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

fairness in the workplace: Decent wages, overtime wages for overtime work, and giving employees—employees—employees the flexibility. This legislation does not do that, Mr. President.

Now, Mr. President, since I have not been asked to yield for a question——

Mr. ASHCROFT. Mr. President, I ask the Senator if he would yield for a question? He had indicated earlier he would. If he still is of a mind to yield?

Mr. WELLSTONE. I am sorry, I am being careful about keeping the floor. I will be pleased to yield for a question.

Mr. ASHCROFT. I ask if the Senator from Minnesota is aware that the law would be enforced as it is written and not as it its characterized in that letter? I do not have any doubt that people could oppose the law as it is represented in that letter that was written by all the labor unions. The letter says that a person who takes comptime forever loses their right to the money. That is just simply wrong.

The law provides, not only do you have a choice about whether you want comptime, whether you want to be paid time and a half—and that is a clear choice and it is a choice that is to be made without any coercion, indirect or direct, or intimidation indirect or direct, or threatening—but, even after you have made that decision the law provides, not the letter but the law provides you can change your mind and decide to cash out your benefits. So, if you want the money you have the ability to say I am just going to take the money.

So, my view is I wondered if the Senator were aware of those kinds of things?

Second, if I could ask a second question, I wonder if the Senator is aware that there have been a group of people come to the floor over the last several hours who have come to me with amendments, some of which are specifically directed toward points of concern raised by the Senator, but that the Senator is unable to consider them as long as the Senator from Minnesota continues to monopolize the floor and to say that no one else will have a chance to work constructively on the bill?

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

I am very well aware of the fact that Senators may want to come to the floor with amendments and I have said a number of times, and my colleague has been here during this long afternoon, I apologize for the inconvenience, but, quite frankly, right now my focus is not on whether or not some Senators can bring some amendments to this bill.

My focus is on men, women, and children back in Minnesota, in communities, many of whom have been flooded out of their homes, have been devastated, many of whom have supported one another, have loved one another. And right now they have been waiting and waiting and waiting, and waiting, and the House of Representatives went into recess and did not pass a disaster relief bill.

A disaster is a disaster. And an emergency supplemental is an emergency supplemental. So I am going to continue to be on the floor and I am going to continue to speak. If that means that the Senate cannot conduct business as usual, then I say to my colleague, that is the way it should be. Because, quite frankly, at this moment, at this point in time, my one priority is to fight like heck for people back in the State.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I actually will not yield for a question right now because I want to respond to the first question first.

Mr. President, I will just say to my colleague—and I put him at a disadvantage because I have the floor right now—that based upon my knowledge of him, and I do not know his as well as I would like to, I think he would be doing the same thing.

There comes a point in time when you do not have any other choice. You have to use your language. You have to be out there fighting for people in your State.

We tried to appeal, I say to my colleague, in answering this question, we tried to appeal to common sense. That did not work. We tried to appeal to the goodness of people. That did not work. We tried to appeal on the basis of ''we have supported you when your States have been hit with these disasters and please support us.'' That did not work.

The leadership in the House, if you can call it leadership, did something which is unconscionable. They just went into recess. It was insensitive. And now I come back and people are still waiting. We do not even know whether they are going to do it this week.

So I say to my colleague, yes, if it means I am inconveniencing colleagues, Republicans or Democrats, I am sorry, but this is what I am going to do. And, you know, I will be here for a while and I will stay at this all week and next week if I have to, as well. I am going to fight for people in Minnesota. No apologies.

By the way, it does not matter to me whether or not the people who were flooded out of the homes were Republicans or Democrats or Independents or none of the above. They are entitled to some assistance, and they are entitled to it now. This Senate is not going to be conducting business as usual until we get our priorities straight.

In response to the first question, I guess this is an honest disagreement. I mean, this letter says that someone could be pressured into taking comptime when she really wants or needs overtime pay. That is what I have been talking about. I believe they are right.

Mr. ASHCROFT. There is a second choice.

Mr. WELLSTONE. But, Mr. President, the fact of the matter is that it is only in theory. My colleague has constructed this theory, and it is a theory that employees have a choice. I have organized with people at workplaces. I have worked with people who are working under conditions that I sometimes say to them, ''Look, you are going to lose your hearing. Or, you're breathing in substances that are going to take years of your life.'' They said, ''We have no choice. This is the only job we can find.'' People do not always have the choice. It is not an equal power relationship; that is not the world of the workplace.

And even if my colleague was right—and I wish he was and this theory would turn out to be true and it would be the reality—why not, if you want a piece of legislation, why not err on the side of caution? Why not have a clear provision as in the alternative by Senators BAUCUS and KERREY and LANDRIEU? Why not have clear protection against that discrimination?

The second thing is, you can say that employees are protected from coercion, but it is not clear that that protects them from the discrimination.

Mr. President, the third point is whether or not people will be able to take their accumulated comptime and use it when they need to. And we do not have any guarantee of that in this legislation.

So, Mr. President, I think that the women's organizations and labor organizations that have written their letters and said, look, this is not going to help working people, are right on the mark.

Mr. President, I also want to cover for a moment the differences between the Federal workers program and S. 4. Let me just go over some things. Federal employees—I will read for a moment—have job protections that private sector workers do not. Federal workers are covered by civil service rules requiring good cause for discharge or discipline. Private employees typically are at-will employees, who an employer can fire or discipline for any reason or no reason. As long as we are talking about parity, maybe we ought to turn this around.

Mr. President, I would be pleased to go back to this debate later on. But now I want to focus on what I think is the most important priority for this Congress, and that is to get disaster relief to people in my State and to other States where people have been affected by the floods.

I would like one more time to say, I am sorry. I mean, I apologize to my colleague from Missouri, and I apologize to other colleagues for the inconvenience. But I have promised myself that I would do everything I could do. And I think maybe by speaking on the floor and holding the floor, I can get attention to this unfinished business, that I can put some pressure on people here—I am just being very honest about it—and I can just fight. This is the way you fight.

I hope, I say to my colleagues, that this disaster relief bill is put on the fast track and that people will get the work done. I want to be real clear that this has been, up until the last couple days before the Memorial Day recess, the opposite of sour. It was bipartisan. Thank you. I mean, thank you, Republicans; thank you, Democrats. We worked together. We put together a really good package. Senator STEVENS was very sensitive and very committed to what we were saying and went out of his way to help. The majority leader, Senator LOTT, was helping us. I do not believe that the House of Representatives being unwilling to deal with this, instead going home, was what the majority leader wanted. But this is the deck of cards that we have been dealt.

At this point in time, it is really a moral outrage. I am going to stay at this until the Congress does the right thing for the people in Minnesota, the people in the Dakotas.

This is an article written by Nick Coleman, Tim Nelson, and Brian Bonner, who are staff writers for the Pioneer Press. This will give colleagues a feel for why I am out here. This was written on Saturday, April 19, 1997:

The river won.

The Red River of the North overwhelmed months of massive efforts to keep it at bay Friday, bursting over, around and through the dikes of Grand Forks and East Grand Forks, Minn., surging down evacuated streets and rapidly drowning hundreds of homes.

Air raid sirens on both sides of the bloated river wailed ominously all day and night as first one dike, then another succumbed to the river, which in a few short hours made a mockery of the effort to contain it.

Late last night, Grand Forks Mayor Pat Owens interrupted local TV programming to urge the entire city of 50,000 people to voluntarily evacuate their homes and businesses and prepare for possible forced evacuation.

With the Red on the rise last night to a predicted crest of 54 feet—a full 25 feet above flood stage—the overmatched dike sagged like the sides of a child's sandcastle at the beach.

By the end of the day, several abandoned neighborhoods were swamped in roof-high water. After darkness fell, the situation appeared critical: Water had begun to seep up through downtown sewers, and the city's emergency operation center was forced to move from downtown to the outlying University of North Dakota.

On the Minnesota side, most of East Grand Forks was under order to evacuate and 400 additional National Guardsmen were on the way to aid the city of 8,000.

And I say to my colleagues, I was there the day that people from East Grand Forks evacuated. And the people, they were like refugees. People were dazed.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

A should have said earlier also that one of the amazing things was the way in which—and this would be the same thing in Missouri or Kansas—people from the adjoining towns took people into their homes. It was amazing. People showed up. Even towns with all the rivalry where the high schools were always in big football games against one another, and people hardly had a good thing to say about one another, partly out of rivalry, people just welcomed their neighbors. That was the goodness of people.

That is what is so frustrating. People have done it right. They have done exactly what they are supposed to do. They have showed a real sense of community. This Congress has showed no sense of community. People back in Grand Forks and East Grand Forks and Warren and Ada, you name it, and other communities, they have shown a real sense of goodness. We have not.

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

Mr. WELLSTONE. I would yield for a question in just a moment.

Mr. President, I want to continue to read this article first.

On the Minnesota side, most of East Grand Forks was under order to evacuate—

Mr. President, I will yield for a question, but just for a question.

Mr. ASHCROFT. A point of clarification: Is the Senator aware that the U.S. Senate passed a supplemental appropriations measure that would carry the relief? I think the Senator is aware of that. And when the Senator says this Congress has been irresponsible, I wonder if he means what the Senate did was irresponsible when it passed that kind of relief or——

Mr. WELLSTONE. First of all, Mr. President, I made it crystal clear today that the House——

Mr. ASHCROFT. Well——

Mr. WELLSTONE. I will say to my colleague, I have the floor. I made it clear, Mr. President, that I cannot believe that the House of Representatives went into recess. But it is also true—and I have thanked colleagues in the Senate for their work—but I am telling you, somebody has got to make it clear, and our colleagues from the Dakotas feel just as strongly, and they have made it clear, that business as usual is not going to go on. We will use our leverage as Senators.

It is also true, however, that even on the Senate side, on the majority side, I am sorry to say, there is the idea that you should attach extraneous measures to the disaster bill. That is not acceptable. That was in the Senate bill.

All this discussion about a CR, good people back in our States do not understand what in the world people are doing playing games. That is why I talk about this Congress.

Now, Mr. President, Let me go on.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

Soon after that, the National Weather Service issued an ominous assessment, raising the crest forecast by a foot. ''This situation is unlike any flooding conditions ever experienced in eastern North Dakota and northwest Minnesota.'' Confounded by the effects of overland flooding and a rapid melt, it was the fifth time in five days that the Weather Service had revised the crest forecast.

It didn't take an official bulletin to inform Grand Forks residents they were in deep trouble.

What was so sad about this, I had visited several times earlier and people did everything they could. There were high school kids out there sandbagging. It was a great community effort. People were working day and night. They started very early on. We knew we had a lot of snow. People were worried about this. They did everything they could to get ready for this.

It didn't take an official bulletin to inform Grand Fork residents they were in deep trouble.

The scene in the deserted Lincoln Park area of Grand Forks Friday afternoon was one of almost eerie splendor, with the sound of rushing streams of water drowning out all other noises except the whumping of Coast Guard helicopters overhead and the sirens. If it weren't for the fact that hundreds of homes were being devastated while their helpless owners waited out the flood in safety, you would think you were on the banks of an untamed northern river.

And you'd be right.

Millions of sandbags, millions of dollars, hundreds of thousands of hours and months of planning were not enough. Bolstered by a rise in the Red Lake River, which flows into the Red at East Grand Forks, as well as by unprecedented overland flooding to the south—upstream on the north-flowing river, the Red surpassed all expectations and its dikes with an ease that was awe-inspiring to witness.

Water spilling over the dike several blocks to the south was rushing knee-high along Lanark Avenue, then cascading down a block-long stretch of pavement that has been transformed into a foaming spillway.

A few blocks away, the surging river poured over a 12-foot-high dike on Lincoln Drive, roaring like a waterfall and threatening to burst, unleashing the massive amount of flood water that had been held back by the dikes until yesterday.

Fireplace logs, plastic snowmen, sofa cushions, and chunks of ice drifted past in the rapid current, sweeping past stacks of sandbags, shovels and piles of sand. ''We're sad about our city and what's happening,'' Grand Forks Mayor Pat Owens said tearfully. ''It is very devastating to all of us. If I were to say one thing to the people of Grand Forks it would be keep the faith and we will make it through.''

Under a bright spring sky, with lovely cumulus clouds on the horizon and birds singing nesting songs, Grand Forks was receiving the pent-up wrath of a winter of record cold and snow. Temperatures soared into the low 60's for the first time in April and residents of Grand Forks dressed in short sleeves as they turned out by the thousands in one last-ditch effort to hold some of the dikes.

All nonessential businesses were asked to close and to steer their employees towards the front lines. Cars, pickups and National Guard trucks raced up and down the muddy streets of Grand Forks, giving the city the look of a wartime capital.

The scene in a packed McDonald's restaurant on South Washington Street seemed right out of a disaster movie. A woman, her sweatshirt caked with mud, sobbed as she embraced a friend and told him that her house in the Riverside Park area of the town was inundated.

Other muddy-booted patrons stood in line for a hot meal while, in the background, a

TV emergency channel blared the latest warnings.

''Riverside, Central Park, Lincoln Park areas, please leave at once,'' the message said. ''Critical areas at this time are the Olson Drive and Elmwood Drive areas. Take with you medication, pillow, blankets, immediate clothing needs.''

Evacuation at dawn.

Evacuations along the Red River started before dawn: at 5:45 a.m., the City of Grand Forks sounded emergency sirens—even though almost 1,000 people in the lowest area of the city had left their homes hours before.

Authorities did, however, have to clear out a nursing home, relocating 106 elderly residents to the library of an elementary school a few blocks away.

All told, 2,000 residents of nearly 800 homes along the river in Grand Forks had been ordered to leave after the river starting pouring over the dike south of downtown.

By 10 a.m. the water was running knee deep in the streets, and by evening, it was lapping against the windowsills of a handful of the lowest homes.

Officials estimated that more than 4,000 people—nearly 10 percent of this city's 50,000 residents—would have to find shelter elsewhere Friday night, and even more were moving away from an expected break in the city's Riverside dike. At 9 p.m., officials ordered the southern end of downtown Grand Forks to evacuate. A few hours later, the mayor made an appeal for everyone in the city to leave.

The Minnesota side.

On the other side of the river, East Grand Forks authority sent police cars through streets before dawn, exhorting the city's 9,000 residents to wake up and go immediately to the city's sandbagging facility to start filling bags.

The levees on the Minnesota side of the Red River started giving way Friday morning, prompting frantic sandbagging in the city's Point neighborhood. It had been cut off after the Red Lake River—a tributary that is one half of the area's famed forks—turned out of its channel and started running overland.

Gary Sanders, a consulting engineer who works for East Grand Forks, Minn., estimated that as many as a third of that city's homes might have to be evacuated. He and other officials spent much of the day struggling to stem the breaches in the city's dikes, hoping that massive pumps might be able to drain the area of the city along the river.

A sandbagging operation in East Grand Forks turned into a crisis at midafternoon Friday, when part of a dike holding back the Red Lake River gave way. It sent water gushing through a neighborhood just south of the Louis A. Murray Bridge.

Dozens of emergency crews with heavy machinery rushed first to repair the breach and then to evacuate dozens of residents from their homes. Polk County Sheriff Douglas Qualley eyeballed Murray Bridge and expressed concern about whether it would hold.

There was reason for concern.

''We had just got done shoring up on the west side of the bridge,'' said [a volunteer]. ''We went to take a break, and all of a sudden it just started coming in.''

Mr. President, that was another impressive thing. Not only the high school students, but the ways in which all of the students—university, college, vo-tech, community college students—were out there volunteering. It is just incredible the way in which the worst of times can bring out the best in people. Sometimes I wish it would not take the worst in times. I wish we would all be like that all the time. But the students were great, really a great help.

Within 20 minutes, the southern section of the bridge was submerged and water—sometimes settling to depths of five feet—rushed south down Third Avenue Southeast.

Jim Maughton, an Army National Guardsman working on the bridge, said water gushed at ''10,000 gallons a minute'' at its peak.

Vince and Sue Taylor, carrying a couple of plastic bags, trudged along with their two children.

Mr. President, that gives you a feel for some of what was happening. This is Sunday, April 20, 1997.

A city was sinking in the night.

Occasional bursts of eerie blue light in the black sky signaled the demise of electrical transformers.

Water boiled up from the sewers, spurting in fountains that were quickly submerged in rising water as the river sought to equalize itself on both sides of failing dikes.

Downtown Grand Forks was going under. Dikes were giving way along both sides of the Red River of the North.

Like some proud ocean liner fatally damaged by an iceberg, Grant Forks was dead in the water, filling up fast. And there was not a thing anyone could do but leave.

Everywhere, between the warble of the sirens, emergency vehicles splashed through the streets, blaring warnings over loudspeakers. ''All residents are ordered to evacuate this area. Get out now!''

Signs in dorm windows at the University of North Dakota said, ''Build the ark.'' But arks weren't necessary in the darkness separating Friday from Saturday, struggle from catastrophe, hope from despair.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I only yield for a question, I do not yield the floor.

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

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

Mr. ASHCROFT. I thank the Senator for yielding for a question with the understanding he retains the floor after the question is asked.

Both the House and Senate passed the emergency supplemental appropriations bills. Conferees have been appointed by both of the Houses, but the conferees must report out a conference report which must go to the House of Representatives first for passage before ultimately the Senate gets a chance to act on it.

Now the Senator, by expressing his concern in such a lengthy way—over concern, obviously, for individuals for whom we have great sympathy—the Senator blocks the Senate from doing its business even though the Senate cannot act on the emergency supplemental appropriations bill at this point in time.

Is the Senator aware of the fact that we are being kept from doing our business which is appropriate for us to do and that it is now impossible for us to act on a matter of greatest concern to him?

Mr. WELLSTONE. I say to my colleague that actually the conference committee is meeting to do their work right now and that goes on right now. Believe me you, when the conference committee finishes its work and we get this piece of legislation, then we will move on it right away and I will not be on the floor then. I think my colleague confuses matters a little bit in the terms of the sequence of all of this.

I remind my colleague one more time that the only reason—we should not be ahistoric. We only have to go to the question, why am I on the floor now? The only reason I am on the floor is because after all the work that we did in a bipartisan way to get help to people who really needed some certainty that they would receive some assistance, the House of Representatives' leadership decided not to do the work. They did not agree to let through what we do not disagree on. They did not do their work, and they went on vacation.

Now we are back here and I am on the floor of the Senate today, you bet, to signal to colleagues in the House and my colleagues here, let's get it done and get this bill out and stop playing games.

As to the inconvenience, toward my colleagues on other legislation which is important, I am really sorry, but in all due respect I do not think there is anybody here that is as inconvenienced by my holding the floor for a little bit of time today as are the people of Minnesota and the Dakotas. They are in the ones inconvenienced. They were inconvenienced by the House leadership refusing to do the work and just going on vacation. They have been inconvenienced by the games that people have played with this, attaching amendments dealing with a continuing resolution. People do not know a thing about continuing resolutions in Grand Forks or East Grant Forks nor should they have to.

They have been inconvenienced by other amendments that have been put on this bill.

I refer back to the St. Paul Pioneer Press editorial, in which the argument was made that it was important to stop playing games.

Mr. President, people are not stupid. People are intelligent. They know full well when they see Representatives or Senators using their pain as leverage. They know what is going on.

So, Mr. President, I again read an editorial. Believe me, there are plenty of editorials like this in papers in our States.

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.

So, Mr. President, let me just be crystal clear about what is going on here. I come to the floor today to focus on priorities. And the priority should be simple. The priority for the House of

Representatives and the Senate, for the conference committee, for our Congress this week, should be to pass a disaster relief bill. And I am going to make it very difficult for people to conduct business as usual until we do that. I think the Chair would do the same thing if it was Kansas. I really do. I am sorry to speak for the Chair. I know he can't speak. But I really think that it doesn't have a heck of a lot to do with party. It just has a lot to do with you just do what you can do to fight the people, and this is the way for me to do it.

Mr. President, since I have spoken a lot about what has not happened so far and what needs to happen, let me talk a little bit about Breckenridge. I have not spoken much about Breckenridge, MN.

In the dark, water lapped up the streets, moving as inexorably as the hands on a clock.

This is a piece, again, in the Pioneer Press by Nick Coleman.

Breckenridge was going under; the flood had outflanked the city's dikes.

In the worst flooding so far this season, hundreds of homes and businesses on the south side of Breckenridge were caught by a rapidly rising second flood crest that took the city off-guard and quickly became more devastating than the first wave of flooding that hit 10 days ago.

Bleary-eyed city officials, assisted by bone-tired troops from the Minnesota Army National Guard, evacuated 400 residents Monday night and Tuesday, trying desperately to keep the city of 3,700 from going completely under.

Mr. President, I would really like to thank the National Guard. I have not done that today. They have done a great job. It is incredible.

So many people back in Minnesota and the Dakotas have done a great job, and we have done such a miserable job here. I am not delaying disaster relief. My colleagues are delaying disaster relief. And as soon as the supplemental bill is ready to bring before the Senate, bring it before the Senate. Believe me, I will not stand in its way. This is entirely in the hands of my colleagues. It is entirely in the hands of my colleagues what happens. And I intend to be on this floor for some period of time to make it crystal clear that I am not going to be silent until we do the right thing here. It is that simple.

I ought to add that tomorrow evening the flood Senators will come to the floor and speak from 6 p.m. until 6 a.m. on the need for disaster assistance. I will get a chance to speak at 6 p.m. until 9 p.m. Do you know that 3 hours isn't enough time? I mean, there isn't enough time to try and make the case to my colleagues to do the right thing and please get the help to people.

By Tuesday evening, parts of south Breckenridge were under 5 or more feet of water and the floodwaters continued to swell. The water was so deep that when a 5-ton Army truck veered off the curb, a National Guardsman was shoulder deep in the driver's seat, craning his neck to keep his chin above water and reaching down to the submerged gears to drive it out. An exhaust stack kept if from stalling.

Residents dumped loads of dirt near a railroad line that cuts across town, hoping to stop the flood halfway through the city.

But officials worried the flood would encircle them from the north. Efforts to sandbag around a nursing home failed after a night of effort.

Dorothy Pierce, 77, came out of her house on the strong back of a 19-year-old National Guard trooper named Conrad Anderson, a specialist with the Duluth-based Co. C of the 434th Main Supply Battalion. Anderson ferried Pierce from her house on Second Street through the darkness in hip-high water to the safety of a Guard truck.

''I just moved here from Nebraska in November,'' Pierce said while sitting uncomfortably on a canvas tarp in the back of the truck as it made its bumpy way back to high ground. ''We don't do stuff like this in Nebraska. I got here just in time for the biggest blizzard I ever saw and the only flood I ever saw.''

Evacuated with Pierce was her son, Lonnie, his wife, Debbie, and the couple's three young children, Jena, 8, Donald, 6, and Dillon, 2. The children, sitting on the floor and clutching their mom, could be heard crying in the pitch-black covered troop carrier as it drove through the flood.

Mama, I'm scared and I'm cold and it's dark,'' Jena said to Debbie Pierce. ''There's nothing to be scared of,'' Debbie Pierce reassured her children, hugging them tight. ''We're all safe.''

But under a hazy half moon and in a biting chill, Breckenridge was on red alert.

Crews of sandbaggers labored through the night Monday in a vain attempt to stave off the wandering Bois de Sioux River, which jumped its banks and went overland, creeping into the city from the unprotected southeastern side.

Everywhere, diesel engines throbbed as dump trucks carrying sand, flatbed trucks carrying as many as 50 volunteer sandbaggers and National Guard trucks on midnight mercy missions roared up and down the streets and slogged into the rising tide.

But the situation was critical, the weather nasty and the outcome in doubt.

''We face a real possibility of the whole town going under,'' police Chief Dennis Milbrandt told the National Guard's Col. Gary Sigfrinius Tuesday morning as crews prepared to construct a makeshift dirt dike along the railroad tracks that separate the city's north and south sides.

Nearby, three 5-ton Army trucks slowly splashed through cab-high waters on Fifth Street, carrying 41 elderly residents of a senior citizens apartment building that was being evacuated as water poured into the first floor.

Reaching the still-dry railroad tracks, the gray-haired evacuees, clutching suitcases and wearing blankets to ward off the 30-degree temperatures and 7-degree wind chill, were helped off by teen-age Guard troops.

''I never thought I'd have to be fed by the Red Cross,'' said 79-year-old Margaret Olson as she was lifted in her wheelchair from the back of an Army truck. ''I've had three strokes and colon cancer but this is something very different and I'm happy to be on dry ground again.''

Lonnie Pierce, Breckenridge's utility director, said the rapid rise of the floodwaters had inundated both his family's home and his mother's home. After hours of battling with sump pumps and sandbags to try to save their homes, the Pierces had been forced to make a choice: Save the family or save the house.

''It came in awful quick here, awful high,'' said Pierce, 36. ''Christ Almighty, we'll lose a lot of houses,'' he said, peering out the back of the truck as it chugged slowly past the silent, flooded homes of his neighbors, pushing a gentle wake through the black waters that lapped against the houses.

''There's just no end to this. We haven't gotten one break. All this water was out there and we couldn't do anything about it. It was bound to come.''

Located where two swollen rivers—the Bois de Sioux and the Otter Tail—join to form the Red River of the North, Breckenridge picked a poor campsite.

Forecasters thought the Red River's record crest of 19.18 feet at Breckenridge last week was as high as if was going to get. But the river was at 19.10 and rising at midday Tuesday, with officials fearing it could pass 20 feet.

The first round of flooding damaged the city's north side, as the Otter Tail River overflowed. This time, it is the Bois de Sioux cascading into ''South Breck,'' as residents here call the south side of the city.

I am going to go on, Mr. President, and read just for the Chair. I have been speaking this afternoon about a couple of different issues. But most of the time I have been focusing on the need to get disaster relief to my home. I again apologize to my colleagues who have not been able to bring amendments to the floor and to those who came and maybe didn't want to hear one speaker speak all day. But this is just an impossible situation.

I mean we have had people that have been flooded out of their homes. Almost everybody in East Grand Forks had to leave. We have schools and hospitals destroyed in towns like Ada, and people have done everything right. They have supported one another. And we are supposed to get some relief to them. Instead, people have been playing political games in the House of Representatives. Rather than getting the work done, they went on vacation. They went on recess. They didn't even have the decency to provide the assistance to people.

Now we are back in conference committee, and people are playing games.

So I am using my leverage as a Senator to be out here and to say we are not going to have business as usual for a while, and I am going to fight for people in my State. That is why I am out here reading about this flooding.

This flooding is much more severe than the first and the potential is worse yet: Breckenridge is looking down a three-barreled gun, with the possibility that the Red, the Bois de Sioux and the Otter Tail may meet in the middle of town.

''This whole year has just sucked,'' said Beth Meyer, a 35-year-old hairstylist who rode a National Guard truck into her flooded Seventh Street home after midnight to help evaluate her 10-year-old daughter, Samantha, and the family poodle, Whitney Houston.

Meyer's husband, Mark, and 13-year-old son, Kyle, remained behind, sandbagging and pumping to try to save the house.

In January, the roof caved in on the salon where Meyer works in Wahpeton, ND, across the Red River from Breckenridge. For the past three weeks, the Meyers and other South Breck residents have gone without phone service and been forced to go to an emergency phone bank outside the Wilkin County Courthouse, which itself was closed by floodwaters Tuesday.

The National Guard has taken over the school where the Meyer children already

have missed four weeks due to blizzards and flooding. And since the first flood crest hit the city 10 days ago, the family has not been able to flush its toilets. If they needed to relieve themselves, cans were required.

Wearing a heavy Army jacket lent to her by a trooper, Beth Meyer maintained an exasperated sense of humor about the never-ending battle.

''We call this the Year from Hell,'' Meyer said as she gathered up her daughter in the dark.

''We're the South Breck Islanders. We're already talking about the party we're going to have this summer, if it ever dries out. We're all going to get together for an island party and we're going to have a little rubber pool in the middle of the street. With a sump pump in it.''

''This is very scary stuff,'' said Scott Wermerskirchen, a 35-year-old science teacher who was helping out at a barricade Monday night. ''I don't want to think about what will happen if we get an inch of rain. We might as well write a big check and shut the town down.''

Although Breckenridge was continuing the fight, there was a palpable edge of discouragement in the chilly air Monday night and Tuesday morning, with the mood of the residents deflating with each increase in the water level.

''We got up this morning thinking we didn't have anything to worry about,'' said Kirk Peterson as he navigated in a fishing boat through the 5 feet of water in his back yard at 2 a.m. Tuesday.

The floodwater was almost up to the top of his garage door and was running through the first floor of the house where he and his wife, Jackie, live on Second Street.

''So much for finished oak floors,'' Peterson said acidly, using a flashlight to peer through the window in to his darkened home.

Peterson, a salesman, and his wife are ''River Rats,'' meaning they belong to a Department of Natural Resources program designed to preserve and clean up state rivers. With his flashlight, Peterson illuminated a sign in his flooded window: ''Please Keep the River Clean,'' it said.

Peterson and a friend, Errow Hensch, maneuvered their boat to a clothes pole in the back yard. Monday morning, when he first measured the rising waters, 11 inches of the pole were under water. By 8 p.m., 51 inches were under. And at 2 a.m. Tuesday, as his boat bumped against passing ice chunks and the strangely orange moon glittered off the water, the tide had risen to an even 5 feet.

''I hate to say it, but I wonder whether this whole city won't really go under,'' Peterson said as he steered the boat to help rescue a neighbor, Dave Shockley. ''If we were smart, we would all have moved out in February.''

Mr. President, as it turns out, Breckenridge was hit hard with flooding but not totally flooded out, and people are rebuilding and people are celebrating. Yes, they are celebrating the help that they gave one another. And I say to the Chair, because I know of his own small business background and his commitment to small business, it was in Breckenridge that I really first got a feel for what the small business people were thinking about. They took me to their businesses which had just been destroyed by the flooding, and they said to me, look, PAUL, or Senator, we are hearing about the Federal Emergency Management assistance, and we know they can do some repair for the infrastructure in the town, and then we are hearing about the Small Business Administration loans, but we can't cash-flow loans. It will not do us any good at all.

So all of us in a bipartisan effort got together, and we put together a good disaster relief bill with about $500 million in CDBG money for all the States affected. But this CDBG money was going to give the States, Mr. President, the flexibility to get some direct grant money to some of the businesses, and homeowners who needed it who could not cash-flow any more loans.

And that is what people are still waiting on. People do not know whether or not they are part of a buyout if they are living in a floodplain. People wonder, do we leave or do we stay? If we leave, are we going to have assistance? Is that coming? The State cannot make plans to do that. The cities cannot make plans to do that. The small businesses are still waiting. People are getting discouraged, and people are getting pretty angry. Frankly, they are probably angry at all of us. They are probably angry at all of us except for some of my colleagues from North Dakota, who have just been out here over and over again, and South Dakota and some of the other States; they have been speaking out.

But people just cannot understand the code here. They cannot figure it out. I think what people are thinking is, look, it is simple—in fact, it is a little embarrassing to me because after we passed that disaster relief bill, I was so excited I did what I think the Senator from Wyoming would do. I got on the phone and had a conference call with lots of the small papers in smaller communities—big communities and big papers in heart—and I said we have passed this; it really looks good. And then, all of a sudden, all of a sudden now we have the games being played and people are thinking, well, we have leverage on this. We want to have leverage later on on the budget and on the appropriations bills so we have to have a continuing resolution.

You can do that separately. Do it on something else. Just do not play around with the lives of people who are really in a lot of pain.

Now, as I said earlier, if I cannot persuade people to just please back off of that for now, then get the work done right now and pass this bill and get it to the President. The President is going to veto it. He already said he was because of the continuing resolution. So the President will veto it. He has to do that. And then you can show that the President vetoed it and maybe you have embarrassed him, if that is what you are trying to do, and then let us pass it clean. Let us get all the provisions off this bill that do not have anything to do with making sure that people can rebuild their lives in Minnesota and the Dakotas.

That is all people are asking. So if you want to play your game, play it. I do not think you should, but if you want to play your game, play it, but why don't you play it in the next couple days. Because I will tell you something, if not, at least on the Senate side, whenever I have an opportunity to be out here and hold the floor, I am going to do it and we are not going to do a lot; we are not going to do much else. I put the people from East Grant Forks right now ahead of my colleagues in the Senate. I just think that Mayor Stauss and Mayor Owens and other mayors have waited too long. So whatever we need to do, whatever I need to do as a Senator, I am going to do.

Mr. President, this is another piece. And there has been some really good writing because the journalists that were covering this, they saw the pain. They knew what it was in personal terms. They saw the courage of people. They saw the devastation, but they saw just that incredible determination.

But for some reason here in Washington, DC, starting with that ''leadership'' in the House—I say leadership in quotes; we never translate it into personal terms—the leadership in the House decided to go on vacation. It is not what the majority leader of the Senate wanted them to do. It is not what my colleagues here wanted them to do, but that is what they did.

That is why I am in the Chamber. And now I am reading that we may not pass this this week. That is just outrageous. So, Mr. President, just so my colleagues know, I probably will maybe stay in the Chamber for about another 50 minutes or so, up to about 7 o'clock, and then I think I will have had time to talk about this today, and I will come back tomorrow and figure out a way of getting in the Chamber again, if I can.

By the way, Mr. President, I really should also mention that—I mentioned FEMA, James Lee Witt. I also wish to thank SBA, the Small Business Administration. What I said about some of the businesses that are worrying about cash-flowing more loans is true. But SBA, they have been on the ground. They have tried to help. The State people have been marvelous. The State office, Jim Franklin at emergency management assistance, that office has been great. Legislators have cared. The Governor has cared. Really, in our States, we are just forgetting the party part, trying to help people. And I want to just make it clear that a lot of people deserve a lot of thanks.

So, Mr. President, I will continue to talk about this. I want to make note of the fact that Senator DORGAN had come down to the floor earlier, and he is right now tied up in a meeting on the disaster conference report. They are in conference, meeting on it, getting ready for it, and that is going to be key. We are going to need Senator DORGAN's help. But I would just say to members of the committee, thank you for your commitment. The good news is we worked together in a bipartisan way and we had something good going and people really appreciated it and we

did exactly what we are supposed to do: provide people with some relief.

The bad news is then people started playing games, and then people decided not to even finish their work and had the insensitivity and the gall to just go home, go home. It is amazing to me how some people can be so generous with the suffering of others. Can you imagine a group of legislators—and now, I say to my colleague from Missouri, I am speaking specifically about leadership in the House—saying, oh, well, you know, we got these disagreements and we can't get our work done. We can't resolve this. So they go home. That is being very generous with the suffering of a whole lot of people in the country, including people in Minnesota.

Well, Mr. President, we can have all of these arguments about what is in the pipeline, what is not in the pipeline. We heard from Mr. Raines today from the Office of Management and Budget that a lot of this, a lot of this money is not going to get out there to the communities.

I talked earlier about buyouts in construction. I told you Minnesota is a cold-weather State. We have to get the work done now because come mid-October or the end of October, we are not going to have time to do this at all. So one more time I would say to my colleagues, some of whom have been inconvenienced today, I apologize, but, in all due respect, the problem of time is a bigger problem for the people in Minnesota and North Dakota because time is certainly not on their side.

Think about this. There was a piece that I read earlier about the little girl who just sort of had a vacant look in her eyes and was really looking down and not playing like you hope and pray a child would play. We know what has happened. Just imagine, I say to people, what it would be like to be completely wiped out with a flood and no longer have your home and be homeless and then people in other towns take you in. That is Minnesota. But I bet you it is every State. I love to brag about Minnesota, but I bet it is in every State. The goodness of people comes out and people take families in and all the rest. But it is hard for families because you go back, now the water has receded, now you have to go back to your homes and now you have to look at this devastation and there it is before you. And you do not know what is going to happen next.

If you have lived in the floodplain, are you now going to move? If you haven't, are you going to have the money to rebuild your home? And you are just there and you do not know where you stand. And you hear that the Federal Government is going to help.

You better believe that over the years when my colleagues have come to the floor from Missouri or from California or from Florida and they have said we need help, there has not even been any question in my mind.

Well, that is the situation right now. The only question is, where is the soul of the Congress. I say to my colleague from Missouri, where is the soul of the leadership of the House of Representatives, who do not even get the work done and send back a bill to us. Well, this time, this week there is going to be a conference committee and they are going to do the work. I feel they will do the work. I believe my colleagues will spearhead that. We are going to get this done. And as I said before, the best of all worlds will be, please, just keep all the extraneous political stuff off. Let's just pass a clean disaster relief bill and get the money out there to people, get the help out there to people.

Mr. President, let me just read about Chip Rankin. I started to talk about him.

[He] looked tired in his National Guard fatigues, stood in the pulpit of the Immanuel Lutheran Church on Sunday, reading aloud from the Gospel of St. Luke, [this is from the Pioneer Press of April 14] recounting how the apostles, frightened by a storm on the Sea of Galilee, wake Jesus from a nap and beg him to rebuke the raging waves.

An hour later, the 22-year-old wrestler—

Mr. President, did you hear that? Wrestler. Now we're really talking.

At the University of Minnesota-Duluth would find himself in troubled waters.

By the way, Mr. President, while I am speaking about wrestling, the University of Minnesota-Duluth had their wrestling program shut down. It was a real shame. The title IX program is a great program. I mean, as a father of a daughter who loves athletics and is a good athlete, and having one granddaughter, the idea of full participation of girls and women in athletics is right on the mark. But the shame of it is, in a lot of these schools, in order to reach parity, what they do is go after the minor men's sports, the sports that don't have the clout. It's a political issue, I say to my colleagues. The University of Minnesota lost their wrestling program. A real shame.

Mr. President, I am not without my biases, since I wrestled and love wrestling. I do think it is a real shame. There has to be some way to make sure this doesn't happen around the country. It is so unfair, gymnastics, swimming, other minor sports—who gets to define what's a minor sport? Baseball.

Rankin and a Guard sergeant were caught in a frightening torrent of water that threatened to wash his 2½-ton troop truck off a Norman County highway and into a forbidding sea of ice and water. Rankin's truck lurched and sagged, plunging into holes that were rapidly forming in the crumbling highway while a Hovercraft and men with ropes stood by in case they had to attempt a desperate rescue in the icy current.

God, and the National Guard, would come through. But it was close.

To some, it might sound like just another day on the Red River of the North, this spring of record flood. But it wasn't just another day. It was the Lord's day. A day when the weary people of Hendrum—those who haven't fled the flood—paused in their struggle against the water that surrounds them on three sides to worship in an extraordinary ecumenical service.

This was written by Nick Coleman. ''Faith and the flood. It was a time of prayer, reflection and drama as Sunday came to the Red River of the North.''

You knew it was going to be a different kind of service when you saw Rankin line up a dozen troops and march them, single file, into the church, reminding them to doff their camouflage caps. This wasn't a ho-hum Sunday go-to-meeting with everyone freshly scrubbed and in their Sunday best. This was a battlefield prayer meeting, with the enemy on the horizon and coming on fast.

It was a ''come-as-you-are'' service where the pastor sported a week's worth of grizzled whiskers and refused to take an offering because, he said, the people in the pews had been offering all week and giving all they could give. A service in a church where people have been sleeping in the basement and the congregants had mud on their boots and exhaustion on their faces. Where men and women wept without shame. Where some folks had to scoot out during the sermon to check on the pumps keeping the waters at bay. Where helicopters chattered overhead and where everyone looked at each other when the lights flickered, it being only a couple of days since the town got its power restored. Where the mayor read from Genesis about ''the spirit of God hovering above the waters,'' and the police chief's daughter sang, ''Yes, Jesus Loves Me.'' And where the psalm they chose for the day, Psalm 46, praised ''a river whose streams make glad the city of God.''

The Red River isn't in the Bible. But it has taken on Biblical proportions. And, for generations, through flood and drought, blizzard and blight, the response of the people along the river, many of them the descendants of devout Norwegian Lutherans, has been to roll up their sleeves and to put their trust in their God. Praise the Lord and pass the sandbags. Or, as they simply say in Hendrum, ''toss 'em.''

That was the tone at Immanuel Lutheran. . ..

Mr. President, I notice that my colleague from North Dakota is here. I would be pleased to yield for some questions, if my colleague has some questions. And then, if my colleague, who I know has been out here over and over again and back in North Dakota, wants to speak, then I would at that point in time—I would then ask consent to yield. But right now let me just ask my colleague whether he has any questions and respond to some questions. Then we will see what kind of unanimous-consent agreement we can get.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

The PRESIDING OFFICER. If the Senator hasn't yielded the floor, he has the floor.

Mr. WELLSTONE. I have not yielded the floor.

Mr. President, I was getting ready to yield to my colleague. He looked like he was raising his hand to ask a question. So, if he had a question, I was going to yield for the question, that's all.

Mr. CONRAD. Yes. Understanding that I don't have the floor, I am simply asking the Senator from Minnesota some questions—without his yielding his right to the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor and has the right to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. ASHCROFT. Has the Senator from Minnesota yielded for a question?

Mr. WELLSTONE. Mr. President, I haven't yielded for the question yet. I yield for the question.

The PRESIDING OFFICER. The Senator may proceed with his question.

Mr. CONRAD. The Senator from Minnesota has been here speaking about what we confront in North Dakota and Minnesota and South Dakota and the other disaster States. I would just ask him if he was aware of the recent editorial that appeared in the Grand Forks Herald on May 27? The bold headline in that editorial was, ''4 Days Since Congress Let Us Down.'' And they posed the question, ''How Long Will It Be Before Congress Gets to Work and Passes the Disaster Relief Bill?''

This is an editorial in the Grand Forks Herald. Grand Forks is the town that has been devastated by this remarkable series of disasters—first of all the most severe winter in our history, 10 feet of snow, followed by an incredible ice and snowstorm in early April that knocked down the electrical grid for 80,000 people, which was then followed by the 500-year flood and, in the midst of that, a fire that burned down nearly three city blocks in the city of Grand Forks that led, this combination of events, to the evacuation of virtually the entire city of 50,000 people. Mr. President, 50,000 people evacuated. We have not had that happen in America. That has not happened in American history where a town that large is virtually totally evacuated. And the neighboring town of East Grand Forks, that is in Senator WELLSTONE's home State, a city of 9,000, similarly evacuated—completely evacuated.

In this editorial, I am asking Senator WELLSTONE if he is aware of this editorial, this gives ''11 Reasons To Pass Federal Disaster Bill Now.''

We have heard a lot of talk from some, ''Well, it doesn't matter that there has been this debate, it doesn't matter that they have had 12 days of delay; there is money in the pipeline.''

There is not money in the pipeline for the Housing Department for buyouts and relocations. There is no money in that pipeline. There is no money in the Agriculture Department pipeline to give some relief to the ranchers across the State of North Dakota and across the State of South Dakota that have lost over 200,000 head of cattle. There is no money in that pipeline. And there is no money in the pipeline to allow the school districts that have taken the kids from the disaster areas to get reimbursed. There is no money in that pipeline. That is what is happening out in the State of North Dakota and the State of Minnesota and the State of South Dakota.

I ask the Senator from Minnesota if he is aware of the 11 reasons that were given in the Grand Forks editorial for the passage of the disaster bill now? The 11 points that they make in this editorial are:

No. 1, the need is great; 80 percent of the homes in that town of 50,000 people were damaged and several thousand are unlivable. We have thousands of people who are homeless, don't have a place to stay. We have hundreds and hundreds of people who are still on cots 6 weeks after the disaster.

No. 2, they point out that the disaster is different from others because it affected the entire community and there is no nearby community that can provide housing and other support for flood victims.

The third point they make is that time is of the essence. Our construction season is short. In fact, the outdoor work pretty much has to be done by October 1 in our part of the country.

The fourth point they make is that hundreds of businesses need loans and other forms of assistance to get reestablished, and that those businesses underpin the economy in Grand Forks and East Grand Forks.

Fifth, they make the point that they need to make decisions about our homes and businesses. In order to do that, they need certainty about the resources available for disaster relief efforts.

The sixth point they make is the property, in the way of flood control, will have to be bought out. The buyout money will make it possible for people in the way of flood control works to rebuild their lives elsewhere in the city.

Mr. ASHCROFT. Mr. President, I raise a point of order. It is my understanding the Senator from Minnesota yielded for a question.

Mr. WELLSTONE. Mr. President, I still have the floor, and I intend to answer the question of my colleague.

Mr. CONRAD. The Senator from North Dakota is posing a question to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is entitled to one warning. It is to be a question.

Mr. WELLSTONE. Mr. President, if I might just inquire, I intend to answer the question. But the question embodies the eight reasons, and the Senator from North Dakota is going over those, asking me if I am aware of those reasons. I can't read that chart.

The PRESIDING OFFICER. That is understood, but the Chair will rule that a statement is being made rather than a question asked.

Mr. WELLSTONE. Fine. Mr. President, if my colleague, then, in the form of a question could summarize that?

The PRESIDING OFFICER. It is the duty of the Senator from Minnesota to guard his right to the floor. That is one warning.

Mr. WELLSTONE. Mr. President, I want to make clear I was not aware of the editorial and the Senator from North Dakota—well, I was aware of the editorial. I can't lie. I was aware of the editorial. Nevertheless, I need to answer, but I can't read it from here. I would like to respond to the question of the Senator.

Mr. CONRAD. I would pose a question, a point of order to the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for a point of order?

Mr. WELLSTONE. Mr. President, I ask——

Mr. CONRAD. Perhaps I could ask that later and just continue my question of the Senator from Minnesota.

Was the Senator aware of this editorial in the Grand Forks Herald and the 11 reasons they gave?

Mr. WELLSTONE. Mr. President, I was aware of the editorial, but I do not remember all of the reasons. And as I go on and speak, it might help me if the Senator would be able to pose each of those points as a question, and then we could talk about it as I go forward.

I would be pleased to yield to the Senator for a question on each of those points, if the Senator has a question, but only in the form of a question.

Mr. CONRAD. Let me ask the Senator from Minnesota, very specifically, it has been reported in the press that this does not matter, this delay, that there is money in the pipeline. And in this editorial, they point out that it is true that FEMA is adequately funded, but that money is for immediate disaster relief, not for long-term rebuilding.

Was the Senator aware of that point that is in this editorial?

Mr. WELLSTONE. Mr. President, I am. It is a very important point. I say to my colleague from North Dakota that the key thing—and both efforts are equally important—that people need the short-term relief, but people need to think about how they rebuild their lives and whether they have a future. And that is what is so unconscionable about this delay and the House going on vacation before getting this work done.

I would say that to my colleague.

Mr. CONRAD. Is the Senator aware—again, I am asking a question—is the Senator aware that in this disaster supplemental is the money for housing assistance through the CDBG program that would allow the funds for the buyout and relocation of homes that are in the floodway?

Mr. WELLSTONE. Mr. President, I respond to my colleague that this is also an important point. The buyout of the homes in the floodway is key to the future for people. And the only way this can be done is through the CDBG money that is being held up right now.

And I say to my colleague from North Dakota, who knows this so well, that the awful thing is that so many people do not know where they stand. They do not know whether to move, not to move, where they are going to

have a home. They do not know where they are going to be, where their children are going to be? People have been through enough, I would say to my colleague.

Why do we want to heap more pain on the people who have already been through so much pain? That is what is unforgivable about this delay. That is what is unforgivable about political games. That is what is unforgivable about our failure to just get the relief to people, to get this emergency supplemental bill passed. It is an emergency. Just get the disaster relief to the people.

Mr. CONRAD. In addition to the question of the housing not being available, is the Senator aware of the fact——

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. I have the floor.

The PRESIDING OFFICER. The Senator has a right to call the Senate to order.

Mr. ASHCROFT. Mr. President, I ask for recognition. The Senator from Minnesota yielded the floor without yielding for a question.

Mr. WELLSTONE. Mr. President, I yielded for a question. I made it crystal clear it was a question. The Senator from North Dakota asked me whether I was aware.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. WELLSTONE. That is what I have done. And I have the floor.

The PRESIDING OFFICER. The Senator does not have the right to solicit a question.

Mr. WELLSTONE. I say to my colleague from North Dakota, if my colleague has a question, we will put it in the form of a question.

Mr. President, I will, in any case, just to save my colleague from Missouri some frustration—I am going to yield the floor in just a moment. I am going to finish up. I am going to respond to some questions that my colleague from North Dakota has put to me. And I will yield to questions from the Senator from North Dakota only for questions, but I intend to finish in just a few moments, I say to my colleague. I will be yielding the floor in about 5 minutes or so.

I will yield for a question.

Mr. CONRAD. I think it has been made abundantly clear the Senator is yielding to me for a question, not yielding his right to the floor.

The question I would pose is——

The PRESIDING OFFICER. The distinction here is whether the Senator has the right to solicit questions or whether the Senator has to ask to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will keep speaking.

Mr. CONRAD. I ask the Senator from Minnesota to yield for the purposes of my posing a question to him.

Mr. WELLSTONE. Mr. President, I yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator aware that not only does the Housing Department not have funds that are in the pipeline, but then in addition to that that the Agriculture Department does not have funds in the pipeline, so livestock producers in our States, who have lost hundreds of thousands of head of cattle, have been in a situation in which they are delayed in receiving assistance that is in this disaster supplemental?

Mr. WELLSTONE. Mr. President, I am pleased that the Senator from North Dakota has posed that question to me because I have been remiss in not focusing on livestock producers. The importance of funding that is not in the pipeline has everything in the world to do with whether our ranchers and producers are going to be able to get back on their feet.

So I say to the Senator, yes, I am aware of it. That is yet another example of families in our States—agricultural producers, who work so hard and are waiting for some help.

And I say to the Senator from North Dakota, earlier I quoted him because I heard the Senator say, the question is, how many more days do people have to wait? How many more days do the homeowners have to wait? How many more days do the small businesses have to wait? How many more days do ranchers, livestock producers have to wait? So I am aware of that.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. WELLSTONE. I will be pleased to yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator also aware in the Grand Forks editorial, the 11 reasons they give for passing the Federal disaster bill now, they point out that not only the Housing Department does not have funds, those funds are not in the pipeline, the Agriculture Department does not have funds to address this disaster, those funds are not in the pipeline, and in addition to that, the school districts that have taken the children from the disaster areas, they do not have funds in the pipeline, and so those school districts that have taken on substantial additional costs are also being delayed in being compensated even though they have taken children from the disaster areas?

Mr. WELLSTONE. Mr. President, I want to respond to the questions because this is exactly what is going on. The Senator is raising these questions, and I am responding. And I thank my colleague from North Dakota, Senator CONRAD, because this is again another area that I really did not speak about and I should have.

It has been wonderful to see different school districts, a neighboring school district taking students and making sure they do not have to drop out of school, making sure they can graduate. That has been happening in Minnesota and North Dakota. That is the goodness in people.

I do not see much goodness in this Congress right now. I do not see much goodness in the House. I think we make a mistake when we go on vacation and do not come through for people.

I am aware of the fact that these schools are now waiting for some assistance for the extra costs that they have incurred in taking in other students and making sure those students graduate. And so I say to my colleague, I am aware of this, but I am glad he has emphasized this in the question that he has put to me.

Mr. CONRAD. Would the Senator further yield for a question?

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

Mr. CONRAD. Is the Senator aware that while some have said that it just does not make a difference, these delays are inconsequential, they really do not matter, that the people that I think we can turn to for the best answer as to whether these delays matter are the people who are affected most directly by the disaster, the people of Grand Forks, the people of East Grand Forks, and that they are telling us, their elected Representatives, that these delays do matter, that delay in the face of disaster is a disaster in and of itself?

Is the Senator receiving those same kinds of messages from his constituents as I am receiving from mine with respect to how significant these delays are?

Mr. WELLSTONE. Well, Mr. President, the Senator from North Dakota raises a very important question that I will respond to. And the question that he raises has to do with the effect of the delay both in a material sense in terms of economic resources but also in almost as serious a way, the way in which it erodes people's—it is personal— People need some certainty. People need to be able to plan for the future. People need to get through this.

This is a very difficult time. And our failure to act does not give people that confidence, does not give people that support. Moreover, I say to all my colleagues, in responding to the question from the Senator from North Dakota, the failure to act, the failure to get help to people, the playing of political games, has done an awful lot of harm. It has soured people and eroded people's confidence. That is a terrible mistake.

Mr. President, I say to my colleague from North Dakota that I am about ready to yield the floor in any case.

Mr. CONRAD. Would the Senator yield for a final question?

Mr. WELLSTONE. I will yield for a final question.

Mr. CONRAD. The Senator from Minnesota perhaps is aware that tomorrow a group will be coming from Grand Forks and East Grand Forks, a delegation of community leaders and business leaders. I think, perhaps the mayor of East Grand Forks is coming. I ask the Senator from Minnesota if he is aware of that?

Mr. WELLSTONE. Yes.

Mr. CONRAD. The message, as I understand it, is that they want to send a

clear and unmistakable signal to the Congress and to the country that the time to act is now.

Mr. WELLSTONE. Mr. President, I am aware of the fact, and I will answer this question, I am painfully aware of the fact, as a Senator from Minnesota, that the mayors from Grand Forks, ND, and East Grand Forks, MN, and maybe some other mayors will be here tomorrow to say to the Congress, the time to act is now. And that is what I have tried to do today on the floor of the Senate, to say that as well.

That is what the Senator from North Dakota has said today and has been saying for a good, long period of time.

Mr. President, I hope that by holding the floor for a while this afternoon that in a small but hopefully significant way I have been able to speak for and to fight for and to help people in my State.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

I appreciate the opportunity to return to Senate bill 4. Senate bill 4, as you well know, is the Family Friendly Workplace Act. It was to have been the business of the Senate this afternoon. And I do understand the frustration of the individuals from the flood-ravaged States who have been victims of flooding and all. But I find it very difficult to understand why, especially when a conference report is being worked on, we have to insist that the Senate cease serving the Nation while the conference committee serves the people of the flood-ravaged areas. It seems to me that while we can do both, it would be in our best interest so to do.

And so with all respect to my colleagues who have sought to galvanize the public attention on the need to act here, I want to commend the members of the conference committee who are working to do exactly what they are being called upon to do to provide an opportunity for relief in those areas.

The Family Friendly Workplace Act is a way that we can help all Americans. We can help all Americans to balance the tension that exists between the workplace and the home place. We can help Americans who find that both parents are having to work in two-parent families. We can make sure that they have the capacity to spend the necessary time with their children that they need to spend.

So, Mr. President, I think it is important that we get on with the business of trying to provide to hourly-paid workers in this country the same kind of flexible working arrangements which have been available to others for quite some extended period of time.

As a matter of fact, in 1978, we began according flextime benefits to workers in the Federal Government system. It was done on a pilot project basis so that we could make sure we did not offend the rights of individuals and that we made sure that it was a workable system. For years, we inspected the system, and it was extended to more and more workers.

In 1985, in the Federal system we made it available to Departments generally if they thought they could use those procedures wisely and if that would be helpful to people in balancing the needs of their families with the needs of the workplace.

The major components are these. When you work overtime, instead of being paid for overtime, you might want to take time off with pay later on so that you could make up some of the lost time you have with your family.

Most Americans do not realize it is illegal now for an employer outside of the Federal Government to offer an hourly paid worker time off with pay instead of paying the normal overtime pay. Now, it is, I think, an unjust situation where Government workers have a series of benefits that the private workers do not have. Similarly, Government workers, if they know they will be needing some time for their families can request to work an hour extra one week and take that hour off the next week so they can spend the necessary time with their families.

Now, there are ways that private workers have the capacity to spend time with their families, and it is under a rubric known as the Family and Medical Leave Act, and that is a Federal law, but it says that under certain narrow conditions if you want to take time off you can take time off but you have to take time off without pay, so if you want your child to go to the doctor or you want to take your child to the doctor you can give notice to your employer that you are going to do that but you take a pay cut in order to do that.

Now, if you knew you had a doctors' appointment next Tuesday afternoon and you wanted to tell your employer you would like to work an extra 2 hours this week to take the 2 hours off next Tuesday, that is the Federal system, available to Federal employees. You work the 2 hours extra this week, you get your work done, make the arrangements, take the hours off next week and you do not end up with a pay cut but keep your paycheck intact. That is very important.

I should hasten to add that nothing in this bill would in any way erode, undermine or abolish any of the Family and Medical Leave provisions which are to the benefit of employees across America, but in conjunction with those benefits this would add a new array of potentials. One of the potentials is that you could take time off to be with your family when necessary, with pay, instead of having to go under the Family and Medical Leave Act procedures which require that you take the time off without pay.

Now, most of us are familiar with the fact that not only do Federal Government workers have comptime and flextime proposals and State government workers have been authorized a very substantial comptime proposal and the boardroom folks have comptime proposals and the supervisors and managers and all the salary people obviously have flexible working arrangements, it is the hourly-paid workers of America who are being treated as second-class citizens. Frankly, they are in a minority. The majority of workers in this country have flexible working arrangements. Hourly paid workers do not.

I think it is time that the hourly paid workers have that kind of opportunity. That is what Senate bill 4 is all about. I do agree that it is important for us to act with expedition on the supplemental appropriations bill but, in my judgment, it is also important for us when we have the opportunity like we should have had today, especially while this appropriations matter is still in the conference committee, to make progress on meeting the needs of Americans, especially when we are talking about benefits that Government workers have been enjoying in the 1970's, 1980's, and all through the 1990's now. It is time we give the same kind of opportunity to workers in the private sector. It is with that in mind that I say that I look forward to the opportunity of welcoming amendments and proposed improvements to Senate bill 4.

Now, several hours were spent today in criticism of our proposal, but the fact of the matter is none of the amendments that have been filed have been filed by those who have been criticizing the bill. If, indeed, they want to do something constructively to help workers, I invite Members of the opposition to bring their amendments to the floor and to make their amendments available so they can be filed, so we can vote on those amendments, so we can take action on them, so we can make the improvements. We will upgrade what we really need to do to help the citizens of America who do not have this privilege.

It is my understanding that the occupant of the Chair might be interested in making some remarks on Senate bill 4. I ask unanimous consent after a quorum call which I will put in place that the occupant of the Chair be recognized to make the remarks, and the conclusion of those remarks be followed by another quorum call, at which time I be recognized again to finish my remarks.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. ENZI. Mr. President, I rise today to again voice my strong support for S.

4, the Family Friendly Workplace Act. I have listened to several of my colleagues speak about this important and necessary legislation. I want to especially commend Senator DEWINE for his steady work in the Labor Committee and for Senator ASHCROFT for the many hours he has spent working on this bill.

I comment that today we have heard several speeches dealing with S. 4. We have heard several speeches that did not deal with S. 4. The other speeches dealt with a very important topic, too. They dealt with the disaster funding, but that was actually a filibuster against this bill. It was a request by certain people in this body that S. 4 not be adopted. They do not want people to have that kind of flexibility. It was a plea to do disaster relief, but it was directed to keep this bill from ever coming to a vote.

Disaster is on the mind of everyone that is affected. One of the things I have discovered in my years in the legislature and since I have been here is that the disaster is in the mind of the one who is affected as well. Everybody has different kinds of disasters. The disaster that was talked about for a long time tonight is being handled in the conference committee right now. There is another disaster in America that is being kept from being debated in this body, that is kept from being passed in this body, that a vast number of people in this country need. It is a disaster that is happening to them. There are people out there that need more flextime and comptime to be able to spend time with their families. Some of those people are married to Federal employees. That Federal employee is able to take that flextime and the other spouse is saying, why can't I?

In fact, in the early days when this bill passed that allows the Federal employee to do just exactly what we are talking about for the private hourly employees, the discriminated-against group, the private hourly employees, when we allowed Federal employees to do it we should have included the private sector at that time. We should have given them the same right that the Federal employees had.

I know that in Cheyenne, WY, at the Unicover Corp., some of the people that worked in that corporation were hired by the Federal Government. They got flextime and they got comptime. I want to emphasize they got flextime and comptime, both of the advantages that are being talked about in this bill. Not just one, like is being implied, both of those advantages were given to the Federal employee.

Their spouses said this is really a great idea. We should take it to our boss and get it implemented, and they took it to the Unicover Corp., they took it to the management and the management said, you know, that really is a great idea. We should do it, and they did it. Then they found out that they were in violation of the law. The Federal employees could do it, the private hourly employees could not.

For 19 years the Unicover Corp. has asked Congress to pass a bill that would give them the same right as the Federal employees—not a different right, the same right. The same right for flextime, the same right for comptime. They are not asking for a special break that nobody else gets. They are just asking for an even break. Well, they found out they were in violation of the law and they had to end it. They have been working on it for a number of years to try and get it changed. I heard about it when I was campaigning and I said I do not know why we do not have that, and now I have a better idea why we do not have that.

Today, the Small Business Advocate Award luncheon was held here in Washington, DC, over in the Dirksen Building. I had the opportunity to attend, and I got to meet the Wyoming Small Business Person of the Year, and there were small business people from all over the United States there, being recognized for the leadership that they have taken in their company, in their State, to make a difference.

Marjorie Mathieson of Jackson is the Wyoming Small Business Person of the year, and I am very proud of her. That is one of the few manufacturing businesses in Jackson and it has been there a long time. They have gone through a number of different phases to keep current products that will sell to keep that small business in business.

She talked to me a little bit about the Family Medical Leave Act. Some people have suggested that is an answer for all of the problems of meeting flexibility. Well, it is not. And it should not be expanded to be the answer to all of those either, because it is a paperwork nightmare, particularly for smaller businesses. Now, that is limited to businesses over 50 employees. There has been a request to bring that down to a smaller number. What we need is this Family Friendly Workplace Act that will provide the same kinds of benefits that we are talking about, bringing in the more complicated system, and bringing it down to a smaller level where they cannot handle the paperwork.

A part of that business that the Wyoming Small Business Person of the Year runs is welding. They have five welders. Those welders make $40 an hour. Not bad. Five welders, $40 an hour. They want flextime and comptime. The business needs them to take flextime or comptime or both, and the reason they need them to take that is because they have work that has to be done. They have five welders. If one of the welders is to leave without doing some kind of a flex in the schedule, they lose 20 percent of their welding income. That is a significant portion of their business. That person loses $40 an hour. They do not want to lose $40 an hour. For overtime, they lose $60 an hour. They do not want to lose that. But the business can make arrangements for them to get flextime and comptime so that they can still have the time off, the revenue still comes into the business.

More importantly, the paycheck comes to the individual. They want flextime. They talked to her about flextime. Marjorie wanted them to have flextime. She allowed flextime, and then found out that she couldn't have flextime, that she couldn't have comptime, that she could not offer this benefit to the people that worked for her. Jackson has some Federal employees. Those Federal employees get this. But these guys that weld can't have it not because the business doesn't want to give it to them, but because we have a law against it. And that is not fair.

I have listened to the debate as we have gone through this topic. I am a certified professional in human resources. The Society of Human Resource Management, a national society, does education and testing in all of the areas of human resource management. When you complete the course and the testing, you can be certified as a professional in human resources. I have been through that process. They do an outstanding job of keeping track of the problems in the workplace. These are, for the most part, employees. I am not talking about employers. They are employees, employees who want benefits as well. And they see this as being a critical issue for the hourly worker in the workplace, a way for that worker to have more capability in their own scheduling.

Everybody recognizes that this bill has provisions in it that both the employer and the employee have to agree to before it can be done. It isn't the case of forcing the employee to do it. It isn't the case of forcing the employer to do it. I am telling you, there are businesses across this Nation that want this and want it badly. And it is usually the employees that bring the idea to the employer and say, ''Why can't we do this?'' You know, they just do not believe that, since they know that the Federal employees get to do it. They just do not believe the employer when he says it is against the law.

One of the biggest things raised in the hearing that we had was, ''Well, you can be paid for your hours anyway. Then you can save that money from being paid for your hours, and when somebody gets sick, if there is a soccer match, if you want to go someplace, or if you want to have an anniversary, or any of those great things that people would like to have time off to do, then you can use this money that you save.''

I ask you, how easy is it for you to save? It is pretty difficult. A lot of the people out there in the work force that we are talking about are women. They have gotten into the workplace because of some of the things that we have done back here. They have gotten into the workplace because of the way that taxes have gone up in the United States, the way that inflation has gone up in the United States.

We have a situation now where in most families both people work. One of

them works to pay the expenses, the other one works to pay the taxes.

So it is not an option on whether they work or not. We asked a lot of women through the process in this thing why they didn't just bank the money and then use that money when they needed time off. And every one of them said to me, ''When it is time that I am banking, it is mine. I can use it for my family. But if I accept that paycheck, if I take the money, that is the family's money. It has to go for all of those family expenses. And there are always family expenses.''

But another unique part about this bill is that you can bank the hours and you can take the money. I don't know very many families in this country that do not come up with emergencies once in a while. If you have hours banked, there is a provision in this bill to be able to cash it in. So when the refrigerator breaks down and you don't have any alternative but to buy another refrigerator, even though it means putting off that vacation that you had planned, you can take some of the hours you have banked and cash it in.

So they see this as a way to bank money for emergencies and to have time for themselves, time for themselves that they invest in their family. They really want to go to the soccer match. They really have to go sometimes to take their kids to the dentist. They like to celebrate those anniversaries. And this is a bill that allows it.

The biggest complaint that I have heard about this bill is that there is a cap on the number of hours that they can have, a limit. And they say, ''Why do you have a limit on that—240 hours? Maybe my boss wants me to be able to bank more hours and maybe I have a bigger event than 240 hours.''

So that is a complaint on it. We are not even proposing that be changed. But we are asking for some consideration of the bill.

The American workplace is dramatically different than it was 60 years ago when Congress passed the Fair Labor Standards Act of 1938. We have all heard the stories about the dirty thirties from our parents. So I don't have to repeat them here.

I will, however, illustrate how nice it was for Congress to pass that Fair Labor Standards Act to specifically address the numerous problems that existed back then. Cheap labor was abundant. Folks were awfully hungry for work. And there were many employers who took advantage of a bad economic situation. The 40-hour workweek did not exist. Overtime did not exist. Child labor was being exploited. There were some problems that stemmed from the trends of that era.

Under the circumstances, Congress acted, and acted appropriately, by passing the Fair Labor Standards Act. We are never going back to that. There is no suggestion of ever going back to that. But there is fine tuning that needs to be done.

It is important to illustrate how times have changed since the 1930's and why it is the responsibility of Congress to legislate for the present with the future in mind. As a certified professional in human resources, I have had the exhausting and daunting task of filling out the federally mandated forms and paperwork. I have worked one-on-one with my employees to try to meet their needs. Through it all, I have always found my employees to be well schooled and extremely intuitive. As a result, they inherently understand how the modern workplace functions. And the smaller the business, the better they understand how it works, the more connected they are to realizing that the success of that business and the time they spend there means their job and the way they work there means their job. They don't need someone to hold their hand and show them the way things work. That might have been the case 60 years ago.

I certainly don't view employee knowledge as a problem, but rather welcome it as an important addition to the mix. Employers have every reason to reward employees who clearly understand how to use their time in the workplace to its full advantages. America's working parents want to decide for themselves whether or not they want overtime or paid time off. This is a modern day reality that requires a modern day legislative fix. This act does not eliminate overtime pay, nor does it eliminate the 40-hour workweek. That kind of talk is simply nonsense. These things will stay just where they are, and the Family Friendly Workplace Act guarantees that.

Before coming to the Senate I was the owner and operator of a small business for 27 years. Folks in Washington, of course, have a completely different sense of what constitutes the small in small business. I have had several discussions back here about whether a small business is 500 employees or 125 employees. I can tell you that is not even close anywhere in America. A small businessman is one who sweeps the sidewalk and cleans the toilets and waits on customers. He does it all. He has to do it all.

We held a small business hearing in Casper, WY, early this year. I was real pleased to have the honor of chairing that in Casper. We had about 75 to 100 people show up for that, rotating out and others rotating through. When it was over, one of the news media people said to me, ''How come you didn't have a better turnout?'' I said, ''That was a great turnout for a daytime hearing.'' Because we are talking about small businessmen. Quite frankly, they are different than big business because in small business, if they had one person that could take off for that day to just listen to a hearing, they would probably fire them because it would be one too many people. That is small business.

So that illustration is radically different from that of a big business that has the financial and the employer resources to institute very sophisticated job training and flexibility problems that sidestep the Fair Labor Standards Act of 1938. And that is being done now. There are ways, very complicated ways. But if you can afford the attorney fees and have the specialists, you can provide this for some of your employees—not all of them. But this bill will allow the small business person to have the big business advantage, that extra flexibility.

Sadly enough, small businesses are further behind under the flexibility of this 60-year-old antiquated law. That is a further reason for passing the Family Friendly Workplace Act. Personal computers, high-speed modems, cellular phones, pagers, and fax machines have all become commonplace in small business. Moreover, these popular commodities have paved the way for telecommunicating, telecommuting—a work environment that could not have been envisioned 60 years ago.

While the number of working women in our country continues to rise, so does the number of telecommuters and in-home businesses. A lot of businesses are being started in the home. Then when they expand bigger than the home can handle, they become an outside business. But there are a lot of them working in the home that will be the future successes in this country. It will be the future opportunity for people who want the American dream. They will start a small business in their home. It is happening because of the growing trend of spending more time at home with our families. If they telecommute, they don't have to spend an hour each way driving.

That is part of the flexibility. That is something that the modern age has provided us. It is impossible to bottle up workplace flexibility. But we have an antiquated law that is suggesting that we can. That is why it is so important to modernize this archaic Federal law that squelches any chance of giving American hourly workers more time at home with their kids, a true investment in our Nation's future.

Congress must legislate with the times to provide the opportunities for our Nation's parents to make that investment. It is often the case with a lot of families that both parents work. They do this, and they do it happily because they have to meet the bills. They also do it because they cannot get extra hours off from the job the way they would really prefer to do it unless they work for another business as well. If they work two jobs, they don't get any overtime. But a lot of them work two places. They don't get comptime. They don't get flextime. They don't get overtime.

This unfortunate trend in the business world can be addressed by providing this workplace flexibility with the choice of paid time off for flextime.

Times have changed and the Fair Labor Standards Act of 1938 does not permit employees to choose between

paid time off or overtime pay. My experience is that there are a lot of people out there who know that if they take the money, they will spend the money. They want the time instead. I also found that fact to be more prevalent among women in the work force. They feel the need for the time to spend with their children, and they understand that money belongs to the family. They have a much stronger family belief than most of the men I have worked with. So they prefer to take flextime or comptime and use that for themselves or their family.

One of the businesses I worked for often had additional assignments that employees could take on, if they chose to do so. When we asked if the employees wanted additional work, they said ''yes,'' if they could have time off the following week with compensation, but if they could only choose to be paid, they didn't need it. They would rather have the time off this week than to take the money next week. We explained to them that they had the capability of taking the overtime pay, not working the following week, and spending that extra pay that week. But somehow those paychecks don't get distributed at home quite the same way they do on paper or here.

I am hoping that everyone will reflect a bit on the trends that our modern work force is talking about and not the mandatory things that seem to be implied by this legislation imposed upon us. The downsizing problems today are leading to less flexibility as well as families making less money than if they were doing the job they preferred to do, not the second jobs they are having to do without getting overtime because it is a second job. There has been a tremendous increase in temporary positions in this country. This has taken flexibility away from the families. It has taken money away from the families. This a modern day problem that requires a modern day solution.

This matter cannot possibly be addressed by legislation that we have crafted to address the problems of the 1930s. We have taken care of those problems. We are not going back to that situation. But we need to adjust for the future. Indeed, our society is constantly driven by changing trends. I can comfortably argue that our society is one of the most trendy in the world, a fact that has kept America on the leading edge of technological innovation. We have been at the peak in technology and at the tail in taking care of the hourly worker.

I hope that before people begin making up their minds on this bill, they will take a close look at the language and what it really calls for rather than relying on misstatements, and I see those misstatements in the paper from time to time, misleading statistics, partisan posturing. Read the bill. Ask for a copy of the bill. Read the bill. It is amazing.

Our Nation's work force is calling for this much-needed change. I again urge my colleagues to support the Family Friendly Workplace Act. Bring this to a vote. Give the hourly working people of this country the opportunity to choose how they want to work, the way that they want to choose to help their families.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 265, AS MODIFIED AND AMENDMENT NO. 256, AS MODIFIED

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Gorton amendment, amendment No. 265, be modified with the changes that I now send to the desk. And I further ask unanimous consent that the Grassley amendment, amendment No. 256, be modified as well with the changes that I send to the desk.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 265

Beginning on page 10, strike line 7 and all that follows through page 10, line 16 and insert the following: ''time; respectively, by subsection (o)(8).''.

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO PUBLIC SAFETY 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) In a case in which an employee described in paragraph (1) is engaged in work in a public safety activity, the provisions under subsection (r)(6)(A) shall apply to the employee and the public agency employer, as described in paragraph (1), of the employee to the same extent the provisions apply to an employee and employer described in subsection (r)(2)(B).

''(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to a public safety employee described in subparagraph (A) to the same extent the remedies are made available to an employee described in subsection (r)(2)(B).

''(ii) In calculating the amount a public agency employer described in subparagraph (A) would be liable for under section 16(f) to a public safety employee described in such subparagraph, 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 TO 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.

AMENDMENT NO. 256

At the end of the substitute amendment, 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. 207(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.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

BAD SCIENCE AND BAD POLITICS: THE NEED FOR REGULATORY REFORM

Mr. LOTT. Mr. President, these days, just about every aspect of our daily existence is regulated in some way by the Government. And in most instances, it makes sense because we must protect human health and the environment. We would all agree that food and drugs should be inspected, work conditions should be considered and safety measures must be enacted.

On the other hand, the Federal regulatory system is notorious for producing top-down, one-size-fits-all regulations that are often inefficient and ineffective. These regulations impose tremendous costs on business and industry, increase the costs of goods and services and reduce economic growth. Most importantly, too many regulations fail in what they are trying to do.

As I look more closely at the patchwork of regulation this Government has created in the last few decades, however, I see regulation for regulation's sake. We are witnessing an eruption of regulation based on inaccurate science, poor judgment, and bad politics. Most shocking is the fundamental lack of trust in the ability of the American people to take responsibility for their own actions.

I think it's time we returned to the basics, Mr. President. The central goal of regulating is to significantly protect human health, safety or the environment. When held to this standard, many regulations fall short of the mark. So how do we get from here to there?

First, agencies must begin issuing regulations based on sound science. This means one thing—that any Federal regulation issued must be justified by solid science. This principle sounds very simple, but many agencies have become obsessed with the power to regulate, forgetting that there must be sound scientific reasoning behind their action.

The time has come to raise the level of debate. No longer can agencies be allowed to dream up and order a regulation without genuine oversight or input from the outside scientific world. I know that the more informed Congress is about an issue, the better public policy decision we will make. The same should be true of regulatory agencies. With so many experts in the academic, Federal and private sectors, it is a shame to limit the scope of debate to one elite group of scientists. I have heard some agencies claim that their rulemakings are indeed reviewed by outside experts, but a closer look reveals that these objective scientists are not completely independent. I do not think it unreasonable to ask that there be some consensus among truly independent outside scientific experts as to the proper course of action before issuing a rulemaking.

The bottom line is that, to effectively regulate, agencies should not issue rules based on anything but honest, peer-reviewed science. Period.

Second, agencies must learn to correctly assess risk. Beginning with sound science, agencies should look at the real world risks of a situation, recognizing that not every risk is avoidable. Sometimes I think that these agencies are on a mission to create a 100 percent risk-free, accident-free—possibly industry-free—world. They also need to acknowledge that all risks are relative. Regulating small risks can have adverse side effects, resulting in greater risks and less protection. We should focus our efforts and our resources on the greatest risks.

Agencies should also realize that exposure to a chemical doesn't automatically present a risk or indicate a cause and effect relationship. The risk associated with a given dosage level should be examined. Where exposure to a truckload of almost any toxin poses a significant risk, in most cases, an extremely diluted version may not present any danger at all. Regulators should be sensitive to risks as they relate to dosage instead of assuming that any contact with chemicals presents too great a danger. Too often, regulations are issued based on a better safe than sorry mentality. This can leave us less safe and considerably sorrier.

In closing, Mr. President, I reiterate the dire need for regulatory reform. The invasive regulatory hands of Government are slowly choking the life out those whom they seek to save. Let's get back to the basics. Using sound, peer-reviewed science, agencies should make a valid assessment of real world risks and determine a solid cause-and-effect correlation before taking action.

I am committed to enacting regulatory reform in the 105th Congress. I welcome the input and support of my fellow Senators.

AMERICAN AUTOMOBILE ASSOCIATION LIFESAVING MEDAL

Mr. LOTT. Mr. President, I am proud to announce to the Senate today the names of the four youngsters who are recipients of the 1997 American Automobile Association Lifesaving Medal.

This is the highest award given to members of school safety patrols throughout the United States. It is presented annually to students, who, while on duty took heroic lifesaving actions to save the life of a fellow student from imminent danger.

I would like to briefly describe the heroic actions of these four young citizens.

The first two honorees hail from the State of Ohio. On February 28, 1997, Leawood Elementary School Safety Patrol Captain Surmel D. Cummings and Patrol Edwin H. Berry were assisting students on their way home. Surmel noticed a 6-year-old boy and his 8-year-old cousin walking close to the westbound on-ramp for I–70.

The cousin was trying to prevent the 6-year-old from climbing over the guardrail next to the on-ramp. Surmel ran over to the two boys and tried to hold the 6-year-old. The boy began hitting and kicking Surmel. Edwin ran to help his partner. The 6-year-old broke loose from Surmel and scrambled over the guardrail. He was now confronted by the fast-moving cars on the on-ramp. Surmel told Edwin to try to get the 6-year-old back across the guardrail while he returned to the school to get help.

When a car driver started blowing his horn, the 6-year-old covered his ears and turned his back toward Edwin. At that moment, Edwin grabbed the 6-year-old and pulled him back across the guardrail to safety. This was a great team effort by both of these two young men.

The State of Indiana can be proud of the next honoree.

While on duty on December 6, 1996, Shambaugh Elementary School Safety Patrol Marcus A. Morgan, noticed a 6-year-old girl running alongside a van. This vehicle had just dropped her off and was pulling away from the curb. Marcus yelled for the girl to stop chasing the van, but he quickly realized the girl's string was caught in the van door. She then fell and was being dragged by the van.

Marcus raced after the van, shouting for the driver to stop. he ran to the passenger-side and banged on the window to get the driver to stop. The van kept moving so he ran to the driver-side window to get the driver's attention while a parent banged on the passenger-side window. The driver finally stopped after 54 feet. The girl was not