit of our country.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

The fact that this Chamber has dedicated valuable time and resources to the consideration of an unconstitutional bill that will put our Nation on the road to default is regretful. The fact that this legislation puts the economic interests of China before paying our soldiers' salaries and providing benefits to our veterans is a disgrace.

The plan presented by the majority fails to raise the debt ceiling, which is the only way that we can prevent economic default. Instead, it simply wastes another week of valuable time and the $24 million that it costs to run this House of Congress for a week and moves us that much closer to yet another downgrade in our Nation's credit rating, something that had never happened until this majority assumed control of the House. And now it is actually possible the majority would lead us to the second downgrade of the Nation's credit over the course of 2 short years.

On May 19, our Nation will reach its debt ceiling, and emergency measures would be put into place to delay default. We've seen this film before, and we know how the movie ends—a twisted plot with terrible consequences that come by refusing to pay our bills. I urge my colleagues not to walk down that road again.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues most enthusiastically to vote ''no'' to defeat the previous question. I urge a ''no'' vote on the rule. I would like to see this bill withdrawn.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I have been around this place a long time, and I've heard of people who did not read bills. I have heard of people who did not understand bills, but I have never seen a circumstance such as today where the truth was being held hostage.

The facts of the case are very simple. Republicans today are offering a mechanism to the President of the United States and the American people that says, if we do get in a circumstance where we do not extend our debt to further allow the Federal Government to buy more debt to pay its obligations, then we offer this opportunity, and that is that the government can, even when we're in a circumstance where we cannot borrow more money, and let's say we spend 60 percent that we get money in but 40 percent is the debt that we can no longer have available to pay our obligations, about a 60/40 split, then we're allowing the Federal Government to go borrow more debt to pay its obligations so that it doesn't compete against the money that does come in to pay the bills of the United States as the President of the United States would choose.

I've never heard of a more reasonable option. We're not telling the President how to spend the money. We're giving authorization for new debt to pay our debt obligations. That's not cutting people off. It's not truthful to say we're going to do that. Anybody that tells you that didn't read the bill.

What this is about is to say, if we go into a debt circumstance where we cannot come to an agreement, then we are authorizing the Federal Government, the Treasury, to go get more debt, only enough to pay debt obligations to where we do not default, and then we work on the circumstances of how much money comes in.

This has been miscast. The truth has been held hostage, and I am disappointed in Members of Congress who came down here and misled the American people about what this bill is. It is nothing more than allowing the Treasury to go borrow money to pay its already obligations to people who loaned us money. It says nothing about how they will pay normal bills to people. And to come to this floor and to suggest this is simply a disservice to the obligations I think that we have to be open and honest about what our job is.

I urge my colleagues to understand the simplification of what this bill is about, to not try to twist it to have it become something that it is not. I hope my colleagues will vote ''yes'' on the rule and ''yes'' on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 202 OFFERED BY MS. SLAUGHTER OF NEW YORK

Amendment in the nature of a substitute:

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1595) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in the first section of this resolution.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1350

WORKING FAMILIES FLEXIBILITY ACT OF 2013

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1406.

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

There was no objection.

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 198, I call up the bill (H.R. 1406) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 198, the amendment recommended by the Committee on Education and the Workforce printed in the bill is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1406

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Families Flexibility Act of 2013".

SEC. 2. COMPENSATORY TIME.

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

"(s) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

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

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

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

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

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

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

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1,000 hours for the employee's employer during a period of continuous employment with the employer in the 12-month period before the date of agreement or receipt of compensatory time off.

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time.

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

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

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

"(E) WRITTEN REQUEST.—An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time