

the things that makes it hard, because you are projecting out and the science is not just perfect itself.

But I will make almost a plea to the other side of the aisle: We have a week. The stakeholders, the people who are affected, the various constituents—they know because I said months ago that we were going to do this—are around this week. If it is an argument over whether I personally haven't spent enough time with either the Democratic leader or others, we will spend the time. The stakeholders are here. Senator SPECTER spent so much time and he has done a tremendous job. Senator HATCH has. And Democrats and Republicans.

Why don't we take this week, which I set aside weeks ago and said we were going to have a week—let's put everybody in a room. There are rooms here in the Capitol right now—right now. Take some Democrats, take some Republicans, take mediators, take Judge Becker, take our staff—us. There are rooms right now.

Again, I said starting yesterday we have 5 days to resolve the problem. In truth, each one of these issues—this particular bill people worked on 360 days. It was marked up in the committee before. It has been improved again with Democratic and Republican input. It can be improved more.

I have told everyone from day one the modifications Senator HATCH, I, and others have made with input of labor and others are still not perfect, but until we bring it to the floor of the Senate or until right now, today, over the next 8 hours today, 12 hours tomorrow, 12 the next day, and 12 the next day, I am convinced we can resolve the differences. All this talk about being excluded from meetings or not, we have rooms in the Capitol; the "person" power is here. People are prepared to debate. As I said in my opening statement, nobody is stuck on particular clauses or amounts.

I suggest—and that is a reason I called this morning, about 10 minutes before we started; I knew he was in the leadership meeting—over the course of today we figure out a process by which we can come to resolution of the problem we all know exists, that we have bipartisan support on fixing, have some process outlined. I would say we start today because I said 2 weeks ago it would be this week, that we would take a week, so this is no surprise. I went through my statement. I was on the floor of the Senate November 22, March, April, the day before we left. I told everybody it would be this week. People are here—if they are not here, they can get here by tomorrow—to sit down and go through the issues.

I respond to the Democratic leader's comments that we have a shot. We have a responsibility of addressing this issue. We only have 79 legislative days left. To put this off further is not going to be the way to do it. We need to start to put our heads together and put together a process to do that and fix the system we know has run amok.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I am pleased the majority leader came back to the floor to reiterate his desire to find a solution. It will take more than just reasserting over and over that we want to find that answer, that compromise, that legislative approach that will generate the kind of support in the Senate that is possible.

It takes what he just said. It will take a willingness to meet, a willingness to work through these issues. That is my frustration. I truly believe the majority leader is sincere when he says he wants to find a way to solve the problem.

What I don't feel has been done, except in the offices of the good Senator from Pennsylvania, is that concerted effort to try to address these issues in an inclusive way. That has been done, but it has been done in large measure by Senator SPECTER, not by the leadership.

We are prepared today, tomorrow, tonight. We will be happy to meet, as I have offered to do on many occasions. The sooner we do it, the sooner that opportunity for resolution can be achieved.

I yield the floor.

Mr. FRIST. If the Democratic leader will yield for a question, if we start right now and we work through today, Wednesday, Thursday, and Friday on issues we debated and talked about—a lot of people are a lot more expert than me—why can't we do that? Why can't we resolve this huge problem? If we send it off to never-never land for an unlimited period of time, this will not come back. I know that. This is the fourth date I have set as a final date that we will come in just for consideration, so we can get on the bill. Even if we were on the bill, talking about the merits of the bill, debating it, we can be having discussions with Democrats and Republicans. I ask that Senator LEAHY and Senator HATCH also be in the room as well.

Now is the time. Now is the time for action. Would that be possible?

Mr. DASCHLE. If the Senator is asking me a question, I respond by saying, absolutely. But let me give him one illustration of my skepticism about his question.

There must have been now, as he said, 20—maybe more—staff meetings over the course of the last 6 or 8 months. As he and I discussed this matter and as our staffs discussed this matter, attention has turned to the compensation trust fund. We were absolutely startled, surprised, deeply troubled by this remarkable movement away from the trust fund number the committee had included: \$153 billion. The pending bill has \$109 billion.

My staff and I have both asked staff of the majority leader on several occasions, Is there a way to find a reasonable number? We have been stonewalled every single time when that issue has been discussed. It has

not been discussed. It is not even discussable on the other side.

It does not do any good to sit and look across each other at the table if we cannot have a meaningful discussion about some of the differences we have. If all we do over the course of the next week is to say this is our number, with some expectation that maybe by saying it 100 times we will concede that then has to be the number, this will be one of the most fruitless experiences he and I will have had in our time in the Senate.

So yes, there has to be a willingness to meet; but if those meetings have meaning, there also has to be willingness to negotiate. Frankly, we have not seen much of that except in the Specter meetings. Again, I am hopeful we can finally move off these hard positions and find some common ground. If that can be achieved, then, yes, I think this week could be a productive week.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I think we need to get on to our morning business as we go forward. Hopefully, our colleagues have seen this play out. Both the Democratic leader and I are committed to this. We will have to have a process to get through it. I am absolutely convinced we can do it this week if we get the appropriate process. He and I will talk, the leadership will talk, and talk to the relative parties over the course of the day. I hope by the end of the day we will figure out what the process will be that would be fair and appropriate negotiation, to come to a resolution for the American people.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the period of the transaction of morning business for up to 60 minutes, with the first 30 minutes of time under the control of the Democratic leader or his designee, and the final 30 minutes of time under the control of the majority leader or his designee.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I am recognized for up to 10 minutes.

The PRESIDING OFFICER. Fifteen minutes.

Mr. HARKIN. Mr. President, I say to my friend from New Jersey I will not take that long.

#### CONGRATULATIONS TO CHERI BLAUWET FOR WINNING WOMEN'S WHEELCHAIR DIVISION OF BOSTON MARATHON

Mr. HARKIN. Mr. President, I want to talk about the news this morning about the issuance of the proposed final rules on overtime. Before I do that, on a more happy note, I note that an Iowan, of whom we are all very proud, Cheri Blauwet, from Larchwood, IA, crossed the finish line of the Boston Marathon yesterday in 1 hour 39 minutes 53 seconds to win first place on the

women's side in the Wheelchair Division of the Boston Marathon.

Last year she finished second. This has added to her long list of accomplishments as a wheelchair competitor in races. She is a three-time Paralympic medalist. Again, she won the Boston Marathon yesterday.

As I said, Cheri Blauwet, whom I know well, is from Larchwood, IA. She is now a medical student at the Stanford University Medical School. We are all proud of Cheri and wish her the best as she continues to win more and more marathons.

#### PROPOSED FINAL REGULATIONS ON OVERTIME

Mr. HARKIN. Mr. President, the news reports of this morning are that the Department of Labor will shortly publish the final regulations regarding changing the overtime rules that have been in existence since 1938.

Frankly, given its past track record, the Bush administration is simply not trustworthy on this issue. This administration has gone out of its way, time and again, to undercut working families' rights to time-and-a-half pay for overtime.

Now, it is possible that the administration has had an election-year conversion on overtime, but I hope you will pardon me if I remain a little skeptical. I will remain skeptical until I see the regulations and have a chance to analyze them and read the fine print. I have asked the Department of Labor to provide me with a copy of the regulations this morning. I am eager to see them as soon as possible. As of a few minutes ago, they still have not been posted on the Department of Labor's Web site.

Let's be clear about one thing: The draft regulations that came out a year ago were a radical rewrite of the Nation's overtime rules and a frontal assault on the 40-hour workweek. Millions of American workers were slated to lose their right to time-and-a-half overtime pay as a result of those proposed regulations.

Since passage of the Fair Labor Standards Act in 1938, overtime rights and the 40-hour workweek have been sacrosanct, respected by Presidents of both parties—until now.

This administration rammed through these new regulations a year ago without a single public hearing. It has dismissed public opinion polls showing Americans' overwhelming opposition to changes in overtime law. The White House brushed aside the will of the Senate and the House, both of which voted in support of my amendment last year to block implementation of these new rules.

There is no question the proposed new rules will hurt job creation. If employers can more easily deny overtime pay, they will simply push their current employees to work longer hours without compensation. With 9 million Americans currently out of work, why

give employers yet another disincentive to hire more workers?

Again, while a limited number of low-income workers technically were given the right to overtime pay—and that base was increased—at the same time, the Department of Labor also gave employers advice on how to avoid paying overtime compensation to the lowest paid workers. So the administration gave on the one hand and took it away with the other.

The Department of Labor is poised to issue its final regulations. But I can assure you, this will not be the final act. We will be back. I look forward to reading them. We will look over the fine print, as I said.

For example, last year when the proposed regulations came out, it took some months before everything came out about how bad these proposed regulations really were. So we are going to go over these proposed regulations and take a look at them.

But I know the administration yesterday and in a press report today said this is a good deal; they are going to expand the eligibility for overtime pay; this is going to include more people. Well, we heard the same kind of "happy talk" a year ago when they first put out the proposed regs. However, public exposure showed the real facts of the proposed regulations. Up to 8 million Americans were going to lose their right to overtime pay. Again, it is just one in a series of assaults on working Americans by this administration.

Again, if you look at this chart, the red line is what the White House forecast for job creation for 2002. The blue line is what they forecast in 2003. The purple line is what they forecast for 2004. Here is where we really are down here with the green line. So this is "happy talk." The administration says, oh, they are going to forecast more jobs. It is all going to get better. But the facts are not so. Job creation has stayed stagnant. So when you hear all this "happy talk" about how these final new regulations on overtime are going to be so wonderful for everyone working in America, take a look at this chart. It is just more "happy talk."

We will look them over. But unless this administration has done almost a complete revision of what they proposed, we are going to still be back on the Senate floor asking that these rules not go into effect, and we will have a vote on that.

Finally, I think an article by Bob Herbert in the New York Times of April 5 says it all: "We're More Productive. Who Gets the Money?" What Mr. Herbert points out in his article is that an awful lot of American workers have been had, fleeced and taken to the cleaners, as he said. He said:

... there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs.

He said: What happened to all the money from the strong economic growth? Well, he said:

The bulk of the gains did not go to workers, "but instead were used to boost profits . . . or increase C.E.O. compensation."

Well, it is the first time on record where the bulk of the increase has gone to corporate profits and not to labor.

Mr. President, I ask unanimous consent this article of April 5 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 5, 2004]  
WE'RE MORE PRODUCTIVE. WHO GETS THE MONEY?

(By Bob Herbert)

It's like running on a treadmill that keeps increasing its speed. You have to go faster and faster just to stay in place. Or, as a factory worker said many years ago, "You can work 'til you drop dead, but you won't get ahead."

American workers have been remarkably productive in recent years, but they are getting fewer and fewer of the benefits of this increased productivity. While the economy, as measured by the gross domestic product, has been strong for some time now, ordinary workers have gotten little more than the back of the hand from employers who have pocketed an unprecedented share of the cash from this burst of economic growth.

What is happening is nothing short of historic. The American workers' share of the increase in national income since November 2001, the end of the last recession, is the lowest on record. Employers took the money and ran. This is extraordinary, but very few people are talking about it, which tells you something about the hold that corporate interests have on the national conversation.

The situation is summed up in the long, unwieldy but very revealing title of a new study from the Center for Labor Market Studies at Northeastern University: "The Unprecedented Rising Tide of Corporate Profits and the Simultaneous Ebbing of Labor Compensation—Gainers and Losers from the National Economic Recovery in 2002 and 2003."

Andrew Sum, the center's director and lead authority of the study, said: "This is the first time we've ever had a case where two years into a recovery, corporate profits got a larger share of the growth of national income than labor did. Normally labor gets about 65 percent and corporate profits about 15 to 18 percent. This time profits got 41 percent and labor [meaning all forms of employee compensation, including wages, benefits, salaries and the percentage of payroll taxes paid by employers] got 38 percent."

The study said: "In no other recovery from a post-World War II recession did corporate profits ever account for as much as 20 percent of the growth in national income. And at no time did corporate profits ever increase by a greater amount than labor compensation."

In other words, an awful lot of American workers have been had. Fleeced. Taken to the cleaners.

The recent productivity gains have been widely acknowledged. But workers are not being compensated for this. During the past two years, increases in wages and benefits have been very weak, or nonexistent. And despite the growth of jobs in March that had the Bush crowd dancing in the White House halls last Friday, there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs. There are fewer payroll jobs now than there were when the recession ended in November 2001.