When a young bank guard comes forward and says, ''Look, this is not right,'' he, then, becomes the victim and becomes the criminal.

What we seek is justice and a full accounting. And certainly fair treatment of this heroic young man.

Mr. President, I yield the floor.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we on the legislation so I can offer an amendment?

The PRESIDING OFFICER. Yes, we are; pending is S. 4.

AMENDMENT NO. 253

(Purpose: To provide protections in bankruptcy proceedings for claims relating to compensatory time off and flexible work credit hours)

Mr. GRASSLEY. Mr. President, under the unanimous-consent agreement my amendment on bankruptcy to this legislation has been filed. I would like to take that amendment up at this point. If it is necessary to read the amendment, I would like to have it read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 253.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, after line 16, insert the following:

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking ''$4,000'' and inserting ''$6,000'';

(2) by striking ''for—'' and inserting the following: ''provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—''; and

(3) in subparagraph (A), by inserting before the semicolon the following: ''or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)''.

Mr. GRASSLEY. Mr. President, I rise today to offer a bankruptcy amendment to resolve an important question which has been raised regarding S. 4. This is a bill which will provide America's working families with some much-needed relief from the demands of balancing family and work. But some have questioned whether workers' rights to be paid by companies that declare bankruptcy might inadvertently be affected by S. 4. My amendment will make sure that this will not happen and that workers will be fully protected.

S. 4 is a very important bill. We all know the story. Over the past decade or so, wages have been flat and the tax burden seems to just grow and grow. As both mothers and fathers around the country have had to work outside the home and have had to work longer and longer hours, they have less time to spend with each other and with their families. This leads to a decrease in the quality of family life.

And with all the assaults we have on families these days—increased drug use by teens, excessive violence and sex coming from Hollywood to name a few—Congress needs to give serious consideration to finding ways to protect and stabilize families. The Senator from Missouri is to be commended for taking such a progressive stance on this important issue.

S. 4 will give employers the chance to offer families the choice of working harder and earning overtime pay or getting some time off in exchange for working more. That makes good common sense and will expand the range of choices that working families can make.

Now, I chair the Subcommittee on Administrative Oversight and the Courts, which has primary responsibility for bankruptcy policy in the Senate. I am offering an amendment today to make sure that unused comptime and unused flexible credit time will be protected when an employer declares bankruptcy. Under current law, unpaid wages up to $4,000 are given a preferred status if earned within 90 days prior to a company declaring bankruptcy. Under the Bankruptcy Code, secured creditors are paid and then the costs of administering the bankruptcy estate will be paid. After that—ahead of all the other creditors—workers' wages will be paid subject to those limitations I just described.

I believe that comptime and flexible credit time should be protected in the same way as unpaid wages because unused comptime and unused flexible credit time are essentially unpaid wages.

So, my amendment does two things. First, my amendment provides that all unused comptime and unused flexible credit time will be deemed to have been earned within 90 days prior to the employer filing for bankruptcy. This will prevent a dishonest employer who wants to cheat workers from arguing that he doesn't have to pay the value of unused comptime or unused flexible credit time because they might have been earned over a period of a year or even longer. In other words, by having the law deem all unused comptime and unused flexible credit time as having been earned within 90 days prior to the employer's bankruptcy, the worker's right to be paid will be protected. That's pro-worker and pro-family and it's just plain fair.

The second thing that my amendment will do is insert comptime and flexible credit time in the list of preferred debts alongside unpaid wages. That means that unused comptime and unused flexible credit time will have the same preferred status as unpaid wages.

Mr. President, I hope that every Member of this body will support my amendment. It is pro-worker and it makes sure that the promise of comptime and flexible credit time will not turn into an empty promise. As we all know, most employers are honest and law abiding and will go into bankruptcy only as a last resort. But when a company has to go into bankruptcy, we should take extra care here in Congress to see to it that workers are treated fairly. We should also make sure that workers are protected from the small number of dishonest companies that might try to use a loophole to cheat workers out of what they've earned.

My amendment simply ensures that unused comptime and unused flexible credit time will be as protected as unpaid wages. Workers who choose to take the time to be with their families should not be disadvantaged should their company have to declare bankruptcy.

Mr. President, I hope this amendment passes overwhelmingly.

I would like to also suggest that as a concession to the Members of the other side of the aisle, I have also raised the dollar amount referred to earlier from $4,000 up to $6,000 as well.

I yield the floor.

Mr. ASHCROFT. Will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I am very pleased to have the Senator come to the floor and offer this amendment. I would like to clarify the intent of my colleague. I think I understand it.

If the comptime accumulated earnings, which might either be paid off at the end of the year as comptime that gets cashed out or might be taken as comptime, as time off—if that is older than 90 days old, under the current law it might not have all the protections in bankruptcy that normal wages would have; is that correct?

Mr. GRASSLEY. The Senator from Missouri has the existing law correct. That is right.

Mr. ASHCROFT. So what the Senator is doing is making sure that everything that would be in a comptime or flextime bank in terms of hours would be protected at the highest level of protection as recently earned wages under the bankruptcy law?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I think that is a clear improvement to this measure, in terms of protecting the interests of workers. I thank the Senator from

Iowa for his insight and his expertise in this area, which obviously reflects his experience with the bankruptcy laws and his experience in matters of this character.

Mr. GRASSLEY. Is it appropriate to urge the adoption? It is not appropriate? We have not had the minority people speak to it yet.

I ask unanimous consent to lay this amendment aside for the consideration of a second amendment that I have already filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 256

(Purpose: To apply to Congress the same provisions relating to compensatory time off, biweekly work programs, flexible credit hour programs, and exemptions of certain professionals from the minimum wage and overtime requirements as apply to private sector employees)

Mr. GRASSLEY. This amendment is amendment 256. It has been filed.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 256.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms ''Board'', ''covered employee'', and ''employing office'' have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act), section 16(g)(1) of such Act (29 U.S.C. 216(g)(1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 7(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States Code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104–1.

Mr. GRASSLEY. Mr. President, I rise today to offer a very important amendment. This amendment applies the provisions of this bill, S. 4, to Congress.

As most Senators know, I pushed for the adoption of the original Congressional Accountability Act for many years before it was enacted. Finally, in the last Congress, with my sponsorship, we enacted the Congressional Accountability Act into law. With this act we said that we in Congress are no better than the business men and women in our States. We are not different and we, too, must live under the laws that we pass. We no longer sit in Washington and look down upon the people and tell them how to run their businesses. This is a democracy, and therefore we make laws for the people, and we, too, are the people.

This amendment is offered for the same purpose. It is a continuation of the spirit and intent of the Congressional Accountability Act.

In the Federalist Papers, Federalist 57, James Madison wrote that:

> [Members of Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society . . . it creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples, but without which every government degenerates into tyranny.

The bill before us gives important options to the private workplace that Government—with exceptions including Congress—has enjoyed for years. It is only fair that if these options—compensatory time, bi-weekly schedules and flextime—apply to the private sector, then they must also apply to Congress. A rationale of the Congressional Accountability Act was that by requiring us to live under the same laws as the private sector, we will understand the challenges created by the laws that we pass. If we apply compensatory time, bi-weekly schedules and flextime to the private sector, we must also apply it to Congress. Otherwise, we will not get an accurate understanding of what our labor laws do to our businesses and workers.

The language in this amendment is carefully crafted to complement the Congressional Accountability Act. The drafting of this language was a long and careful process. I drafted it in consultation with the Office of Compliance and the Senate Employment Counsel. I thank both of these offices for their efforts to craft this language and make it the most effective and fair language possible.

I ask my colleagues to support this amendment and to join me once again in saying that we are not above the laws that we make.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 265

(Purpose: To prohibit coercion by employers of certain public employees who are eligible for compensatory time off under the Fair Labor Standards Act of 1938 and provide for additional remedies in a case of coercion by such employers of such employees)

Mr. GORTON. Mr. President, I ask unanimous consent that the current amendment be laid aside and call up amendment No. 265.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 265.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 10, strike line 8 and all that follows through page 10, line 16 and insert the following: ''subsection (o)(8).''.

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking ''(7) For'' and inserting ''(8) For''; and

(B) by inserting after paragraph (6), the following:

''(7)(A) The provisions relating to the prohibition of coercion under subsection (r)(6)(A) shall apply to an employee and employer described in this subsection to the same extent the provisions apply to an employee and employer described in subsection (r).

''(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to an employee described in this subsection to the same extent that remedies are made available to an employee described in subsection (r).

''(ii) In calculating the amount an employer described in this subsection would be liable for under section 16(f) to an employee described in this subsection, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).''.

(5) NOTICE OF EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

Mr. GORTON. Mr. President, I send a second-degree amendment to amendment No. 265 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator does not have the right to amend his own amendment at this point.

Mr. GORTON. Mr. President, I ask unanimous consent to be granted that right.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington has the floor.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask, what is the order of the business of the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 265.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be laid aside temporarily so I may make a statement in support of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

Mr. President, I have come to the floor this afternoon to express my support for the Family Friendly Workplace Act introduced by my colleague from Missouri, Senator JOHN ASHCROFT. I join with the Nation's working men and women in thanking my friend for his leadership in bringing this legislation to the floor and giving us an opportunity to focus on what has become the single most precious commodity for working families in the 1990's, and that is time.

Trapped between less time and greater demands, the American people are calling for more choices and flexibility in setting their work schedules. They want help in balancing the competing demands for time between their families and their jobs. When surveyed in March by Money magazine, 64 percent of the American public—and 68 percent of working women—said they would prefer time off instead of extra pay for overtime, if the law permitted such a choice.

Unfortunately, the law does not allow such choices, even though dramatic changes have taken place in America since 1938, when Congress wrote the basic law governing U.S. workplaces. Six decades ago, most laborers were employed in industrial plants or on farms. Fewer than 16 percent of married women with children in school were employed outside the home. Today, service jobs are a key part of the economy where more than 75 percent of married women with school-age children now work outside the home.

Many parents are under tremendous stress, often holding down more than one job while trying to raise their children. The strain can be even more pronounced in single-parent households or two-parent families where both spouses work. Is it any surprise that today's parents are spending 40 percent less time with their children than parents did just three decades ago? It seems there are not enough hours in the day anymore to always fulfill the demands of family and of work.

Twenty years ago, Congress overwhelmingly approved relief for federal workers by enacting flexible work options for government employees. During House consideration of the bill, then-Representative Geraldine Ferraro said, ''Flexible schedules have helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities.'' Also, Representative Patricia Schroeder added, ''Flextime increases employee morale and productivity.''

Even though federal workers have enjoyed these benefits for years, the rules governing the workplace and working hours for the private sector remain frozen back in 1938. Predictably, this has created unintended burdens for millions of workers.

For example, under today's law, a worker who wants to put in 45 hours one workweek in exchange for 35 hours the next—in order to attend a child's soccer game, parent-teacher conference, or doctor's appointment—must first have an employer who is willing to pay five hours of overtime pay for the 45-hour week. Because many employers cannot afford additional overtime expenses, working parents are left with two choices: One is lose five hours of pay in order to be with a child, or miss the soccer game, school award, or doctor's appointment. That is an unfair choice parents should not be forced to make.

Employers who try to extend a helping hand to employees with flexible scheduling do so at the risk of fines and penalties from the Department of Labor. It is the law—you are not allowed to work 45 hours now in return for 35 hours in another week and still keep a full paycheck.

President Clinton has said he understands this problem and has proposed expanding unpaid time off under the Family and Medical Leave Act. Unfortunately, his plan only allows leave without pay. It was designed for periods of extended leave, not for the flexibility needed to meet the daily challenges of modern family and working life. Working parents would still have to take a pay cut to be with their children.

Mr. President, I firmly believe the time has come to bring our employment laws into the 1990's, and so I have proudly signed on as an original cosponsor of the Family Friendly Workplace Act. Our bill would create flexible scheduling options for working Americans, benefiting millions of hard-working women and men.

First, workers under this legislation would have paid flexible leave. To create time for their families, employees could choose to work additional hours in one week, to fill in a shorter week later. Employees could bank up to 50 hours of flexible leave that can be taken with pay.

Also second, employees could set 2-week schedules totaling 80 hours in any combination. For example, an employee might want every other Friday off, compensating for the day off by working 80 hours over the course of 9 days. This system has worked well for Federal employees.

Third, employees could take time and one-half off, instead of overtime pay. Employees would have the option of cashing out these comp time hours for overtime pay, if they wished. It is important to note that these options are entirely voluntary and any action must be set into motion by the employee, not the employer. Your employer can't force you to take comp time if you prefer the overtime. The bill, in fact, sets stiff penalties for coercive or abusive actions by employers.

While I believe the bill affords employees the necessary protections, should there be reports of widespread abuse under this legislation, I will be among the first to call for its repeal.

Mr. President, an editorial published in the April 7, 1997, edition of the Minneapolis Star-Tribune raised some of these same concerns—concerns I believe have been satisfied—and the newspaper found the premise behind the bill to be solid. The newspaper wrote:

> This is pretty appealing to busy Americans, many of whom would happily forgo $60 in overtime pay for the chance to spend Friday with their kids or a string of walleyes. And it is an efficient form of time management for employers who see their offices swamped with work one week but becalmed the next.

The editorial concluded by saying that

> Clinton and Congress' Republican leadership should find a way to accommodate the needs of business and American workers in a changing economy . . . After all, the whole point is flexibility.

Mr. President, I trust working parents with that flexibility because only they know what is best for their families. The flexibility is especially meaningful for the Nation's working women as well. Both Working Women and Working Mother magazines have endorsed the flextime and comptime measures in the Family Friendly Workplace Act, recognizing that 28.8 million working women stand to gain from this proposal.

Times have changed dramatically since 1938, and change is long overdue. In fairness to workers and their families, and in the interest of the productivity of our economy, it is time to modernize our labor laws and give all workers the choice of flexible work options. So Mr. President, in concluding, I would like to say that the Family Friendly Workplace Act offers much-needed help for Americans striving to meet all the needs of their families. I urge the support of my colleagues, and once again I want to thank the Senator from Missouri for his leadership in bringing this bill before the Senate.

Thank you very much, Mr. President.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, today the Senate is debating an aptly titled bill, the Family Friendly Workplace Act. The working families of today face more challenges than their parents and grandparents could have imagined. In addition to providing for their children, parents want to balance the other demands on their time—parent-teacher conferences, little league games, doctor appointments, car pools—but have little flexibility.

The family friendly workplace will give employees the opportunity to adjust their work hours to take advantage of paid time off during the workday. It is a short, simple bill that would extend to the private sector the same benefits already enjoyed by public employees for almost 20 years. First, it will allow hourly workers the ability to bank extra time which could be taken as paid time off. Second, the measure will give employees and employers the ability to work out a flexible scheduling arrangement. Sound simple enough? Surprisingly, these common-sense practices are now prohibited under current law.

The only explanation I can find for the opposition to this proposal is the flurry of misinformation that surrounds this debate. For instance, I have received a few letters in my office from Washington labor organizations, which reveal their unfortunate misunderstanding of this bill. One letter states, ''S. 4 contains no penalty to punish employers who force workers to take compensatory time off if the workers want, instead, to receive premium pay at the time-and-a-half rate, after they work in excess of 40 hours during a week.'' This claim is false. Not only are these options 100 percent voluntary for the employee, but, in addition to protections that already exist under the Fair Labor Standards Act [FLSA], S. 4 establishes further prohibitions against employee coercion in the voluntary acceptance of comptime. Intimidation is outlawed. Another letter I received argues that ''the enactment of a less effective FLSA would jeopardize worker safety and health as employees are forced to accept excessively long and hazardous overtime assignments without pay fearing loss of future employment opportunities * * *'' This claim is untrue. Let me repeat—these options are 100 percent voluntary for the employee.

I am also confused by arguments my colleagues have made against this measure. One amendment the opponents may offer would expand the Family and Medical Leave Act to grant workers up to 24 hours of unpaid leave to participate in their child's school activities. They point to a poll that found that 86 percent of the American public favor legislation that would allow workers unpaid leave to attend parent-teacher conferences. Did the poll ask Americans if they would like paid leave for these educational purposes? I also find this amendment puzzling since the first argument I hear from labor groups is that workers cannot afford to take compensatory time off since they rely on their overtime pay. I agree that many workers would not take the comptime option because they prefer additional pay. But if extra pay is their first priority, why would they be so anxious to take unpaid leave?

Furthermore, opponents cite the position of various women's organizations in Washington who have come out against this bill. Like many inside-the-beltway groups, they seem to have fallen out of step with the average working woman, since several studies contradict their opposition. For example, a study conducted by the Employment Policy Foundation reveals that women are far more eager to trade income for leisure—among women earning $750 a week, women are more than twice as likely as men to choose ''fewer hours for less pay.'' Second, a recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off, rather than cash wages, and 82 percent said they support the Republican-backed comptime bills. Also worth noting is the endorsement of the Family Friendly Workplace Act by Working Woman and Working Mother magazines.

Even more perplexing is the President's failure to recognize the special needs of working women by refusing to allow comptime in exchange for overtime pay. While overtime pay is invaluable to many workers, nearly three out of four workers reporting overtime pay are men. In fact, overtime pay is most commonly reported in industries which are heavily dominated by men—manufacturing (73%), mining and construction (95%), and transportation (88%). Of the small number of women who work in mining and construction, only 5 percent worked overtime in 1996, while 95 percent of men did. The President's commitment to defeating this proposal will disproportionately harm women.

While these polls and statistics are helpful and revealing, I need go no further than my home State to be convinced of the value of the Family Friendly Workplace Act. One engineering firm in New Hampshire, for instance, uses a complicated formula to allow employees every other Friday off. But the complexity of their current system is exactly why they would prefer the passage of S. 4. If there is any doubt that this flextime is appealing to employees, this company, like many in the highly competitive technology industry, advertises their existing flexible week as an incentive when seeking out technical expertise. Any Senator who represents an area like the Northeast, which has a large technology presence, can understand how competitive the recruiting can be. The flex week is so appealing to potential employees, firms highlight it in their ads in an effort to outbid their competitors.

Because of the false claims, inconsistency, and bias against women, I reject the arguments against the Family Friendly Workplace Act. It is time that these options are enjoyed by all American workers, not just Federal employees. I hope my colleagues will join me in support of this commonsense legislation, and vote to invoke cloture.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I would like to briefly respond to some of the discussion that deals with S. 4, which is egregiously entitled the ''Family Friendly Workplace Act.'' But I also want to say to my colleagues that I am going to spend a little bit of time talking about disaster relief and the failure of the House

of Representatives to move forward with this legislation because I think that takes priority over all of our business here.

Mr. President, I will agree with my colleagues, starting with Senator ASHCROFT, whom I enjoy as a colleague, that this piece of legislation deals with a very important question. And the question is how people balance their commitments to work with their commitments to family. I think that is a very important question.

But I would like to just repeat one more time for my colleague from Missouri and other colleagues who want to see some kind of positive, constructive legislation passed, this piece of legislation in its present form is going nowhere. And it should not go anywhere.

Mr. President, first of all, there are two features that are automatic nonstarters. My colleague from Minnesota, whom I enjoy working with, talked about a couple of women's organizations that support this bill. My understanding is there are huge numbers of women's organizations who are in opposition, for good reason.

First of all, we have the Fair Labor Standards Act which was hallmark legislation. The idea here was the 40-hour week. If you worked overtime you get overtime pay. That is very important. There are a whole lot of families with incomes below $20,000, $25,000 a year for whom overtime pay is key.

What we are doing with this legislation, which has this sort of happy-face title, the ''Family Friendly Workplace Act,'' is we are now moving from a 40-hour week, we are abolishing it and we are going to an 80-hour 2-week period whereby an employee could work 50 or 60 hours one week, 30 or 20 hours the next week and not get paid any overtime.

If you think that the reality is in the workplaces throughout this country that employees are equal partners in this decisionmaking in all these workplaces, then you might not worry about that. But the fact of the matter is, the vast majority of people, the vast majority of women and women's organizations, understanding the threat to the 40-hour week, will not accept this. This provision is not in the House bill that passed, and it should not be in this bill. It is one of the reasons this bill will go nowhere.

Mr. President, in addition, there is another feature that deals with flextime which essentially says you can work overtime and then you can take that hour off or however many hours you worked, but you do not get an hour and a half off for an hour overtime so it becomes a cut in pay. Again, you have two features in this bill that are in direct contradiction to the Fair Labor Standards Act and, therefore, going nowhere.

Now, the third point I want to make is that there has to be some guarantee, some way that we protect people for whom being able to work and working overtime and being paid overtime is critical to their family's income. In a huge percentage of families with incomes under $20,000 a year, the household head works overtime. So what you do not want to have happen is a situation where an employer is only going to give the overtime to those people who take comptime as opposed to people who want to have time-and-a-half pay. Again, so far, we have not seen any willingness to sit down and negotiate and compromise on some of these questions.

Mr. President, in committee Senator MURRAY talked about an extension of the Family and Medical Leave Act which was terribly important. The Senator may, while she is here, raise a question with me about this, and I am pleased to do a colloquy with her on that. In addition, I had an amendment in committee which said if there is a situation dealing with Family and Medical Leave Act considerations where there is sickness in the family or whatever and you banked 20 or 40 hours, you should be able to take that time off; you do not need to ask for permission.

Mrs. MURRAY. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mrs. MURRAY. The Senator from Minnesota is correct that during the debate on this bill I have talked consistently about the fact that women do want flexibility in the workplace in order to make sure they can take care of their children when they need to.

The concerns we have continuously raised about the bill we are debating is who decides when that woman or man, father or mother, gets to take that time—whether the employer decides or they do.

When it is your child's conference time at school, your employer cannot say, or probably will not say to you, ''You can take your conference time next week.'' You need to go to them as an employee and say, ''My child's conference is next Thursday at 10 o'clock. I need to take an hour to go visit with my child's teacher.''

Let me ask the Senator from Minnesota, the option that I am offering that allows 24 hours off a year for parents to participate with their child, in your opinion, would that give employees the ability to have some control over their time and their ability to participate with their families?

Mr. WELLSTONE. Mr. President, in responding to the question that the Senator from Washington has raised, that is really what is at issue here. There is an alternative that Senator BAUCUS and others have presented which really does give the employees the flexibility, if that is what this is about. We have to make sure that employees have the flexibility so that if they need to take the time off—time, I might make the point, time that they banked—if they need their comptime because they want to go to school and visit with the teacher or because they have an elderly parent that is ill, they ought to be able to do it. If we really want to give them flexibility, we should give them flexibility. That is not in this piece of legislation.

I also say to the Senator from Washington that, in addition, we have a very serious problem here. Sometimes I think here in the Senate we lose sight of the reality of the circumstances of many families in our country. We have a paradoxical situation where we have this impressive abundance, an affluence and good macroeconomic indicators, but at the same time, we have large numbers of families that are struggling to earn a decent living and raise their children successfully. People are still feeling the economic squeeze, and one of the ways people are able to put food on the table and support their families is to be able to get that overtime pay for working overtime. We are not going to abandon that principle.

This legislation in its present form will be defeated again tomorrow. People gave their sweat and their tears for fair labor standards and for a 40-hour week and for the idea that if you work overtime you get overtime pay. Now, if we want to really give employees the flexibility, we should do so. But you do not have a cut in pay with flextime, you do not have a cut in pay by abolishing the 40-hour week and going to an 80-hour 2-week framework. You make sure that employees, in fact, if they bank that extra time, that flextime, are able to take it off, time and a half for every hour worked overtime to be with their child or to be at a doctor's office with their parent. They get to do it. They do not have to ask for permission. You certainly make sure that you do not have any discrimination whereby this becomes too good a deal in its present form for too many employers, and the only people, I say to my colleague from Washington, that they give any overtime to are those people who will not ask for overtime pay, who will only ask for comptime. That is what is at issue here.

I agree with the question, which is this is all about working families. This is all about how people balance commitment to work with balancing a commitment to family. But this piece of legislation does not give employees the flexibility, and this piece of legislation does not give people the guarantee that they will not be discriminated against and no longer able to obtain overtime pay for overtime work which is so important to so many families that are barely able to make ends meet. This piece of legislation takes the Fair Labor Standards Act and it turns it on its head. It literally overturns 50 or 60 years of people's history. It is too bad, because we could pass a piece of legislation.

My colleague from Missouri has a good idea, at least in the goal of giving employees the flexibility. But in its present form, this piece of legislation will go nowhere.

Mr. President, now, I understand I have not looked at some of the amendments—Senator GRASSLEY's amendment. We also, in committee, were talking about the whole problem of bankruptcy and what happens to people who have earned this time. I think maybe the ceiling is too low and we have to have a higher threshold. Maybe something can be worked out on that, but then I hear there is another amendment that wants to apply this piece of legislation to the Congress, to staff, the people who work here.

Well, Mr. President, I think that most of the people who work here—I have to look at all of the specifics, but I would think that a lot of people who work here might say, well, we would rather go forward and not backward. Right now, I think, people would be kind of worried about losing some of their fair labor standard protection or they would be worried about not being able to work overtime and get overtime pay. I do not think people want to see that. I also think employees here working with us want to make sure that if they bank the time, they will be able to take it off when they need to take it off to be with their families.

So, again, Mr. President, you cannot take a piece of legislation that is flawed, I say with some regret, badly flawed for the vast majority of families in this country, and now apply it to people who work here, which just compounds the problem. Make this a good piece of legislation, and then, I say to my colleague from Iowa, and then we should apply it. I am all for that.

DISASTER RELIEF

Mr. WELLSTONE. Mr. President, I want to mention to some of my colleagues that with some regret, at least for a while this afternoon while I have the floor, there probably will not be a lot of discussion about this important piece of legislation, because I am now at the point, as a Senator from Minnesota, where I could not have any more patience for the political process here.

We have had people in our States, and the Chair, I know, would feel the same, and I believe my colleague from Missouri would feel the same way, who have been through an absolute nightmare. We have communities where everybody had to evacuate—total devastation. We have one community in Minnesota, East Grand Forks, across the Red River from Grand Forks, and everybody had to leave and the people are still waiting for the Congress to provide them with relief. And the House of Representatives had the nerve to go into recess without providing that assistance.

Well, Mr. President, for a while this afternoon the only point of discussion while I have the floor is going to be about the problems that we are facing in States that have been flooded, in States that are waiting for this disaster relief, because I think this ought to be the priority for the Congress. Whatever I know about this political process, whatever leverage I have as a Senator, I am going to use it. I will slow up whatever I can slow up. I will stop whatever I can stop. I will do it this week, and I will do it next week and I will do it as many weeks as I need to, until that disaster relief bill is passed. I do not know what else to do. I do not know what else to do.

Mr. President, let me just talk a little bit about what is going on here. What we have is a situation where some people are playing politics with the emergency supplemental as opposed to getting this relief out to people who are trying to rebuild their lives.

Can you imagine, I say to the Chair and my colleague from Missouri, can you imagine how people in Idaho and Missouri would feel when their homes have been destroyed? We worked together in a bipartisan fashion, and Senator STEVENS was a big part of that. We came up with not only the funding for FEMA, but most important of all is some small business loans we came up with in what is called Community Development Block Grants, moneys which would enable people to move forward with buyouts for people who live in the floodplain, enable people to have assistance to rebuild their homes. That was the good news part. We were on our way.

And then we had a disagreement. We had a disagreement over something called the CR. Frankly, people back in the Dakotas and Minnesota do not know that much about a CR and they do not really care too much. They just thought we would have the elementary decency of providing them with some help in their hour of need. But we got a debate about the CR.

We have another debate about roads and public parks and maybe a couple of other matters as well. I would have thought that my colleagues—and I think some Republicans agree with me, so I do not think this is really so much a partisan issue; I know that in our States, Republicans agree—I would have thought that my colleagues would have had the elementary decency, the elementary decency before they went into recess, and we were going to stop them, and I cannot even remember the technical maneuver, but we were going to try and force a vote on adjournment, I guess it was, but they did not call it adjournment. We were in recess. So, theoretically, every 2 or 3 days, we were in session, but we really were not. Then people in the House of Representatives could then vote against adjournment and feel good about it, knowing that nothing had been done.

I could not believe it. The leadership in the House of Representatives—I do not even call it leadership when people in our States are in such need, waiting for some final assurance that relief is going to be forthcoming—goes into recess.

They don't even have the elementary decency to put aside what differences we have and just go forward—make sure that people know that they are going to be able to rebuild their homes, make sure that people know they are going to be able to move back into their homes, and make sure that people know that they are going to be able to go on with their lives. But no.

I am Jewish. I throw my hands around here. I am sorry, my colleagues.

But, no. They go into recess. And I am supposed to try to explain to people in Minnesota and North Dakota and South Dakota how we can play these kind of games here? People can't believe it.

To all of my colleagues, to all of the people who are here today, no wonder so many Americans sour on our political process. You have floods the likes of which haven't been seen for 400 or 500 years. You have total devastation. The hospitals are destroyed, schools are destroyed, and everybody in the town are all leaving. You have flooding. You have hail. You have snow. You have fire. And, in spite of all of that, the goodness of people comes out. They support each other, they love each other, and they try to get back with their lives. But they know they need help. And the House of Representatives goes into recess. It is unbelievable.

Now we are back here, and it is Tuesday. We hear that maybe this week this disaster relief bill will not be passed. Or maybe, people say, ''Well, play a game and we will put on a continuing resolution.'' What does a continuing resolution have to do with the budget or have to do with getting disaster relief for people? It is called disaster relief because it is disaster. It is called an emergency supplemental bill because it is an emergency. Stop playing political games with people's lives.

So, Mr. President, now we have a situation where some people are thinking, OK, what we will do is put a continuing resolution on this bill; it has nothing to do with emergency supplemental assistance; we will send it to the President; then he has already said he will veto it; and then it will come back here. And I don't know what they will do next.

Why are they sending it to the President when you know he is going to veto it? If you want to debate the budget, let's debate the budget. If you want to debate the parks and the other issues, fine. But can't we just put aside our differences and please get the supplemental assistance to people? This is really a huge issue.

Mr. President, there are families and business owners in Grand Forks, ND. My colleague from North Dakota talked about this, and East Grand Forks. They need to know whether they are going to be part of the floodplain buyout. But they do not know. They do not know whether or not there is going to be a buyout. They do not know whether they should move. They do not know whether they should try to come back to their homes. They don't know whether there is going to be any assistance at all. The State does

not know whether it should go forward. The mayors do not know what they can say to the citizens because they do not know what we are going to do because people have been waiting and waiting and waiting.

Some of my colleagues today are going to wait because I am going to talk on the floor of the Senate for a while as well because it is just simply unconscionable and it is simply indefensible that we just do not get on with the business of providing people with this assistance right now.

Mr. President, we have another problem. If we are going to start rebuilding—I think maybe in Idaho and less in Missouri. But in Idaho I think this is a bit of an issue as well. We have to get going because our building season is over come mid to late October.

So, if we do not get the approved funding now and we don't started with the construction we are not going to get it done. Minnesota is a cold weather State. It is without a doubt the best State in the country. But it is a cold State. We have to get the funding right now, or we are not going to get the construction work done.

Colleagues, there are very good, very wonderful, very strong, very loving people in Minnesota and the Dakotas, and others States as well are confronted with the fierce urgency of now. They are trying somehow to rebuild their lives. They have been through a living hell. You would not wish it on anyone. They have been waiting and waiting for us to have the decency to please get the assistance to them. And we are still playing political games here.

Mr. President, the supplemental contains $500 million in CDBG funding for flood assistance. This program is one of the oldest Federal block grant programs in existence. This gives the States the most flexibility, or it could be the most flexibility for local communities.

Let me explain what we are talking about here. Whether we are talking about floods in the Midwest, or hurricanes in the South, or earthquakes in the West, this CDBG money is critical because it fills in the cracks.

In other words, what happens is FEMA money is good for public infrastructure and some help for homeowners and the small business money in loans. But the problem is many people can't cash flow any more loans. They can't get their businesses going. They can't rebuild their homes unless they get this community development block grant money. We have to task—thank you, Republicans, and, thank you, Democrats. We work together. That was the right thing to do. But now—for the last 13 or 14 days, whatever it has been—people back in Minnesota cannot believe what they are seeing here. They don't understand these games. They don't understand why it is we just do not provide them with the assistance that they need.

Mr. President, we have seen homes destroyed. We have seen city blocks immersed in water. And our communities, Ada, Warren, East Grand Forks, and others are in tremendous amount of need. They are in hurt. And they have the task of rebuilding their neighborhoods block by block and home by home.

I would like to thank FEMA, the Federal Emergency Management Agency for their work, and its Director James Lee Witt for his leadership. He has been great. I would like to thank all of the FEMA people who are out in Minnesota. They have been great. They are real heroes and real heroines. They are doing everything they can to help people. They are working with our community. And they are thinking about again buyouts and relocation plans.

They are thinking about how to enable people to move back into their homes, and how people can rebuild their businesses. But we need to get the funding to our States now. We need to begin the process of rebuilding our communities.

Mr. President, I don't know any other way to say it. I would say to my colleagues: Quit playing political football with the lives of disaster victims. Quit playing political football with the lives of disaster victims.

I don't know anything else to do. I mean, I apologize to my colleagues. I am going to continue to talk for a while—not all day and all night and all day tomorrow. But I do want to speak for a while about this.

Really, every opportunity I get as a Senator I am going to continue to come out and hold the floor. And I think just about every other Senator will do the same thing from our States. This is going to go on. Any Senator would do it, Democrat, or Republican. What else are you supposed to do?

I mean the first thing you do is you try to appeal to the common sense of some of your colleagues. You say, look, we have some differences here. So why don't we just put those differences aside and just get the assistance to people because we don't differ on that.

This is an emergency. Let's get the emergency assistance to people now. We tried to make that appeal. That didn't work. Then you try and appeal to the goodness of people. You say, look, people are hurting. People need some certainty. People need to have some confidence that we are going to provide some assistance to people. Please, Representatives; please Senators—I think even more Representatives now that I think about it on the House side—please. Can't you just put aside the differences? Can't we just go forward with what we agree on and get this disaster relief to people?

That doesn't work.

Then you try another appeal. You say, look, Senator, if it was your State, you would want to get that assistance out to the people. You would have a tough time going home and looking at people in the eye and having them look at you and try to explain what in the world is going on here.

So you try to appeal to colleagues, and you say, ''Look, I have always been there for you when you needed help in Missouri, or you needed help in Idaho, or whatever State, which is true. I remember the flooding and what they went through just a few years ago. Now we need help. Please, won't you help us get this through?

And that doesn't work.

So, since none of that works, there is only one thing to do. And that is just use the Senate rules and figure out your leverage and just do not let the U.S. Congress—in particular the House of Representatives which has this held up—go on with business as usual. We are going to talk about what is going on in Minnesota, the Dakotas, Missouri, and California, and a variety of other States.

Mr. President, I have here a letter from the mayor of East Grand Forks, MN, Lynn Stauss.

I tell you. My colleague, Representative COLLIN PETERSON, made a very good point this morning. Lynn Stauss is a part-time mayor. He makes about $5,300 a year. He is coming back out here tomorrow, and the mayor of Grand Forks, ND, as well. They shouldn't have to keep coming out here. But they have to keep coming out here to keep saying to people: ''Please, Senators and Representatives, don't make the people in our communities an abstraction.'' We are talking about real men, real women, and their children.

I don't know how the mayor has done it. He has been incredibly courageous. He has given people a lot of hope under some very difficult conditions, I say to a former mayor, Mr. President. But I know it gets hard after a while. People start to run out of hope when we don't come through here in the Congress.

So this is a letter dated May 20, 1997. I should have brought my glasses knowing that I was going to be on the floor for a while.

Do you have any glasses? [Laughter.]

These glasses are too conservative. I thank my colleague from Missouri. I have never understood how such a good person could have such bad ideas. [Laughter.]

DEAR SENATOR DORGAN: We understand that there are currently proposals to dispose of the five hundred million in CDBG grants for disaster aid in two separate payments. Because of the magnitude of destruction of the record setting flood of 1997 and the ice storm preceding the flood on April 4, 1997 throughout the Red River Valley, especially to the communities of Grand Forks, North Dakota and East Grand Forks, Minnesota, it is imperative that the total amount of five hundred million be released to our communities without delay. The people of our communities have suffered the loss of income, homes and businesses. In addition, our streets, water system, electrical system and sanitation system have been severely damaged and require immediate attention. The public facilities as we once knew them are virtually non-existent. We are now a community without a city hall, a library, several schools, fire hall and senior citizens center.

Our number one priority is the acquisition of over 600 homes and businesses from the

floodway. Immediate acquisition and relocation is the only preventive measure in relieving stress and allowing our citizens an opportunity to rebuild in our communities. Because of our short window of construction, if we do not act now our businesses and residents will have no alternative but to relocate in other communities.

We enclose for your information a copy of a proposal from Wynne Consultants which clearly depicts the aftermath and total devastation left by the flood and ice storm. We believe the report will provide you with a comprehensive understanding of our urgent, basic needs. The five hundred million in CDBG grants must be released to our communities to allow us the flexibility to rebuild and move forward with our lives.

Mr. President, this is from the mayor, and I just want to emphasize the importance of the words ''to rebuild and move forward with our lives.'' Again, Mr. President, I am sorry to inconvenience colleagues, but I feel as if people in Minnesota have been inconvenienced, and I think it is important to focus on this because I think we should pass this before we do anything else.

An emergency supplemental is an emergency supplemental. That does not mean messing around, playing all sorts of political games. And disaster relief is disaster relief. It seems to me to be patently unfair and insensitive and unconscionable for the House of Representatives to go into recess and not pass this disaster relief bill or for this week all of us in the Congress to mess around and mess around and mess around and not do this work. If there is one thing we should do this week, it should be to pass this disaster relief bill. This should come before anything else. This disaster relief bill should come before, I say to my colleague—I know how much work he has put into this, and I still think there is a possibility of passing a good piece of legislation when we get down to really give-and-take discussion and work together. I do not think this bill will pass in its present form. I do not think it should.

(Mr. KEMPTHORNE assumed the chair.)

Mr. WELLSTONE. Mr. President, I do not think this piece of legislation takes first priority. I do not think some of the amendments that are on the floor right now take first priority. I am not speaking about those amendments. There is not anybody who is going to speak on those amendments for a while. I do not think those amendments should take priority. I do not think the budget, if we get to the budget sometime this week, should take priority. I do not think there is anything we could do this week that would be as important as providing people, families, who have been through just total devastation with a helping hand. Can't we do that? Can't we just provide people a helping hand? Can't we give people some confidence they are going to have some assistance so they can move back into their homes? Is that too much to ask? Can't we give some small businesses some confidence that there is going to be some access to capital and some assistance so they can start up their businesses again?

I want to tell you something. Maybe some people think some of this is funny, but I want to tell you something. A whole lot of these people, these homeowners and these business people, are leaving. They are not going to be able to stay in these communities, I say to the majority leader, who has helped us, who has done a good job, and I thank him. These people are not going to be able to move back into their communities. A lot of these people are going to leave. That is what we are now here on.

So, Mr. President, I think it is appropriate that I take the floor and speak about this because I am hearing this from people in my State. And I know other Senators are hearing this as well.

Mr. President, this is a letter from the mayor of East Grant Forks, Lynn Stauss, again, who has just done a yeoman job, to members of the task force, the Minnesota Recovery Task Force:

Please accept the following information as our preliminary application to the Minnesota Recovery Disaster Task Force. We hope the data we have included will assist you in assessing the level of damage in East Grand Forks and allow us to receive early consideration in the coming discussion on recovery activity in our State. We consider our position to be worthy of a serious share of the Federal and State funding that will come to Minnesota. I know that you have been apprised of our damage situation throughout the Nation and statewide media over the hours of this disaster. Our city staff would welcome the opportunity to answer your questions at any time. Thank you for your time and consideration.

Lynn Stauss, Mayor, East Grand Forks.

Now, Mr. President, what I have here—and it will take me a little bit of time to read this application—is the application from the mayor. I want to emphasize one more time—and, Mr. President, I would like to apologize to some citizens who have come here today who are here during our proceeding. Normally we have debate on amendments, and when I start reading from some of this I fear that for some people here that will not be—without knowing the ins and outs of all of this, it may not be relevant, but I want to just make it clear one more time I once in a while come to the floor of the Senate and do this, but not very often, and I think those of us, whether we are Democrats or Republicans, don't come to the floor of the Senate and do this and hold the floor unless we really feel strongly about something.

But, Mr. President, I do feel strongly about this. Time is not neutral. Time rushes on. There are too many people who are hurting. They have asked for assistance, and we have got people who are playing games here. There is no other order of business that should come before our passing this emergency supplemental bill that provides disaster relief to people who have been through hell. They deserve our help, and they should not have to wait. They should not have to be out there twisting in the wind. They should not have to wonder what in the world is the matter with us. This bill ought to pass this week. This bill ought to pass today. I would be proud or pleased to leave the floor right now if I only thought something was going to be done.

Mr. President, let me go on and read from this application. This is just from East Grand Forks, really not talking about—I was in Ada, MN. In Ada, MN, it was just devastating. The school was completely flooded, much of it destroyed. They are going to be able to renovate the school, but can you imagine this? Here you have the school completely destroyed. It is going to be rebuilt, but somehow those students and the teachers and the support staff and the superintendent and the parents and the neighbors all banded together, and other schools will take in those kids and those kids are now finishing school and they are going to graduate. That is inspiring.

I will tell you something, Mr. President. What is not inspiring is this Congress. What is not inspiring is the House of Representatives. What is not inspiring is the Representatives or Senators who put extraneous measures onto this piece of legislation and are not willing to get the assistance to people who need it now. That is not inspiring. We do not set a very good model for young people when we cannot stop playing games and just provide assistance to people who need that assistance.

In Ada, as well, their hospital was just, again, devastated. They had to, in the dark of night, I think it was late at night, 10, 11, 12 o'clock, they had to take elderly people out of the nursing home, had to evacuate them. It was just unbelievable what people went through. Can you imagine a hospital destroyed, the community center destroyed, the school destroyed? And can you imagine what it would be like to, first of all, be flooded out and then you are faced with a blizzard and people do not have any heat? People go through all of this and they continue to flourish, and the churches or the synagogues all come together and people help one another and somehow people make it through, although there is a lot of hurt and there is a lot of pain and probably some people are going to have to go through a fair amount of counseling to get through all this. But at the very minimum couldn't this Congress—I say this now to the majority party—pass this emergency supplemental bill now?

Doesn't emergency mean emergency? Could not we provide this assistance to people now? Is that too much to ask? Is that too much for the people of Grand Forks, ND, to ask? Is that too much for the people of East Grand Forks to ask? Is that too much for the people of Warren, MN, to ask? Is that too much for the people of Ada, MN, to ask?

I heard my colleague from North Dakota, Senator CONRAD, this morning. I

thought he was eloquent. He said something like how many more days do people have to wait? I think that is an important question. How many more days, how many more weeks do people have to wait for help? How many more days do the people in our communities who are trying to rebuild their schools or hospitals have to wait? How many more days do the people who are trying to find out whether they are going to be moving or whether they are going to be staying or whether they are going to have money to rebuild their homes or to rebuild their businesses, how much longer do they have to wait? How much longer do senior citizens, many elderly people—a very high percentage of our smaller towns and communities really are comprised of elderly citizens. How much longer do they have to wait to know whether they are going to be able to live there?

The answer will be determined by what we do or what we do not do. I am determined as a Senator from Minnesota to do everything I can to make as many of my colleagues as uncomfortable as possible until we take action.

Let me repeat that. Whatever I can do to make those who are responsible for this delay uncomfortable, whatever I can do to focus attention on their irresponsibility, to focus attention on their insensitivity, to focus attention on their callousness, whatever I can do to make it clear to the leadership of the House of Representatives it is time to get serious, it is time, as my children would have said when they were younger, to get real I will do.

Mr. President, this application form—let me read from this form:

> The flooding of April 1997 caused hundreds of millions of dollars in damages to private properties, infrastructure and businesses in the city of East Grand Forks.

Mr. President, I think what I am going to do is actually read this slowly because right now time will move on slowly on the floor of the Senate:

> Damage to housing ranged from complete destruction of the properties to severely damaged basements, electrical systems, and heating systems.

By the way, built into this disaster relief bill—and I thank my colleagues, both Republicans and Democrats—is some assistance in the low-income home energy assistance program, the LIHEAP program—Senator STEVENS helped us on that—which will enable people, for example, to buy new furnaces, which will be a big help. Again, it will not happen, it will not happen until this disaster relief bill is passed:

> The vast majority of single family and multifamily dwelling units sustained damage. Similar damages to privately owned commercial properties occurred. Beyond the costs of the physical damage, these businesses have also been forced to deal with the economic loss associated with being unable to operate. Many have been unable to reopen and those that have to deal with having lost employees.

That is another issue, Mr. President. I know that when I went to Breckenridge, it was just really poignant because there I met with all of these small business people. It was not a meeting that had been arranged. I just came up to look at the flooding. And as soon as I came into the community, all of these small business people came up to me—and I am not putting them down at all, you understand—and they were absolutely desperate. I mean, there was just desperation and fear; they were really so frightened. And they were saying, look, we can't make this unless we get some assistance. And, Senator WELLSTONE, if you just give us loans, we can't cash flow those loans and we are not only worried about ourselves, we also are worried about our employees. Well, you know what? All the time I hear speeches given about small businesses, ''Oh, we love small businesses. They are just like family farmers.'' We love them in the abstract.

You know what? We have a lot of small businesses in Minnesota and the Dakotas that have been flooded out. We have a lot of small businesses that want to rebuild their businesses. We have a lot of towns that depend on those small businesses.

I hear my colleagues always say they are for the small businesses. You know what? The best way you can be for small businesses this week is to do something concrete, which is to stop playing games with this disaster relief bill, pass this piece of legislation, and get the assistance to people so they can start their businesses up again, so they can at least begin the process of rebuilding.

The mayor goes on to say:

> The magnitude of the loss has forced the city to move forward on the implementation of measures to minimize the future possibility of a similar event occurring. At a time when the city is forced to deal with the enormous expense of reconstruction, it is also faced with considering the huge expense of future mitigation.

This is going to be a much bigger part of what we do in the future, which is mitigation, which is to try to figure out how to prevent this from happening in the first place. So people who are living in a 100-year floodplain are not necessarily going to live there. We are going to relocate some people. We are going to relocate some businesses. We are going to do that in lots of parts of this country. That is going to be a bigger part of what FEMA and other agencies do as well.

> The city is currently in the process of planning the construction of a dike-levee system which will ultimately result in the need to relocate households residing on the ''west side'' of the dikes. At this time, the final dike alignment has not been established. However, it is evident that at least 300 households will have to be initially relocated and ultimately 650 to 700 households need to be relocated. Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties.

Mr. President, I have here somewhere a document where Kit Hadley, who heads up the Minnesota Housing Finance Agency, said the other day that this was one of the worst housing disasters in the history of our country. It is true. I mean, when whole towns evacuate, when people become refugees, when so many people are still homeless, people who worked hard all their lives, that is a housing disaster. It is a housing disaster, I say to my colleagues in the House and I say to my colleagues in the Senate, but especially in the House. It is time to get on with the work. It is time to provide some relief to people. It is time to provide people with some assistance.

> Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties. Planning is underway to establish sites to which the business, primarily commercial and residential, relocations will occur. Several potential sites for residential relocation are currently being considered. Although no final decision has been made on the business relocations, the B-N triangle, a parcel situated immediately to the east of the current downtown district, is being considered. At each site to which the relocations will ultimately occur the establishment of essential infrastructure will be necessary—sewer, sanitary and storm water, and streets. Damage to infrastructure was citywide and included all of the major infrastructural systems.

Can you imagine this? Damage to the sanitary sewer, to the storm sewer, to the water system and the streets—all of that damage took place.

> Other public facilities, such as public buildings, were also damaged, several beyond repair, including the city hall and the fire department. Damages to park and recreation facilities and buildings were severe and widespread. Among the public structures which were destroyed were three schools.

Mr. President, this reminds me of a poignant moment. My colleague from the 7th Congressional District, Congressman PETERSON, COLLIN PETERSON, spoke at graduation—I heard about this—to the students of East Grand Forks who had been flooded out, whose school had been destroyed. He said to the students, ''You know, as much agony as you and your families have gone through, you have probably learned more than you could have ever learned in school''—and I think that is true—''about yourselves and, really, about your community.''

I would add to Congressman PETERSON that I think people in our communities have learned about all of the heroes and heroines that there are. Someday—as long as I am on the floor here for a while—I am going to write a book. Maybe I can get my colleague from Missouri to coauthor it. Because this would cut across all parties and all ideology, and he is like this in terms of what he believes in. What it would be, there was a book written years ago that should be immortal, by James Agee, Walter Evans was the photographer, and the name of the book was, ''Let Us Now Praise Famous Men.'' It's a long story. Forbes magazine had commissioned James Agee back in the 1940's to go, I think, back to Alabama to write about the pathology of poor

sharecroppers and tenant farmers. And he went there and lived with people. Mr. President, he, as opposed to his impression before he was there, and his thesis, he thought to himself, ''It's amazing that under these conditions, people are able to survive or even flourish. They should be famous.'' So he wrote a very different kind of book with wonderful, powerful photographs.

We could do a book. The Chair is like this as well. Three of us could write this book, and we could title it, ''Let Us Now Praise Famous Men or Women.'' It wouldn't matter whether they were Democrats or Republicans. What it would be, it would be about men and women in communities who do wonderful things in their community. You know what I mean? I mean, it wouldn't be cynical; it would be uplifting. It would be about all the people in our country who do really wonderful work in their communities. No one knows them. They are not nationally famous or internationally famous. They don't do it for that. But they should be famous.

Mr. President, only because I don't want to yield the floor, I would ask my colleague whether he would consider doing it with me, but then I would lose my floor privilege. But I am telling you, this would be a good book. There would be more Democrats profiled in the book than Republicans. But, you know, it would be more or less balanced. More or less.

To be more serious, it wouldn't have anything to do with parties. But there are a lot of great people in this country. And there are a lot of people who are unsung heroes and heroines. There were a lot of people in East Grand Forks and Granite Falls and Montevideo and Warren and Ada and Grand Forks who are heroes and heroines. Boy, I don't know how—I say to a former mayor—I don't know how the mayors have been able to do this. But we have had Mayor Owens and Mayor Stauss. They have been just unbelievable. Pat Owens has been—people have seen her. She didn't want it. I know that it would have been her prayer to have never had this opportunity to be such a national spokesperson, because she would never have wanted for this to happen in her community. But she has so inspired people, she has, over and over again, called on people not to give up and called on people to have hope, and has said we can rebuild our communities.

And now the big missing ingredient is our support, our assistance. We pass disaster relief bills when there are disasters. And this is a disaster. We pass emergency supplemental pieces of legislation when there is an emergency. I really think that we are doing one heck of a job in this Congress of souring people toward our political process by our failure to live up to just the sort of basic standard of decency.

Look, I don't like to say this. I should not say it because, I don't know, maybe I am giving ground here. But, you know, if some of my colleagues, some of my colleagues on the other side, if they want to have a continuing resolution and they are going to put it on this disaster relief bill because it gives them leverage—you do have leverage. You do have leverage. When people are desperate, it gives you leverage. If that is what they want to do and send it to the President, playing the game, knowing he is going to veto it, do it. Do it today. Get it done. Send it to the President, he vetoes it, it comes back here, then take it off. Everybody can claim victory. Whatever you want to do. Just get it done and just get this disaster relief bill passed.

This assistance from the Congress is not going to make people whole. It is not going to be enough. The only thing this does, it gets people at least a chance, at least a chance. Can we at least do that?

Mr. President, this is one of many articles I see here. Maybe there will be an opportunity while I am on the floor. I know there were also—I am looking for the author of this. It was in the Star Tribune. I also know the Pioneer Press—I read of the work of Nick Coleman in the Pioneer Press, which was very, very powerful. I may want to read from that, either this afternoon or tonight or tomorrow. I will not be on the floor all day and night. But I will be on the floor a lot over the next couple of days, over the next couple of weeks—who knows, over the next couple of months. I would think we will get this done.

But, you know what, my expectations are pretty low. I could not believe it, Mr. President. We had a press conference last week. I guess it was right before we went into recess. I said at this press conference—I guess it was Thursday, because we went into recess that Friday. I said that the House not sending us back something to work with, it was probably the worst—it was, for me—the lowest or most disappointing or worst time I had in the Senate. Because I thought that in the end, the goodness of people would come through. And even though people disagreed on the continuing resolution and whatnot, people would at least agree to agree on what we agreed on and get the disaster relief to people who were in such need.

There was someone at this press conference, a journalist. There was some laughter. I said, ''Wait a minute. You know, I don't think I am being naive. I don't think this is naive at all to believe in the goodness of people, including my colleagues.''

I love being a Senator. I get goose bumps when I have a chance to be on the floor of the Senate. I do. I never thought I would have a chance to be here. It is a huge honor, and every day you hope you will do your job well. You make plenty of mistakes, but you do your very best. It's a huge honor.

I was a teacher for 20 years. I want young people to be interested in public service. I like the people I work with. I enjoy people here in the Senate and I enjoy people in the House, agree or disagree. But there comes a certain point in time where, you know, the indignation just kind of takes over. And I have just run out of patience.

This is outrageous. This is outrageous. Frankly, I would say to people in the House of Representatives, who went into recess without sending that disaster relief bill over here and getting the job done, shame on you. Shame on you. Shame on you. Shame on you. It is not too much to expect for you to get some help, some assistance to people in our States who are in such pain and really need the help now.

They really do. Time is not neutral for them. Time rushes on. I mean, if they do not get the help, people are going to leave or families are going to just be under such pressure and without any hope, who knows what happens? But I will tell you one thing—I will tell you one thing, Mr. President—I do not want to go back to East Grand Forks and some of the other communities and look at people and try to explain to them why in the world this Congress did not take any action. I just cannot explain it. And the one thing I do know is, even if I inconvenience some of my colleagues, the one thing I do know is there isn't going to be anybody in Minnesota that is going to be able to say I did not fight for this, win or lose.

So I get to speak on the floor of the Senate now. And I will continue to speak on the floor of the Senate for a while. And then I just want to put my colleagues on notice: Everything you bring on the floor of the Senate, everything you bring this week and next week, I will look for leverage, I will somehow get to the floor, and I will do everything I can to put the focus back on getting emergency assistance to people in Minnesota and the Dakotas and our other States as well.

You know, we have some distorted priorities here when people want to play games with the lives of people who are in such pain, in such agony.

This is an article from the Star Tribune, Minnesota Star Tribune. It is called ''Stains of Pain.'' Mr. President, the top of it reads, ''The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?''

The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?

Grand Forks, N.D.—On Belmont Road, a fading sign propped against a sagging mound of clothes, furniture and appliances proclaims, ''We are not what we own.''

At the Darbyshire house on Polk Street, a battered house knocked off its foundation, a pink ''condemned'' notice is taped on the front door. Look down from the notice and you look into what was the Darbyshires' basement.

In north Grand Forks, in the Riverside neighborhood, a bright yellow house is stained dull brown to the eaves. The Riverside Park swimming pool is a sewage lagoon.

Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling. She tosses a scrap of something into the air, watches it fall, then tosses it again.

I am going to read that again. ''Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling.''

Mr. President, you are talking about a little girl listless and unsmiling. I guess so, given what she and her family have been through.

Maybe what we need to do is we need to understand that these words or these articles, this is not just a distraction, this is not just statistics, we are talking about people's lives.

This little girl, Mr. President, listless and unsmiling, should not have to stay listless and unsmiling. Little children should be smiling. Little children should be happy. Little children should be looking for their future. We ought to give this little girl and her family, Mr. President, some reason to expect that will happen. And yet we cannot provide disaster relief for people who have been flooded out of their homes? We cannot provide support for little children? Sounds kind of melodramatic, Mr. President.

Mr. President, I do not want to lose my floor privilege.

Mr. President, ask unanimous consent that my colleague from Kansas be able to give a tribute to Senator STROM THURMOND, after which I then would retain my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

I wonder if I could ask my colleague how long he might want to speak. It is fine for me however long he wants.

Mr. ROBERTS. I would tell the distinguished Senator from Minnesota that I do not intend to speak more than about 10 minutes.

Mr. WELLSTONE. I thank my colleague. Whatever time he needs. I just wanted to know how much time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. First, I want to thank my colleague from Minnesota for letting me have this time. I know that he feels very strongly about this debate and wanted to make so many pertinent comments.

(By unanimous consent, the remarks of Mr. ROBERTS are printed in today's edition of the RECORD under ''Tribute to Senator STROM THURMOND.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, let me, before entertaining a question from my colleague, a request from my colleague, let me read from an article. And I see my colleague from North Dakota, Senator DORGAN, is on the floor. Let me read from an article, ''Stains of Pain,'' dealing with Grand Forks, ND. This was May 25, 1997.

It has been five weeks since the river swamped these towns. The river is back in its banks now, officially below flood stage, far from homes and businesses and children at play.

But the water marks remain everywhere.

Mr. President, I was just thinking, I know some of my colleagues want to speak, but I also see my colleague here from North Dakota. I wonder whether it would be possible, Mr. President, I want to read this article, and then if there are some requests about speaking, perhaps we could do that, although I then want to make it clear that on unanimous consent, my resumption on the floor not be counted as a second speech.

Now, I want to make it clear to my colleagues if they put in that request, that would be part of my unanimous-consent agreement. I also make a request, I know my colleagues want to speak about some other things, but, for certain, if colleagues want to speak about Senator STROM THURMOND, I do not want to interrupt that in any way, shape or form. If colleagues want to speak about Senator THURMOND, fine.

Otherwise, I know there are things a few people want to cover. What we are doing here today is saying we want to focus on this and this will be it. This is the issue. This is the action that should be taken.

Mr. DORGAN. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. DORGAN. I would like to come and speak for a bit. I understand, I think the Senator from Massachusetts does wish to speak a tribute to Senator THURMOND. I suspect the Senator from Missouri wishes to pose some comments on the debate today on the bill on the floor. Perhaps we can find a way to do that. I will come back and discuss the disaster supplemental bill at an appropriate time, probably in the next 30 minutes or so.

Mr. WELLSTONE. I say to my colleague from North Dakota, that would be fine. I would like to finish reading this article and then accommodate colleagues, but I also ask unanimous consent I maintain my floor privilege. If I could finish this, let me go on with this article.

On Polk Street, a block off Lincoln Drive, Paul Dilling stands in the front yard of his ruined house, which was submerged to the rafters. He stands by his water mark: A U.S. flag, muddy and torn, which he salvaged from the muck and stuck on a stick.

But it has been five weeks of misery for Dilling.

That is really the point I am trying to make. It has been 5 weeks of misery. People have been through misery. They have been devastated, and now they wait for this Congress to pass the disaster relief bill. That is why I am saying this should be the first item of business for us.

It is interesting, there is a St. Paul Pioneer Press editorial of May 23, with a headline ''Congress Can't Resist Political Gamesmanship.''

Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

I know that my colleagues may want to have some floor time now, so I will be very brief. But let me just for a moment develop this point, and then I will keep my floor privileges. This is from the St. Paul Pioneer Press.

Now, I have not always agreed with the editorial positions of the St. Paul Pioneer Press. Sometimes I have, sometimes I have not. That is beside the point. Sometimes the St. Paul Pioneer Press will take editorial positions closer to the positions of the distinguished Chair or my colleague from Missouri. It is an interesting paper, and they, like any good editorial page, have their own integrity and they say what they think is right. But I just want to make it clear that this is not some sort of editorial written by Democrats trying to figure out a way to criticize Republicans.

CONGRESS CAN'T RESIST POLITICAL GAMESMANSHIP

Congress has breezed out of town, leaving Washington for a long holiday recess [right before Memorial Day recess]. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

We have had enough of this political gamesmanship. We have had enough of it. We have people in our States that are hurting. We have children that are homeless. We have children that have had to live through this devastation. We have families under duress. We have families under pressure. And the people in Minnesota and the people in the Dakotas and the people in some of the other States have every right to believe that the goodness of the Congress would come through and we would provide them with the assistance they so badly need to rebuild their lives.

You have people in the House of Representatives that go on vacation as opposed to providing this assistance. That is why I am on the floor today. That is why I am staying on the floor. And now I hear that this week we may not pass this. This is outrageous.

One more time: If you want to have a debate about a continuing resolution budget, debate it. If you want to have a debate about parks and environmental legislation, debate it. But do not put it on a disaster relief bill. Do not hold good people that deserve our support hostage to your grand political strategy.

Today, it is an inconvenience. We have a bill on the floor. It is a slight inconvenience. People wanted to have a discussion on amendments, and we are not doing that today. It is not a major inconvenience. But you know what? I actually think, and I do not

mean this in an arrogant way, I think I am doing some of the leadership in the House of Representatives a favor, because if, in my own small way, I can put any pressure on them to do the right thing, they will be better off, because they look terrible. They look terrible. You could do a poll in Missouri, Massachusetts, Minnesota, anywhere in the country, and 99.9 percent of the people in the country would say this is outrageous. Can't you people at least provide help to people when they need it? That is what this is all about.

I say to the St. Paul Pioneer Press, I am actually being a pretty good politician. I say first to the Star Tribune, both newspapers, this is a very good article, and there are many others. This editorial of the St. Paul Pioneer Press is right on the mark.

Now, this hurts. ''Despite evidence to the contrary, congressional bigwigs * * *''—I hate to hear that. But you know something, it is too easy to do. Mr. President, I do not like it when my colleagues are called congressional bigwigs.

I tell you something, you are bringing it on yourselves. I actually do not know if I should use the word ''leadership'' in the House, because I think it is hard to say there is any leadership when you cannot move forward on a disaster relief bill.

But I tell you something, here is a headline in the Star Tribune, ''Flood Relief''—and I say to my colleague from Massachusetts, I will finish up in a moment—''Flood relief, a political football, takes another bounce in D.C.''

Congressional skirmishing delayed consideration of flood relief legislation Thursday, and the $5.5 billion aid package will not be approved until Congress returns from the Memorial Day recess early next month.

That is from Washington bureau chief Tom Hamburger, Star Tribune.

Well, Mr. President, I have plenty of articles to read from. I have applications from some of our cities that have been devastated. I will have time to continue to talk about what has happened, but I will tell you that if my being on the floor of the Senate at least for a while, at least for the rest of the afternoon, and then, as I say, all week and the weeks to come, every time I can come out here, any leverage I have to come out here and talk about this, I will keep pressing and pressing and pressing and pressing and pressing.

My colleagues are going to hear about people in East Grand Forks and Ada and so many towns, they will get tired of hearing about it. But you know what? I do not really care, because this is just outrageous.

I have some very good people I work with that are on the floor now, representing a broad spectrum of political opinion, Senator KENNEDY and Senator ASHCROFT, but I tell you something, this is not a great moment for the Congress, and I think it is outrageous what the House of Representatives did. This disaster relief bill has to get passed, and it has to get passed this week. The only way I know to try and do everything I can, there is no guarantee, is just to raise a lot of heck—I did say heck—on the floor of the U.S. Senate. I will continue to do so.

Now, I have other points I want to make, but I see the Senator from Massachusetts. I wonder if the Senator may have an inquiry he would like to make. I still have the floor, Mr. President, and I want to make it clear that if I do take any question from the Senator or give the Senator any time, I ask unanimous consent if the Senator wants to speak, either Senator, I ask unanimous consent my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object. The objection is heard.

The Senator from Minnesota has the floor, and the Senator from Minnesota is recognized.

Mr. WELLSTONE. I am pleased to yield for a question, and, Mr. President, let me say before yielding, I do not understand the objection, but I would like to let colleagues speak about Senator THURMOND and cover some other matters, and I am pleased to do that as long, again, as I get unanimous consent resumption on the floor not being counted as a second speech.

My colleague has objected, I guess, for now.

Mr. KENNEDY. Mr. President, what I would like to propose, and ask the Senator if he would agree, is that I be recognized for a period of no more than 15 minutes. I will try to make it closer to 10 minutes. And, subsequently, I see Senator ASHCROFT, who is the principal sponsor of the underlying legislation which we are debating, and I know he has been here longer than I have and has some comments and also some requests in terms of perfecting amendments, I hope he would be offered time to be able to do that, and, subsequently, the Senator from Minnesota would be recognized and that there would be no objection to his speaking at that time.

Mr. WELLSTONE. Is this a question?

Mr. KENNEDY. Just trying to work this out in a way that is accommodating. I do not know whether the Senator from Missouri wanted to be included in the time.

Mr. WELLSTONE. Mr. President, I construe this as a question from my colleague from Massachusetts. And I have said before that I would be willing to enable the Senate to have the Senator speak and topics but that I want to do it within this time limit, and if the Senator from Missouri wants to speak as well but only with the unanimous-consent agreement that my resumption on the floor not be counted as a second speech.

Is the Senator asking a question?

Mr. KENNEDY. If the Senator will yield further, pending the agreement, which I hope would take place between the Senator from Minnesota and the Senator from Missouri, I would like to be able to ask consent to speak for not more than 15 minutes, and at the time I finish the Senator from Minnesota be recognized.

Mr. WELLSTONE. Mr. President, reserving the right to object, I will not object.

The PRESIDING OFFICER. I would like to just clarify where we are right now.

Only the Senator from Minnesota has the floor.

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. And only the Senator from Minnesota may make a unanimous-consent request.

Mr. WELLSTONE. I thank the Chair.

I ask unanimous consent that my colleagues at a minimum be allowed to speak in testimonial to Senator STROM THURMOND and about Senator STROM THURMOND as long as my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, that is fine. I thank the Chair.

Mr. KENNEDY. Will the Senator yield for a question? He can yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question in one moment.

Let me make it clear—and I will yield for a question in a moment—what has happened here. I just want my colleagues to know that I am out here for very good reason. They would be out here if it were their States. The Senator from North Dakota is going to join me.

But, Mr. President, I have been willing to ask unanimous consent that Senators who want to speak—at least, the Senator from Massachusetts wanted to cover something else as well—but at least speak about STROM THURMOND be able to do so, who has served for so many decades in the Senate, and as long as my resumption on the floor not be counted as a second speech.

It is a reasonable unanimous consent. My colleague from my Missouri has not agreed to do that. I just want Senators to understand what is going on here.

I am pleased to go on and speak. I just think it is a shame that Senators who want to speak at least about Senator THURMOND are not able to do so.

Mr. President, I will go on. I believe my colleague has a question.

Mr. KENNEDY. I just want to apologize, if the Senator will yield.

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. KENNEDY. If the Senator would not share my regret to Senator THURMOND for being unable to make these comments, I was unable to because of Senate business on the floor earlier

today and intended to make these comments this afternoon. I hope he would understand that they are included in the RECORD, and I regret that I am denied the opportunity to make them here on the floor. It is a very unusual process of procedure in terms of senatorial courtesy. But if that is the way that is going to be, so be it.

Mr. WELLSTONE. Mr. President, I thank the Senator from Massachusetts.

Mr. President, let me continue.

Mr. President, let me now return for a while. We will get back to the disaster relief. Let me now turn to S. 4. I will speak some about S. 4.

Mr. President, let me also say to Senator THURMOND, before I do so, that I would like——

Mr. ASHCROFT. Mr. President, I would like to call the Senate to order under the Pastore rule.

The PRESIDING OFFICER. The Senator from Minnesota will confine his debate to the specific question pending before the Senate.

Mr. WELLSTONE. Mr. President, I will be pleased to talk about S. 4, and will do so.

Mr. President, we have here what is called the Family Friendly Workplace Act. Mr. President, in all due respect, it is hardly friendly to families.

Mr. President, as I have mentioned earlier, we have to approach legislation sometime in the sense of history. There was once an exchange I had on the floor of the Senate with my colleague from Missouri where we talked about a song, ''Which Side Are You On?'' Florence Reese actually wrote it. Florence Reese was a great troubadour for working people and for unions, especially mine workers.

Mr. President, when we were able to pass the Fair Labor Standards Act in the 1930's, that was an enormous step forward for working people.

This piece of legislation, Mr. President, essentially wipes out almost 60 years of people's history.

Mr. President, for those who are watching this debate, since we are going to talk about this bill for a while before we again talk about disaster relief by the rules that I am now under, for those people that are watching this debate, one of the things that was most important about the Fair Labor Standards Act was the idea of the 40-hour week. The idea was that if you worked overtime you would get overtime pay.

Mr. President, I am speaking without notes. So I don't remember the exact figures. But I believe somewhere in the neighborhood of 60 percent of those households with incomes under $20,000 a year depend on overtime pay.

So, Mr. President, one of the things which is a dear principle here is that there is no way as a Senator from Minnesota, which is a State that believes in economic justice, that I am going to let any piece of legislation, or at least to the best of my ability I am going to try to prevent it from overturning the Fair Labor Standards Act.

So, Mr. President, if you work overtime, you ought to get overtime pay. That is a cherished principle. This piece of legislation wipes that out. And it is called the Family Friendly Workplace Act?

Well, Mr. President, let me just make it clear that if you have a situation where you now have a piece of legislation that says that if people work 50 hours or 60 hours or even theoretically 70 hours a week, yes, they might only work 20 hours the next week under this legislation, or 30 hours, or whatever but they don't get any time and a half off. So it becomes a pay cut.

That is what it is all about. This isn't the Family Friendly Workplace Act. This is the Paycheck Cut Act.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I actually won't yield for a question right now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. So this piece of legislation, Mr. President, which is supposed to be friendly to families establishes a new framework. It is not the 40-hour week.

Second of all, you have a flextime provision which says that you work overtime and then you can take some time off but it is hour for hour. You don't get time and a half off.

Mr. President, that hardly represents a family friendly workplace.

Mr. President, I regret what I just said to my colleague. He asked me to yield for a question. I certainly will. I got caught up a little bit in sort of the, you know, kind of anger from a couple of minutes ago. I am not being at all gracious.

Mr. President, I will continue to speak, but if my colleague has a question, I think he did, I will be pleased to respond.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Did my colleague ask me to yield for a question?

Mr. ASHCROFT. I did ask him to yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question.

The PRESIDING OFFICER. The Senator from Missouri is recognized for a question.

Mr. ASHCROFT. I ask the Senator from Minnesota, Mr. President, if he is aware of the fact that under the bill that the only way you can be working more than 40 hours a week without overtime compensation is to do so as a result of a voluntary agreement similar to the voluntary agreement which is entered into now by Federal employees with their employers, whereby you can schedule a 40-hour week to average over a 2-week period.

Such agreements, in the Federal system for example, provide the basis for people to work 45 hours in the first week and 35 hours in the second week, and have every other Friday off. And absent that kind of voluntary written agreement scheduled in advance, no one can be asked to work more than 40 hours in a week without being paid overtime.

As a matter of fact, absent a specific voluntary agreement, all work—all work—is conducted under the bill as if it were conducted without the bill's existence; that only with voluntary agreements is there any change in the way the bill is done. And the voluntary agreement regarding overtime work when it provides for more than 40 hours in 1 week is pursuant to the flexible schedule that is now allowed as a benefit for Federal employees.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me respond to my colleague's question.

Let me first of all just say that I have spent enough time as a community organizer, and I have spent enough time with working people, many of whom are nonunion workplaces. One big difference, of course, is that with Federal employees and public employees that a much larger percentage of the work force are unionized and that I know that what in theory can look voluntary and look like a partnership isn't always the case.

Whereas, in theory it would look like an employer couldn't say to an employee, ''Look. You know, here is my proposition. I want you to work 50 hours this week, and, yes, that is 10 hours overtime, but you get 30 hours off next week. That is what I want you to do.'' In theory, the employee doesn't have to do it. But anybody who knows anything about the reality of many people in terms of what they deal with at the workplace knows that they don't exactly have a lot of power, and they are not exactly in a position to say no, especially when that job might be the only job there and they have to put food on the table for their kids.

People put up with a lot.

Mr. President, lest anyone think that I am some sort of devoted to class warfare, let me just examine the facts.

Last year the Department of Labor found violations of current overtime law in 13,687 cases involving 170,000 workers. They awarded over $100 million in back pay. The Department's Wage and Hour Division has a current backlog of approximately 40 percent of annual complaints.

In the garment industry, an investigatory survey conducted by the Department in Los Angeles last year revealed noncompliance with current overtime law in 55 percent of our shops.

In our subcommittee we watched the videotape feature from CBS news which chronicled a ''Battle Against Overtime,'' apparently conducted systematically by one of the country's largest supermarket chains. The news item reported on the company's alleged practice of coercing employees to perform work off the clock; that is, without any pay in order to avoid paying overtime.

Mr. President, these practices may not be the norm for most employers but they do demonstrate the need to protect against a bill which will provide employers with a tool which they could use to avoid paying overtime.

So I have no doubt that my colleague means exactly what he says. There isn't anybody that believes anything other than that about it. He means what he says. But, what looks good in theory doesn't work in practice. That is the problem.

That is why, Mr. President, in the House of Representatives in the piece of legislation that they passed the only thing you have is the comptime. With comptime you get an hour and a half off for the hour that you worked overtime, or you get an hour and a half in pay.

That is why this piece of legislation has been called, even by some of the people in the House that supported that bill, too extreme. And it is. Because, Mr. President, what you are going to have here when you do away with a 40-hour week and you get into this 80-hour-week framework is all sorts of potential for abuses of power.

Mr. President, if we didn't have the record that I just read to you about some of the existing abuses, and the way in which there is forced overtime right now, I wouldn't worry about it. But, Mr. President, that is the reality. That is the reality. That is one of the problems.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. ASHCROFT. The Senator cites 13,000 cases that were resolved or filed in the last year. It seems to me, that demonstrates that there is an enforcement mechanism in place, and that when there are abuses that are undertaken, either under the current law, which obviously isn't perfect, or else there wouldn't be any abuses, you know, I think that is really a wrong statement because you have abuses even under the best laws. The key is whether you have enforcement. Given the fact that you have enforcement and that you have double penalties under the law that has been proposed so that you double the risk for the employer, given the fact that the law talks about the fact that it shall be against the law to have either direct or indirect coercion or intimidation, and given the fact that when you define what coercion is in the bill, you find out that it is to intimidate, threaten, coerce, includes promising to confer or conferring any benefit such as appointment, promotion or compensation, or affecting or threatening to affect any reprisal such as deprivation of appointment, promotion or compensation, don't you think that the measures in the bill provide a safeguard, and that if there are violations they could be pursued just as aggressively under the new framework, which is a framework that is already shared by the Federal Government employees? Could not the enforcement personnel also enforce this kind of law, especially with elevated penalties and the increased description of coercion?

Mr. WELLSTONE. Mr. President, I say to my colleague, he raises a couple of important questions and good questions. The fact that the law does not work so well now does not mean that we now make the existing law even weaker with the hope that somehow it will work better.

That is my first point. My second point, Mr. President, is that we have a backlog. We have a significant backlog of cases, and my understanding is that another problem with the bill is that not only does the bill not exclude certain categories of workers, like people in the garment industry that should be excluded given the existing record, but you don't have the existing woman- and man-power enforcement. We are going to need more of that.

Third, I say to my colleague, I think what he is talking about would be helpful especially if we wanted to pass a piece of legislation and one of the areas where we would really have to toughen this up is we have to make sure that there is not any discrimination here.

I talked about this earlier. What I was talking about earlier is what many people as they now come to find out—at first I think people really liked the bill when they first heard about it. They liked the bill because my colleague is on to something important and he is trying to do something I think important. And that is, people were saying look, you know, if there is a way that we could have more flexibility and could be able to spend more time at home and we could have the flexibility to get the comptime and time-and-a-half off instead of time-and-a-half wages, we would like to have that option.

But what people are deathly afraid of, and for good reason, is what's going to happen is that in the absence of some sort of protection here against discrimination, there is going to be no guarantee that all too many employers are going to basically say, well, Senator ASHCROFT and Brian Ahlberg and PAUL WELLSTONE, there are three of you. Now, Brian Ahlberg and Senator ASHCROFT, you two folks, you want overtime work and you are willing to take time-and-a-half off but not time-and-a-half pay. We will give you the overtime work because, as an employer, as a company, I don't want to give you the time-and-a-half pay.

That is a huge problem. If we do not have some sort of a way in which we can guarantee that you will not have that discrimination, then a whole lot of families that are struggling to make ends meet may not be able to get that overtime pay that they depend upon.

So, Mr. President, let me just make it crystal clear that the bill's penalties right now for coercion do not cover the discrimination that we are worried about. And I would just make it clear that one of the things we might want to do is accept the Kennedy amendment which was turned down in committee that deals with discrimination.

The bill's penalties now apply to this kind of discrimination, and we are making progress. But, Mr. President, I am puzzled—I see my colleague on his feet, and I am pleased to take another question if he has one, but let me just say to my colleague that I am puzzled by the current approach we are taking.

It doesn't trouble me because I am able to speak about what I think should be the priority of this Congress, which is getting disaster relief to people in communities in Minnesota and the Dakotas, and I will be back on that at 5:20 or whenever I can, but I would say to my colleague, I am puzzled with the approach taken here because this bill is not going to pass, and yet my colleague is really—I mean, the last thing I want to do is say something that is going to offend him. I mean, I will in terms of different debate, but I am not going to do it personally, because he is for real. He believes in what he is doing.

It seems to me there is a way you could really get the flexibility for the employees and you could really accomplish the goals of that, but I do not get to say that because he is the author. He probably feels he knows best. But I am telling you right now, if you do away with the 40-hour week, you are not going to get the bill passed.

You have this 80-hour, 2-week framework which we do not have in the House—their bill is more moderate—you are not going to get this bill passed. You have the flextime where you only get 1 hour off for 1 hour overtime, you are not going to get this bill passed. And if the penalties that my colleague talked about for coercion do not cover this kind of discrimination, then you are not going to get this bill passed.

Mr. ASHCROFT. May I ask the Senator a question.

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. ASHCROFT. May I ask the Senator, does he think the Senators on his side of the aisle intend to offer amendments that we can begin to process providing the kind of relief to the private sector that people in the Government area have in terms of these flex benefits? We have flextime benefits. We have comptime benefits. Flexible time, in particular, is available to governmental employees. In the 1996 survey conducted by the Census Bureau, only 6.6 percent of all hourly paid women, for example, got overtime pay in a typical work period, and if we are only going to deal with comptime, we are dealing with a very, very small number.

Now, when you talk about Federal Government employees and their ability to have flexible working arrangements, we are talking about a broad population, because flextime applies to those who do not normally get overtime work. Are there any—does the Senator know of any Senators on his side of the aisle who will be offering amendments to get that done?

Mr. WELLSTONE. Mr. President, a couple of points I would like to make

to my colleague. The first one is, we will get to some of those amendments. We filed amendments. But I have to say to my colleague that we are not likely to get to those amendments until we pass a disaster relief bill. So the first answer to his question is just that; I do not think we are going to get to these amendments until we pass the disaster relief bill.

The second point I would make to my colleague is that I will be very interested in all of these figures. I do know that in, roughly speaking, 60 percent of the cases of families with incomes under $20,000 a year, you have a worker who depends upon overtime pay. And whether or not we are talking about women or men, it seems to me this is terribly important. Of women who work overtime, 38 percent of hourly workers earning overtime pay are women—38 percent. And 11.6 million women work over 40 hours each week.

Let me repeat that—11.6 million women work over 40 hours each week. This is 22 percent of the working women in this country. And 6.2 million women work over 48 hours each week. This is 12 percent of working women. And 2.3 million women work over 59 hours each week. This is the 4 percent of working women. So let me just——

Mr. ASHCROFT. Will the Senator yield for a question.

Mr. WELLSTONE. Let me just make the point if I could, Mr. President, it is really quite astounding, and it says something very fundamental about where we are in this debate. Thirty-eight percent of hourly workers earning overtime pay are women; 11.6 million women work over 40 hours each week. This is 22 percent of working women.

Mr. President, this is not surprising. This is not surprising at all because we have got in our country—let me just make this clear. In our country we have a paradox. On the one hand, we have this affluence which we are grateful for, but on the other hand, we have many families who are still unable to make a decent living and raise their children successfully, and many women are working full-time and many women are working overtime.

You have an alternative bill, if we wanted to have some give-and-take discussion, you have an alternative bill of Senator BAUCUS, Senator KERREY, and others which makes it clear that what we do is take in part what the Senator from Missouri has done, but we extend it and we say, look, there are going to be penalties and we are going to have some protection against discrimination so that an employer cannot say to a woman who is working, or, for that matter, a man, look, we will give you overtime if you take comptime but we will not give you overtime pay.

That is unacceptable. It is just simply unacceptable. And, Mr. President, that is where we say, if you will, in the words of Florence Reese, which side are you on? That is where we draw the line.

Mr. ASHCROFT. May I answer that question.

Mr. WELLSTONE. I would be pleased to take a question in one second. Let me just finish this. Let me just finish it real quickly.

I have to go back to this case of whose side are you on. We are on the side of working families when we make it clear that the 40-hour week is protected. And if you work overtime, you are entitled to time-and-a-half pay. We are on the side of working families when we make it clear that if you want to get some time off to be with your families and you have worked overtime, you should get time and a half. We are on the side of working families when we have a piece of legislation that makes it crystal clear that no employer can discriminate and put people in a position where the only kind of overtime work they are going to get is if it is your comptime and not overtime pay.

We are on the side of working families when we make it clear that for family and medical leave reasons, if you have banked your time and you have 30 hours of banked time and now you have a child sick or you have a parent that is ill, you can take that time off. You do not have to ask for permission.

None of those features are in this legislation right now, and therefore this legislation in its present form will go nowhere. And, yes, there will be amendments on the floor of the Senate, and, yes, there will be efforts to improve this bill. But as long as I have the floor, there are not going to be any amendments until we get to the disaster relief bill.

Now, I am not going to be able to stay on the floor forever, but that is going to be the point.

Now, Mr. President, I want to make it clear I can only yield for questions. So I cannot yield—I think the Senator mentioned he wanted to answer, he wanted to answer what I have said, and I would ask the Chair, am I correct, the Senator—I think he may have meant it differently. The Senator said I would like to answer the question. Am I correct I can't let the Senator answer any question; I can only yield to a question? So, Mr. President, I would be pleased only to yield for a question from my colleague.

The PRESIDING OFFICER. The Senator is correct. Does the Senator from Missouri have a question?

Mr. ASHCROFT. Yes, I do. I will try to phrase this in the form of a question. When the Senator from Minnesota asks whose side am I on, he indicated that 38 percent of the hourly workers, overtime pay workers were women. That really means that 62 percent are men. Almost twice as many men in the equation are overtime workers as are women and that really does not talk about the number of women generally who are workers that rely on overtime or have the chance to get overtime.

My question is, for the vast majority of workers that do not get overtime at all, and especially for women who are outranked about 2 to 1 by men in terms of the privilege of getting overtime, setting all those aside, you are doing something for the people who get overtime, and it is true that your proposal addresses those people and there are two men in that group for every woman in that group. That is what your own statistics basically show. So you are doing something for mostly men who get overtime. But for the people who do not get overtime and still have sick kids and still have families that have trouble and still need to have flexibility in their workplace, what are you proposing for those individuals? And are there going to be amendments to this legislation that propose to do something to give them flexibility?

Mr. WELLSTONE. Let me just respond to my colleague in two different ways.

First of all, a pay cut where people are no longer able to get overtime pay or may be put in a position that they do not get overtime, time off for overtime worked doesn't help anyone. It does not help working women. It does not help working men. And it does not help working families. It is, if you will, elementary.

Second of all, as a matter of fact, if you look at the alternative—this is what puzzled me about my colleague here. If you look at the alternative that is being presented by Senators BAUCUS and KERREY and other Democrats, and I would assume there would be Republican support, as a matter of fact, that is exactly what we are talking about, which is what you have in this alternative. You have comptime—that is what it is about. It does not abolish the 40-hour week. It does not amount to a pay cut. It is time-and-a-half off for every hour you have worked overtime. It provides the protection against the discrimination so employers are not able to only give overtime to people who take comptime as opposed to people who need the overtime pay. It makes sure that you get the flexibility that we say the employees want.

That is part of it. The other part of it is, in all due respect to some of the employers in our country, not all of them—there are, of course, many great employers—the fact is—and in the subcommittee we heard testimony to this effect.

The fact of the matter is, right now there are all sorts of opportunities for flexibility. You don't have to overturn the Fair Labor Standards Act. People can work 4 10-hour days and then take a Friday off or a Monday off; they can work 9-hour days and work half a day Friday or take every other Friday off; people can come in at 7 and leave at 3; they can come in at 10 and leave at 6. There are employers right now that provide employees with that flexibility.

The real problem is that a lot of employers don't give employees that flexibility. So, all of a sudden I become a

little skeptical, as a Senator from Minnesota, where we put a real value on economic justice and work and families, when the very people who do not give the employees the flexibility they could right now, come in and testify to the need for this bill. I remember we had testimony from a representative of the National Federation of Independent Businesses saying, ''Look, we need to do this because we can't afford to pay overtime.'' All of a sudden I am saying to myself, ''My gosh, this is not family friendly. This is going to lead to the functional equivalent of pay cuts. This is not about giving people the choice and flexibility they need.''

Mr. President, we had an amendment in subcommittee. It was turned down. It's part of the alternative. It works like this: If you bank comptime and, for example, you have 20 hours that you have earned, it's your time. Now, if you have to go to your child's school, if you need to go visit with the principal or a teacher, or you need to take care of a family member, you can use your accumulated comptime to get that time off. We could do that. Then we would have real employee flexibility.

Mr. President, I ask unanimous consent that I be able to yield for the Chair to make an appointment and that I not lose my right to the floor and that my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—SENATE CONCURRENT RESOLUTION 84

The PRESIDING OFFICER. Under a previous order, the Chair appoints the following Senators to serve as conferees to Senate Concurrent Resolution 84.

The Presiding Officer (Mr. ROBERTS) appointed Mr. DOMENICI, Mr. GRASSLEY, and Mr. LAUTENBERG conferees on the part of the Senate.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I see that I have another 15 minutes to speak about this legislation before being able to focus my attention on my major priority here today, which is the need to get disaster relief to the people in Minnesota and the Dakotas and other States, who deserve our help.

Mr. President, let me read a letter that I think is extremely important as we go through and debate this piece of legislation.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The undersigned national organizations represent many of the working women of today. We believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers. We urge you to delay consideration until a real solution can be found which truly meets the needs of working women and families. Nearly half of the work force is women and the number of women working multiple jobs has increased more than four fold in the last 20 years. S. 4 would affect hourly workers, and most hourly workers are women. The majority of minimum wage workers are women. Many of these women depend on overtime pay. Many of them want more control of their schedules, not less. Without strong protections for workers, the comptime bill will cut women's options and women's pay. For example—

And I will just read slowly.

Someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut;

Let me repeat that. That's an argument I have been making. These organizations which I will list in a moment are right on the mark:

Someone pressured to taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut[.]

So, again I would say, when it comes to the enforcement machinery, you have to deal with this whole issue.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield in just one moment. I will finish reading the letter and I will be pleased to yield:

. . . supporters argue that S. 4 is voluntary and employees have a ''choice,'' yet working women who have for decades faced subtle (and not-so-subtle) forms of discrimination are all too familiar with the potential consequences of not going along with the employers' wishes: isolation, intimidation and retaliation; and

. . . because employees do not control when or if they can use their comp time, they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is pretty important because my understanding, with Federal employees get to make that choice. That is a big difference here:

. . . because employees do not control when or if they can use their comptime they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is my point again. We had an amendment which would improve this bill. We could pass this bill which says: Look, you bank that time. It's your time. It's your earned compensation. If you have compelling reasons that you need that time off, sickness of child, sickness of parent—you know, what's in the Family and Medical Leave Act—you should be able to take the time off. You should not have to ask the employer. It's your time:

S. 4 must be defeated. Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40 hour work week.

Sincerely, 9 to 5, National Association of Working Women, American Nurses Association, Business and Professional Women, National Council of Jewish Women, National Women's Law Center, Women's Legal Defense Fund.

Leadership Conference on Civil Rights.

I might also add there is a coalition of 180 national civil rights, religious and working women's organizations which oppose this legislation: League of Women Voters, National Women's Political Caucus, National Women's Law Center, American Association of University Women, National Organization for Women, Women's Legal Defense Fund, National Counsel of Senior Citizens, NAACP, National Urban League, National Council of La Raza, Disability Rights Education and Defense Fund, Union of American Hebrew Congregations, Southern Christian Leadership Conference, National Council of Churches.

Mr. President, in addition, and then I will yield for a question, a couple of other organizations: Mechanical Contractors Association of America, Incorporated, National Electrical Contractors Association, Sheet Metal and Air Conditioning Contractors' National Association, AFL-CIO, American Nurses Association, National Education Association, American Federation of Teachers, Union of Needle Industry and Textile Employees, Service Employees International Union, Communications Workers of America, United Steelworkers of America, Communications Workers of America, United Auto Workers, the International Association of Machinists, Laborers' International Union of North America, United Brotherhood of Carpenters, International Brotherhood of Teamsters, International Association of Bridge, Structural and Ornamental Iron Workers, American Federation of State, County and Municipal Employees.

Mr. President, you know, it has become fashionable to do all this bashing of unions, but I have to say this. As a matter of fact, above and beyond all these women's organizations, unions really in the last half of the century-plus have been the only institutions which have consistently represented the bottom half of the population, those people who do not own all the capital and do not own the big corporations and depend on the wages and depend on being able to get overtime when they work overtime, and depend upon being able to bring in the resources to support families. It would seem to me, if this was such a great deal for working families and for working women, the very organizations which represent women and so many working people in this country would be all for it. Yet, you have major opposition.

So, I will be pleased to yield for a question, if the Senator has a question. But otherwise I will continue to make the case that this legislation, in its present form, is going nowhere. I am sorry for that, because my colleague has worked hard on it. But this legislation, it really violates some very cherished principles that have to do with