thereto, must continue beyond June 9, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, on May 23, 2001, I was unavoidably absent due to my attendance at a funeral in my district for Ms. Helen Savinski, a very dear and personal friend.

Had I been present, I would have voted ''yea'' on rollcall votes 138, 139, 140, 141, 142, 144, 145, 146 and 147, and voted ''nay'' on rollcall votes 135, 136, 137 and 143.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 24, 2001 at 3:00 p.m. and said to contain a message from the President whereby he submits a periodic six-month report on the Yugoslavia emergencies.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCIES WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 30, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 24, 2001*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri (Mrs. EMERSON) is recognized for 5 minutes.

(Mrs. EMERSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

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

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

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

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

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

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

(Mr. HONDA addressedd the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

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

WORKING FAMILIES FLEXIBILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, today I rise to introduce a bill entitled the Working Families Flexibility Act. This bill has several components. First of all, the Working Families Flexibility Act allows employees to choose, through a written agreement with their employer, entered into knowingly and voluntarily by the employee, to receive paid time off instead of cash wages for overtime. A compensatory time agreement may not be a condition of employment, and an employee could withdraw from a compensatory time agreement at any time.

As with cash overtime pay, compensatory time would accrue at a rate of 1½ times the employees regular rate of pay for each hour worked over 40 within a 7-day period. The legislation would not affect the 40-hour workweek or the calculation of overtime.

Employees could accrue up to 160 hours of compensatory time each year. An employer would be required to pay cash wages for any unused, accrued time at the end of the year or within 30 days after receiving a written request from an employee.

Employers must provide employees with at least 30 days' notice prior to cashing out any accrued compensatory time or discontinuing a compensatory

time program. An employer may, however, only cash out accrued time in excess of 80 hours.

Employees may use accrued compensatory time within a reasonable time after making the request.

All of the enforcement remedies, including action by the Department of Labor and individual law suits, under current law will apply if an employer fails to pay wages to an employee for accrued compensatory time or refuses to allow an employee to use accrued compensatory time.

Employers who coerce employees into choosing compensatory time instead of overtime wages or using accrued compensatory time will be liable to the employee for double damages.

One would think that providing working men and women with more control over their work schedules is a no-brainer, but private sector employees and employers alike are bound by the Fair Labor Standards Act, or FLSA, which does not permit such flexibility.

I think it is fair to say that this law which was enacted during the Depression and established a workweek of 40 hours in overtime pay was designed to be effective in a different day and age and needs to be updated.

Over the past 60-plus years, the America workplace has undergone a dramatic change in composition, character, and demands. What was once a static, agriculture-and-manufacturing-based economy with a primarily male workforce has evolved into a fast-paced, working environment based on global services and high technology with nearly equal numbers of women as well as men in the workforce.

Workers today, more than ever, need and do face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends, and outside commitments. This situation has become even more pronounced because many families now rely on two incomes to survive. While this conflict weighs most heavily on women, all workers, regardless of gender experience, conflict between work and the family and between watching their child's baseball game or going through a stack of papers on their desk.

The Working Families Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families.

Before I go any further, I would like to stress that nothing in this legislation would require employees to take comp time instead of overtime pay, nor could employers force employees to take comp time. Rather, now they are given the choice of comp time or overtime. This bill does not relieve employers of any obligation to pay overtime. I want to stress that this bill does not affect the standard 40-hour workweek.

The legislation contains numerous safeguards to ensure that employees could not be coerced into choosing comp time over cash wages. The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cash-out of any or all of his or her accrued unused comp time.

Mr. Speaker, comp time makes good policy; and it also has another benefit, making employees happy. There will always be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that is an option they should have.

Comp time is also good for business because smart companies know how flexibility can help to recruit and retain top-notch employees. In sum, Mr. Speaker, the Working Families Flexibility Act is good for workers. It is good for women and is especially good for families.

Mr. Speaker, I rise today to introduce the Working Families Flexibility Act, which allows employers to offer American workers the option of voluntarily taking compensatory time off in lieu of taking overtime pay. I am pleased that 33 of my colleagues have joined me as original cosponsors of this pro-family, pro-worker, pro-women legislation.

One would think that providing working men and women with more control over their work schedules is a ''no brainer'', but private sector employees and employers alike are bound by the Fair Labor Standards Act of FLSA, which does not permit such flexibility. I think it's fair to say that this law, which was enacted during the depression and established a work week of 40 hours, and overtime pay, was designed to be effective in a different day and age and needs to be updated.

Over the past 60-plus years, the American workplace has undergone a dramatic change in composition, character, and demands. What once was a static, agriculture- and manufacturing-based economy with a primarily male workforce has evolved into a fast-paced, working environment based on global services and high technology with nearly equal numbers of women and men in the workforce.

Workers today, more than ever before, face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends and outside commitments. This situation has become even more pronounced because many American families now rely on two incomes to survive. And while this conflict weights most heavily on women, all workers—regardless of gender—experience conflict between work and the family, between watching their child's baseball game or going through that stack of papers on their desk.

The Working Families Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families. This legislation, which mirrors a bill passed by the House during the 105th Congress, amends the FLSA to allow private sector employees to access something that their colleagues working in federal, state and local governments have had for many years—the option of choosing either cash wages or paid time off as compensation for working overtime hours.

Before I go any further, I want to stress that nothing in this legislation would require employees to take comp time instead of overtime pay. Nor could employers force employees to take comp time. Rather they now can be given the choice of comp time or overtime. This bill does not relieve employers of any obligation to pay overtime. I also want to stress that this bill does not affect the standard 40-hour workweek.

Now, here is what the bill does do: under this legislation, employers will be able to offer comp time as an option for employees. Employees would then have a choice, through an agreement with the employer, to opt for overtime pay in the form of paid time off. As is currently the case with overtime pay, comp time hours would accrue at a rate of one and one-half hours of comp time for each hour of overtime worked. Employees could accrue up to 160 hours of comp time within a 12-month period.

This legislation contains numerous safeguards to ensure that employees could not be coerced into choosing comp time over cash wages. The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cashout of any or all of his or her accrued, unused comp time. The employer has 30 days in which to comply with the request. The legislation also requires an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering comp time.

Employees are able to use their accrued comp time at anytime, so long as its use does not unduly disrupt the operations of the business—this is the same standard used in the public sector and under the Family and Medical Leave Act. Employers also would be prohibited from requiring employees to take accrued time solely at the convenience of the employer. Again, I want to reiterate that this legislation has no effect on the traditional 40-hour workweek or the way in which overtime is calculated.

Mr. Speaker, comp time makes for good policy and it also has another benefit—making employees happy. There always will be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that's an option they should have.

Comp time also is good for business because smart companies know how flexibility can help efforts to recruit and retain top-notch employees. Concerns over the well-being of the family often force parents to leave jobs that do not fit their family needs or forego jobs that would put stress on home lives.

In sum, Mr. Speaker, The Working Families Flexibility Act is good for workers, it is good for women, and it is especially good for families. The bill updates an outdated law designed for the 1930s workplace and makes it relevant for today's workforce.

Today's working men and women want increased flexibility and choices regarding scheduling and compensation, yet federal law prevents them from having such options. I trust my colleagues agree that employees and employers should not be prevented from making mutually agreeable arrangements that meet both personal and business needs.

I think the time and circumstances are right for us to pass this much-needed legislation. I urge my colleagues to join this effort to pass a strong comp time bill that will be good for workers, businesses, the economy, and America's families.

Let me take a moment to recognize Congressman CASS BALLENGER for his dedicated and untiring work on the comp time issue and to the Chairman of the House Subcommittee on Workforce Protections, Representative CHARLIE NORWOOD, for his strong commitment to this issue. Finally, let me thank the Chairman of the full Committee on Education and the Workforce, JOHN BOEHNER, for his support of America's working men and women.

□ 1730

CALIFORNIA ENERGY CRISIS

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I thank the Democratic leader for assigning me this hour of time. I hope very much that several of my colleagues from California and other western States will come and join me on this floor so that we can discuss together the energy crisis, the electric crisis, the natural gas crisis affecting California and the adjoining States.

In the event that some of my colleagues do not come down and join me, I do not know whether I will spend a full hour speaking about our electric crisis, I will go off and do several other subjects involving foreign policy and my service on the Committee on International Relations; but it is my hope, my expectation that this full hour will be devoted to the electric and natural gas crisis in the West and that several of my colleagues from western States will join me as it proceeds.

I have come to this floor every evening this week to try to eliminate and dispel some of the misinformation about what is going on in California and the West and how we got into this situation. I want to take some time to describe the situation and to describe that some of the insults hurled at the State of California are manifestly not only malicious but false.

What is the situation in California? In 1999, in the year 2000, and again this year, California will use virtually the exact same amount of electricity. In fact, in the year 2000, during the key peak hours, we used less electricity than we did in the prior year. Yet while we are getting the same amount of electricity, we are paying exorbitant prices. In 1999, for this amount of electricity, California paid $7 billion; last year, for the same amount, $32.5 billion; and this year, as things are shaping up, it will be $70 billion, ten times as much money for the same number of electrons.

We have had blackouts in California that we are told are a result of insufficient electric generation capacity; and, in fact, this summer our capacity may run a little bit below demand. But this last winter we used roughly 33,000 megawatts of electricity, the prior summer, the summer of 1999, we used 45,000 megawatts. None of the plants that existed, when we produced 45,000 megawatts at reasonable prices, was closed down; and yet in the winter we face blackouts, shutdowns. Why?

The answer is that certain plants have been closed for maintenance. I finally found out what ''closed for maintenance'' means. It means the plant has been closed to maintain a sky-high price for every megawatt. The number of plants closed for maintenance month after month after month over the last 9 months has been double, triple, sometimes quadruple the number of plants shut down in that same month 12 months earlier, or the prior year. Somehow, plants are closed for maintenance.

Keep in mind that one would expect during an energy crisis that the whole world is aware of plants would be closed for maintenance less because they would bring in crews to bring those plants back online. Folks would work overtime to get the electricity that the State needs. I have seen how quickly things can be repaired or maintained after our 1994 earthquake in my region of California. Yet now, when we need to maintain the most, we need the maintenance to take place the quickest, plants are shut down three times as much and huge chunks of what would be the supply of electricity are unavailable. Closed for maintenance.

As a result, the price is enormous. And that enormous and outrageous price is not for all the electricity we buy. Sixty percent of the electricity, roughly, in California, is still subject to rate regulation and fair prices are being paid. So that enormous, huge, unjustified transfer, the $63 billion extra we will pay for what a couple of years ago we called $7 billion of electricity, that all goes to roughly 40 percent of the producers. Those are the producers who came into our State and bought our electric plants from our local utilities as part of the wildly touted deregulation plan over the last several years. So we are paying 10 times the price, and almost all of the extra profits are going to 40 percent of the producers.

This is a deregulation experiment that has not worked. We might ask, how did California get into this? There are a few things: first, we did not expect that these private companies would close certain plants for maintenance in order to charge 10 times the going price for the electricity they did produce in other plants. We did not expect the gougers to prevail. And, second, we expected that if this deregulation did not work, we would reverse it.

Every experiment carries with it the possibility of a mistake; and time and time again when we try something out, we may have to reverse the situation. What we found, instead, was a power in the White House capable of using Federal law to prohibit California from going back to the regulated market that had served us relatively well for over 80 years. So we have a situation not where California does not have the generation capacity it needs. Frankly, we ought to have more. We ought to have a margin for safety, a surplus of available electricity. But no one thought that just because supplies were a bit tight that we would be paying 10 times, 20 times the fair price for the kilowatts provided to us by these independent companies, many of which are based in Texas. And we certainly did not believe that if this system did not work that we would be prohibited by Federal law from going back.

Now, what is the effect that this has had on California? Business bankruptcy, layoffs, and blackouts. And I do want to point out that up until recently, and I think even this summer, the blackouts are relatively modest compared to the news reports. A blackout is reported often when only one out of 100 or maybe one out of 30 of our homes loses power for 1 or 2 or 3 hours. But we expect that this summer there will be 30 to 50 days when one out of 30 or one out of 100 of our homes loses power; one out of 30 or one out of 100 of our businesses loses power.

It is not just the physical effect of the blackouts; it is also the psychological and business effect. How is our State supposed to attract business? How are we supposed to inspire our current businesses to expand? How are we supposed to be the driving force in this national economy when people see and talk about or are preoccupied with the blackouts in electricity? And even if there was not a single minute of blackout for a single consumer, the prices are enormous and the price effect would, by itself, cause a steep economic problem for the State of California.

Now, when a State is suffering not one but three disasters, a disaster because of blackouts, a disaster because of a decline in investment in our State, and, most significantly, enormous bills, three disasters, one would think that a representative from that State would be here before the Federal Government pleading for Federal money, money from all of my colleagues' districts to help the people in my district. I am not here to do that. That is not what California needs most. And, in fact, with a little bit of change in law, we would not need it at all.

I am not asking for electricity from my colleagues' districts. Except for the western States, it is impossible to send electricity into California. Do not mail us your batteries. Even in the western States, we are not asking for any other State to experience blackouts or shortages in order to supply California. I am not even here to ask for sympathy. It would not hurt; but, yet again, that is