

**Statement of Senator Tom Harkin
Democratic Policy Committee Hearing on the Bush Administration's
Proposed Changes to Overtime Rules**

December 11, 2003

Thank you, Senator Dorgan, for holding this important hearing today. I also want to thank all of the other witnesses who are here today.

Both houses of Congress, on a bipartisan basis, voted for my amendment to block the Administration's proposed new rule on overtime. Both houses voted to block the Administration's radical rewrite of the nation's overtime laws. That amendment passed 54 to 45 here in the Senate and 221 to 203 over in the House. The Congress of the United States spoke up – clear as a bell – and said, “No, the Administration must not strip overtime rights from 8 million American workers.”

But as we all know, the Administration refused to accept the will of Congress. The Administration ordered its foot soldiers in the House to strip this provision from the omnibus. Senator Specter and I fought to keep it in. But the Administration refused any cooperation or compromise. In the end, just like that, the Administration nullified the clear will of both houses of Congress and the American people.

Mr. Chairman, this is a clear abuse of power by the Administration and part of a pattern that we've seen from this president time and again. The Administration seems to believe in government by one branch – the executive branch. Time and again, we see this Administration running roughshod over the will of Congress.

When there are no checks and balances – the result is bad public policy. And that is exactly what we see here today.

The Administration's new rule is a stealth attack on the 40-hour workweek, pushed by the White House without a single public hearing.

As we will hear during today's hearing, it will effectively end overtime pay for dozens of occupations, including police officers, firefighters, clerical workers, air-traffic controllers, social workers, journalists and nurses.

This sweeping proposal is in direct contrast to the intent of the Fair Labor Standards Act of 1938 that established the 40-hour work week for American's workers. And it's a slap in the face to the millions of American workers who depend on overtime pay to support their families and make ends meet.

We're not talking about spare change, here. We're talking about taking away some 25 percent of the income of many American workers. It is essential family income that helps pay

the mortgage, feed the children, pay for college and to save for retirement.

Congress did the right thing in voting to block this new rule. Now that Congress's vote and voice have been nullified, we're hearing that the Department of Labor could issue this new rule in the coming weeks.

But I am here to serve notice that I will not give up, nor will others who have fought this.

The American people will not allow us to drop this issue. They have been watching this issue closely, because it hits so close to home. I pledge to them that I will offer the overtime amendment to every piece of legislation until we succeed.