Mrs. HUTCHISON. In fact, the majority of the Republican Senators and two-thirds of the whole U.S. Senate.

Mr. COVERDELL. And a majority of the other side of the aisle?

Mrs. HUTCHISON. That is correct.

Mr. COVERDELL. My point is, how much more bipartisan? We don't see that happening here very often. So the emergency relief and all of its provisions, the guarantee you talk about to keep the Government from shutting down, was voted for by the leadership, Republican, Democrat, by the majority of both sides of the aisle, and the President says the Congress is playing games with emergency relief? It seems a little incongruous to me.

Mrs. HUTCHISON. I can certainly understand why the Senator from Georgia would be a little confused, when Republicans produced a bill that gave the President everything he asked for the Federal Emergency Management Agency, for Bosnia, and for all these other programs that are being replenished for the administration. I can understand why he would be confused that the President would veto the bill and accuse Republicans of playing political games. That is confusing.

In fact, I have to say I think the President needs to step up to the line and say what is unreasonable about providing for the orderly process of Government, the orderly appropriations process, telling people what to expect if there is not an agreement on September 30 between the President and Congress. There are no hammers, there is no fear on the part of Government employees or veterans or people who are counting on paychecks coming on time. What is wrong with providing for that? We are not cutting back on what people are getting now. We are just saying, let's provide a level playing field here. Let's negotiate in good faith. And if the President does not want to do that, if the President wants to shut down Government or wants to have a hammer over Congress' head, wants to have some artificial shutdown of Government at his disposal, I would like for the President to explain to the American people why. Why? Because if we do not pass this now, then people will not know what to expect. Government employees will not know what to expect, veterans will not know what to expect. We may not pass an appropriations bill on which this could be put, as a matter of process, for months to come.

I think this is the responsible approach to take so everyone understands. If the President disagrees, tell us why. Tell us why you want to shut down Government, Mr. President, or you want people to be in fear of shutting down Government, or you want a hammer over Congress' head in order to have some sort of advantage. I mean, what is it? What is it that would cause you to veto a bill that you say is so important to you, for disaster relief and other supplemental appropriations, when, in fact, all you have to do is sign the bill?

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, I think the responsibility lies in the White House. The Congress has done its job. I would appreciate the President stepping up to the line and saying what is so bad about having a process which everyone knows, right now, and can plan for, an orderly, responsible transfer between fiscal years. I would just like the President to step up and say what's wrong with that. We ask him to do that today.

We want him to provide the relief he has asked for. And, Mr. President, Congress has done its job.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas. I think she is absolutely on point. Getting the emergency relief where it needs to go, protecting its ability to do its work, is in the President's hands now because Congress—particularly here in the Senate, but the House as well—has sent a broadly based, broadly agreed-to document to the President. So, if it doesn't move on to the people who need it, the President will have to accept that responsibility.

THE FAMILY FRIENDLY WORKPLACE ACT

Mr. COVERDELL. Mr. President, for the next 15 minutes or so, since we are talking about vetoes, I would like to talk about the Family Friendly Workplace Act, S. 4. This is a piece of legislation that has been authored by the good Senator from Missouri, Senator ASHCROFT, myself, and others. It is designed to make the workplace a friendlier place, a more flexible place. Lo and behold, in the middle of the debate, the President has announced to the country he would have to veto this bill, which is as puzzling as his veto of this emergency relief. He has said he would have to veto the act. We have had a filibuster underway on this Family Friendly Workplace Act. We have tried to break the filibuster twice and have failed to do so because of the supporters of the President on the other side of the aisle.

If you want to know what the American public thinks about this kind of legislation, you just need to go talk to them. In a survey for Money magazine in May of this year, 64 percent of the public and 68 percent of women would prefer time off to overtime pay if they had the choice, which they do not. The Federal workers, since 1978, have had this choice, but not these hourly laborers. If they had the choice, they would prefer time off to overtime pay. That is what the Family Friendly Workplace Act is about. It is about giving employees and their employers the voluntary—underscore voluntary—option to design programs to meet this desire.

A Penn & Schoen survey found that 75 percent support the choice of time off in lieu of overtime pay. President Clinton's own Labor Department has reported that help in balancing the needs of work and family is the No. 1 need among working American women. You would think, given what we have seen and the stress that is being pounded upon the average American family, we would be stepping forward with legislation such as S. 4, and trying to create a system in the workplace that allows these working families to meet their special needs and to adjust the time they need to juggle between family and the workplace.

Mr. President, I see we have been joined by the distinguished Senator from Wyoming, who has been an advocate of the Family Friendly Workplace Act. I yield up to 10 minutes to the Senator from Wyoming, to share his thoughts on this legislation with us.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Thank you very much, Mr. President. I thank my colleague for arranging this special order.

It seems to me that this is something that is very important. I have watched this discussion with great interest, having had some experience in small business, and, I must confess, I have been very surprised by it. It seems to me that over the years, particularly the last 2½ years, we have spent in this body a great deal of time talking about making things more family friendly. We have talked about how we could provide more time for families to share in the schooling of their youngsters, to share in their communities, to share in the things that make communities strong, and to work that in to our professional lives.

Then comes a proposal to do that which allows for flextime, which allows for comptime, and we find suddenly a great deal of opposition. That is a puzzle to me. As I mentioned, I have been in a small business where you don't have many employees, and I recognize from the employer side that there has to be some communication, because you may not be able to spare someone for a certain length of time. On the other side, I think it is equally or perhaps even more important that the employee is not forced by the employer to take the time differently than they would like to. But it is my understanding and my belief that in this bill those things are protected, that it is a cooperative agreement between the employer and the employee, to come to these conclusions.

So I was very disappointed. Even though I haven't spoken a great deal on it, I was very disappointed last week when we didn't get enough votes to vote cloture. There certainly are enough votes to pass the bill. I am disappointed that the White House has apparently indicated the President will not sign the bill, largely as a result of the labor unions to which the White House is so sensitive. This Family Friendly Workplace Act would help working Americans do the things—the

very things—that the President has been talking about and made an issue of in the last election and since. And then we find there is opposition to it.

Most Americans, I believe—the Americans that I have talked to—do, in fact, want flexibility in the workplace, would like to have the opportunity to be able to make some adjustments. We have a business in our town of Cheyenne. It is called Unicover. They are the ones who put out first-day stamps, first-day covers. The owner testified before the Senate Labor Committee a few months ago. His employees came to him and asked for comptime/flextime so there could be some arrangements. He wants to offer that to his employees but cannot, of course, until S. 4 is passed. I suppose this has been said—in fact, when you are discussing an issue like this, everything has been said—but the May 1997 survey from Money magazine found 68 percent of working women would prefer comptime to overtime pay. The Labor Department has indicated that it would help in balancing work and attention to the family, which is the No. 1 issue for working American women.

So I am truly puzzled by the opposition to it, and I can only imagine that it is simply a political opposition brought on by the opposition of the labor unions to it, which surprises me as well, because certainly union leaders and union members want to do something with their families as well.

Americans need the flexibility in the workplace if we are to accomplish the things that we want to, if we are to accommodate the fact that more and more women, more and more mothers are in the workplace and, therefore, since both family members often are working that there does need to be flexibility.

Our current laws go back to 1938. Most jobs were in manufacturing; very strict. One-payroll families were the norm. That has obviously changed to where now two-payroll families are, indeed, the norm. In 1938, 16 percent of the women with children worked outside the home; in 1997, more than 70 percent work outside the home.

This Family Friendly Workplace Act creates new choices for employees and employers. By mutual agreement, they can agree to substitute some alternatives for overtime, some alternatives to the 40-hour operation. They can take time off to do the things that they need to do or bank some hours with comptime. Federal workers, I understand, have enjoyed this flexibility scheduling now for nearly 20 years, and they can do that. Why not the rest of the working community? S. 4 protects workers' rights, and that is important, very important. Penalties for direct or indirect employer coercion are doubled from current law. Accumulated comptime may be paid in cash by year's end.

So, Mr. President, I hope that we intend to continue to push, continue to address S. 4 in this Congress and, hopefully, get the bill passed. It meets the realities of the modern-day workplace, it meets the needs of modern-day families, and is something that I think is very favored among people in this country.

It is a little frustrating sometimes to find this kind of dilemma that we are caught up in this week, quite frankly, a situation where if a bill doesn't suit the President, it has to bring us to a standstill. After all, the President is not a king; the President doesn't run the country. He has to give as well as the Congress. That is what this is about. Here we find another that is very similar.

I hope that we find some areas of agreement that will allow us to put into place S. 4 and protect the rights of workers, protect the opportunity for options, protect the opportunity for families to have a friendly workplace. I hope we do it very soon.

Mr. President, I thank my friend for this time and for his work and that of the Senator from Missouri on this bill. It has been exemplary. Thank you very much. I yield the floor.

Mr. COVERDELL. I wonder if the Senator will yield for a moment.

Mr. THOMAS. Sure.

Mr. COVERDELL. It is sort of ironic that this Monday afternoon we are beset with Presidential vetoes or threats to veto. He has indicated that he will veto the Family Friendly Workplace Act if it includes flextime, which is what I think most of us feel is among the more important features, to allow working families to adjust their time.

The Senator from Wyoming has talked about compromise, but I just want to reiterate and try to get your impression. Don't you find it unusual that the only thing we have been met with here is a filibuster, and that if you are really interested in creating a family workplace work environment, wouldn't you think we would be getting suggested new language or something that might compromise, instead of sort of a straight-arm and voting down attempts to end the filibuster?

Mr. THOMAS. I say to the Senator, I think that is curious. If you have an issue where you are on different sides of the issue and opposed to one another, then you get this kind of thing. But here is one where, if you went around and talked about opportunities to have some choices in the workplace, if you talked about a way to allow people to have some flextime with their families, everybody would agree, nobody would disagree with that.

So it is strange that having that as the premise, having that as the basis that we find instead of searching for a way to make it work, as you say, it becomes an absolute stoppage of anything happening. It is curious, and I am surprised. I guess that is why I am here expressing some surprise in the way this has turned.

Mr. COVERDELL. I thank the Senator from Wyoming. As usual, he has contributed substantially to the discussion.

Mr. President, in my opening remarks, I spoke of the percentage of working women who would prefer time off to overtime pay if they had a choice, which they don't. That is what we are trying to create here.

I read this very interesting article from the Radcliffe Public Policy Institute, ''Work and Family Integration.'' It is very interesting. It says:

> Economic changes have direct consequences on work and family life.

That says it all. I have been arguing for the better part of 2 years now that when we talk about American culture and what is happening in the American family, we tend to point fingers to who is causing the trouble, and Hollywood gets a pretty good dose of it. But I don't think Hollywood holds a candle to Uncle Sam. Uncle Sam has put so much economic pressure on the working families that it has dramatically changed the nature of the way these families function.

It goes on to say:

> It is increasingly common for all adult family members to spend a greater number of hours at work in order to make up for declining median family incomes to fulfill personal career goals or to cater to growing workplace demands.

Again, I would argue, that while the median family income has declined, the biggest culprit in absorbing those median income salaries is the Government. In fact, by our analysis in Georgia, an average family today forfeits 55 percent of their income after they pay direct taxes, almost 40 percent, cost of Government regulations, $7,000 per family, and their share of higher interest payments because of the national debt that has been put on their backs.

That pressure needs relief in many ways. No. 1, which we are talking about here, we need to lower the economic pressure, we need to lower the taxes on those average families; No. 2, there should be no impediment in the workplace that blocks working families and the companies for whom they work from finding ways to suit and balance the needs of these work careers and the needs at home.

This article says:

> Married women with children have entered the labor force in record numbers. They, therefore, have less time for caregiving in the home.

They have less time. We have seen the SAT scores aren't as good, teenage violence is worse, teenage suicide has quadrupled, and you have to say to yourself, ''Well, if there is not as much opportunity or attention to govern the home, you are going to have problems like this that will begin to emerge.''

> Many parents, both mothers and fathers, feel conflicted and torn between spending time with their families and meeting workplace demands.

This is the point I was making a moment ago: A massive amount of pressure in both places and we are operating under a workplace that is governed

by laws that are a half a century old, almost 60 years old. You think back 60 years to 1930, the 1930 workplace. First of all, it was mostly rural. Now it is only 2 percent that is rural. Just reflect for a minute on the kinds of massive change that have occurred between 1930 and 1997 and you can understand that the governance in the workplace probably, like everything else, requires some modernization.

It says work and family life should not be in opposition but should enrich each other. Work and family life should not be in opposition but should enrich each other. That is what this legislation is trying to do. It is trying to allow the workplace to adjust to the different needs that the different workers have with regard to maintaining and governing their families.

Here is a quote:

> It's like you are caught between a rock and a hard place because if you want to have a family, you want to have a couple of children, you can't do that unless you have lots of money to support them. Well, you can, but you'd have to be able to take care of them, at least provide the basics, and in order to do that you either have to have your husband gone all the time working so hard or working toward getting his degree or else both of you have to be working, but the more you're working, the less time you have with your kids, so it's like you can't win.

That is from a young woman in her twenties in Salt Lake City.

> But the more you're working, the less time you have with your kids, so it's like you can't win.

You know, we wonder why, even with the economy doing reasonably well, why you get so much anxiety coming out of the workplace. Well, that is it, right there, ''But the more you're working, the less time you have with your kids, so it's like you can't win.

So here comes S. 4 and it says you and your employer voluntarily can make decisions and create options about what happens in the workplace so that hopefully it can help make it possible for you both to be working and still win. I am absolutely baffled by the threat from the other end of Pennsylvania Avenue, ''I would have to veto this if flextime is left in the legislation.'' That sure does not square with anything we are seeing or reading.

I was looking at the average hours per week parents devote to undivided child care—in other words, full blown. If the woman is employed, it is 6.6 hours per week. If she is unemployed, it is just under double, 12.9 hours a week, of undivided attention. It doubles.

Now, you cannot unemploy these people to get this added time. That will not work, given what has been happening here in Washington for the last 30 years and given the economic pressure on them, but you can begin to modify the rules in the workplace so that there is an offset, an opportunity to adjust.

Mr. President, we have just been joined by the senior Senator from New Mexico, chairman of the Budget Committee and a Senator most knowledgeable and concerned about a friendly workplace.

I yield up to 10 minutes if that is sufficient, to the Senator from New Mexico.

Mr. DOMENICI. I thank you for those kind words, and, yes, that is sufficient.

First of all, I am very proud to be a cosponsor of the Family Friendly Workplace Act. The way I see it, this bill is long overdue for American workers in the private sector. Federal employees have had flextime and comptime for nearly 20 years and it is about time the millions of American men and women who do not work for the Government receive the same benefits.

I vigorously support this bill for the following three reasons. One, it is fair. Federal employees currently have comptime and flextime. It is voluntary. And it protects employees.

Times have changed since we adopted the rigid 40-hour work week. Under current law, you cannot arrange a schedule to work 44 hours one week and save those 4 hours to take time off in the next week to be with your children or to do something very important to help your sick mother or your grandmother. Current law says you cannot do that even if you want to and your boss agree.

Federal employees have had flextime for many, many years. What we have now found out is that Federal employees who have been participating in flextime are highly satisfied. That should not surprise anyone. It is a very rational and reasonable thing.

Eight out of ten workers support continuation of the program; 72 percent say they have more flexibility to spend more time with their families and on personal needs; 74 percent said the flexible schedule has improved their morale and made them feel better about their work and about their employers. If comptime flextime is good enough for Federal employees, then why not for the 80 million people that work in the private sector of America?

For example, FBI employees have comptime and flextime. Isn't what is good enough for them also good enough for restaurant workers, hospital employees, hotel chain workers, telecommunication employees, and, yes, firemen, policemen, and others who might be burdened by the 40-hour-a-week rigid nonflexible time?

Federal workers can currently use their flextime schedules to attend such things as a school play, baseball games, PTA meetings, dance recitals, Boy Scout or Girl Scout meetings and activities, doctors visits, school field trips, and dental appointments for children. As a matter of fact, I say to my good friend, Senator COVERDELL, we got those examples from people who said this is exactly what they would like to do and we got it from Federal employees who say this is exactly what they are doing.

This bill, as I understand it, and I would not be supporting it without this, is good because it is voluntary or optional. It encourages employers and employees to work together to arrange schedules which fit the individual needs of employees and yet provide the management with enough opportunities to get the work done that they need done. Nothing in this bill requires employees to adjust their work schedules if they do not want to.

Mr. COVERDELL. Will the Senator yield?

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

Mr. COVERDELL. You are right now on the core dispute. You have argued for the need in the new modern workplace for the flexible time and what it does to morale and conflicting schedules, and you said you would not be for this if it was not voluntary.

Mr. DOMENICI. That is correct.

Mr. COVERDELL. That would be the same for me.

As you know, if I could comment about it, not only is it voluntary, but the legislation has strict procedures to guarantee that it is voluntary, and there would be ramifications of severe proportions if an employer were to do anything other than make it voluntary.

Mr. DOMENICI. No question. In fact, I was going to get to that in a moment.

It is so voluntary that employees under this law can withdraw from a comptime and flextime arrangement at any time. Employees can cash out accrued hours of comptime and flextime at any time. These provisions are going to be enforced just as rigidly as the current provisions of the Fair Labor Standards Act.

This bill protects employees from employer misconduct because it contains anti-coercion provisions. I would not support it if it did not have this protection because this is what assures that it would really be voluntary. There are always people who would like to deny employees certain rights and some employees would like to not work as hard as they should for their employers. We cannot correct all of that.

But obviously this law says that an employer cannot claim inconvenience as a reason for not allowing an employee to take comptime. Once the employer and employee have agreed to a schedule, the employer cannot then change his mind and say it would be inconvenient to do it that way.

As an example, an employer cannot force an employee to accept time off rather than monetary overtime pay by promising to promote an employee. This is investigated in the same way that the Fair Labor Standards Act rules and regulations of today are handled on behalf of the American workingman and in fairness to the management and ownership.

Now I do not understand why the Democrats and labor unions are standing in the way of bringing choice and flexibility to the American workplace. If Democrats really cared about the

best interests of American workers they would stop misleading the people about this bill and pass it.

The Baucus-Kennedy substitute amendment does not help the American worker because it only provides comptime and does not contain the flextime biweekly work schedule of flexible credit hours. Flextime is very important. It is important to everyone in the workplace but most important to women and non-overtime workers.

The combination, Mr. President, of comptime and flextime will benefit 67 percent of all working women in the private sector. Whereas comptime, by itself, will only benefit 4.5 percent of all working women in the private sector.

The Baucus-Kennedy bill wipes out flextime. Now, what could be more unfair than to penalize all but 4.5 percent of the working women in America by restructuring a bill so narrowly that only 4.5 percent are benefited? Under the broader bill with both flextime and comptime, 67 percent of those same working women would have an option to better their work schedule to help them with their daily lives and with their families.

The Baucus-Kennedy substitute amendment limits accrued comptime to 80 hours a year, versus this bill's 240 hours. Doing the math, one can say that the Republican bill is three times as flexible for the American working people than the substitute being offered.

The Democrats, and for some reason the labor unions, falsely claim that this bill will end the 40-hour workweek. This bill will allow employees who want a variation of the 40-hour week to have one—voluntarily and with no coercion. For those workers who want to keep the standard schedule, they can. It is their option and their employers option. They do not have to change one bit. If they like the rigidity of 8-to-5 work with an hour off for lunch, then so be it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL. I yield 2 additional minutes to the Senator.

For those who want to keep the standard 40-hour workweek from the Depression, they can keep it that way. For those of us who are yearning to make the workplace more hospitable to our working people, for those of us who are concerned about family life and would like to have workers have a little more family time, we urge the labor unions to change sides on this.

I saw a couple of my friends from the labor unions outside in the hall and my first remark to them when I walked out was, ''Why are you against the working women?'' Of course, we had a lot of fun after that. But actually that is the issue.

This bill will help women more than anything else, to provide them with flexibility and no loss of pay. This flexibility can be used to make their lives better in the event they need family time off to take care of things other than work.

I believe the other side of the aisle needs to listen to what the American worker wants: flexibility. Ninety-one percent of working mothers support flexible work schedules.

Now, frankly, there are many other reasons we could discuss here on the floor. Until the public gets excited and worked up, and until women start writing the labor unions and asking them: What are you doing to us? Why don't you keep yourselves out of this issue? and, Why are you against this? things won't change. Until there is enough foment in society for more flexibility in the workplace, then reform will not occur.

Mr. COVERDELL. Mr. President, I thank the Senator from New Mexico for a really precise and very focused presentation on the nature of the volunteer provisions of this legislation and the safeguards that are built into the legislation to assure that it is indeed a voluntary opportunity for workers and their employers.

Just a moment ago, before the Senator from New Mexico arrived, I read this quote from Radcliffe Public Policy Institute, where this woman in her twenties says, ''But the more you are working, the less time you have with your kids, so it's like you can't win.'' He makes a point that we are going to need a public furor out there because this is good, common sense. We are trying to make it so that this 20-year-old woman, whoever she is, can be in the workplace and can win, and can meet the needs and issues of her family. This article goes on to say that XYZ company—they don't name the company—is trying to figure out how to deal with this fact. You have this 30-year-old with two kids at home, who is not going to give you 16 hours a day, as they did when they were in their twenties. Yet, we still want to be globally competitive. I actually don't think we have a good answer. These people, the ones who have opted to have kids and work less, are getting hurt in their reviews.

See, the current work rules just don't meet the current requirements, and you can't make it so that one shoe fits everybody. It just doesn't. There are different pressures on the working mothers and fathers. That is why I have been so complimentary of the Senator from Missouri for coming forward with the family friendly workplace.

Mr. ASHCROFT. Will the Senator yield?

Mr. COVERDELL. I am glad to yield to the Senator.

Mr. ASHCROFT. I asked the Senator to yield for a question, which is, some who are opposed to this have indicated that this is a pay cut. Is it your understanding that when a person takes time and a half off with pay later instead of overtime pay, that that represents a pay cut? Or is that a way to have some time off the next week without taking a pay cut?

Mr. COVERDELL. As the Senator knows, there is nothing about this legislation that represents, in any way, a detriment to the worker, as in a pay cut or any other function of their work. The only thing that happens with the passage of this is that workers have more options and opportunities, and under no condition would it lead to a pay cut—none.

Mr. ASHCROFT. I wonder if the Senator from Georgia had the opportunity to see the USA Today lead editorial, which says, ''Harried Workers Need Comp Time's Flexibility.'' I was kind of interested in the way they closed the editorial:

> A choice between time off and overtime is an option that can benefit employees and employers alike.

Their last words:

> Those who stand in the way deserve a permanent vacation.

I recommend this editorial to the Senator.

Mr. COVERDELL. I have not had a chance to read the editorial. But I say to the Senator from Missouri that in many discussions with individuals with whom I have not necessarily been philosophically together in the past, they think your legislation is correct—people of all persuasions. It is the kind of thing we ought to get into the workplace. If the Senator will yield, you and I are, at the moment, functioning on the time that the good Senator from Ohio has come to use. So if we might, I would like to yield up to 7 minutes to the Senator from Ohio, and then we might ask unanimous consent to get another minute or two.

Mr. ASHCROFT. I will be pleased to yield. I ask unanimous consent that the USA Today editorial entitled ''Harried Workers Need Comp Time's Flexibility'' be printed in the RECORD.

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

HARRIED WORKERS NEED COMPTIME'S FLEXIBILITY

Our View: But unions are blocking flexible work rules favored by employees and employers alike

What works better for you? Pay for overtime or compensatory time off instead?

Three quarters of workers say they want a choice. And they should have it.

With workers spending an hour more on the job each week than they did 15 years ago and 60% of women working, many workers are stretched to their limits in meeting family needs. A survey by the independent Families and Work Institute found 40% of workers saying they don't have enough time for family chores; another third lack time for personal needs.

The problem has some businesses scrambling for answers. Seven in 10 offer workers flexible starting and ending hours. Many have added a personal day off. Some are experimenting with ''free days'' that combine vacation, holiday and sick leave.

And many say they would like to offer time off for overtime. But they can't, at least not to the 60 million full-time hourly employees who make up the bulk of the private workforce.

Federal law bars the practice.

The Fair Labor Standards Act mandates private hourly workers be paid 1.5 times their hourly wage for each hour over 40 worked in any seven-day period. No time off instead, even if the employee wants it.

It's a ridiculous situation, made more ludicrous by fumbling over the issue in Congress. Both parties claim they want comptime, but labor union resistance is causing the Democrats to stall.

Last week, the Senate couldn't agree even to allow a vote on a comptime measure. The bill, similar to one already passed by the House, would allow, but not require, employers to offer employees 1.5 hours of paid time off for every hour worked over 40 hours instead of paying overtime. Employees could bank up to 240 comptime hours a year. They could use them when they wanted as long as they provided reasonable notice and doing so wouldn't cause undue disruption to the business. Unused hours would be cashed at the end of the year. Employees also could negotiate agreements with employers for 80-hour, two-week schedules—45 hours one week, 35 the next, for example—without overtime.

Any finding that employers coerced employees would lead to double pay, heavy fines and potential jail time.

Democrats say that's not good enough. They argue employers will still coerce workers. But the real source of their opposition lies elsewhere. Labor unions don't want comptime except through negotiations with unions. And unions contributed $30 million to Democratic campaigns last year.

Without labor opposition, most differences over comptime could be solved.

A choice between time off and overtime is an option that can benefit employees and employers alike. Those who stand in the way deserve a permanent vacation.

Mr. DEWINE. Mr. President, I thank my colleague from Georgia for his eloquent statement and comments about the need for S. 4. I also thank my friend and colleague from Missouri for the great work he has been doing to bring not only to the attention of the Senate but to the American people exactly what is at stake in regard to this bill.

Mr. President, I am proud, again, to be on the floor to speak in favor of the Family Friendly Workplace Act. This bill is a truly necessary and forward-looking response to the major changes that have already taken place in the U.S. work force in the last few years.

Mr. President, today's working men and working women feel battered between the conflicting demands of work and family. They feel there has to be a better way. I think they are right.

Mr. President, the bill we are here to talk about on the floor today represents that better way—a better way for workers to balance the needs of family and the needs of the workplace. This bill gives working people the flexibility that they know would make a huge difference for the better in their lives.

Mr. President, according to a survey conducted by the U.S. Department of Labor Women's Bureau, the top concern of working women is flexible scheduling in the workplace—flexible scheduling, which will allow them to balance their responsibilities at work with the needs of their children and the needs of their spouses. A stunning 66 percent of working women with children reported that their primary concern was the difficulty that they were having in balancing work and family.

According to another recent poll conducted, 88 percent of all workers want more flexibility, either through scheduling flexibility or choice of compensatory time in lieu of traditional overtime pay. In that same poll, Mr. President, 75 percent—three-fourths—favored a change in the law that would permit hourly workers such a choice.

These poll results tally with what most of us know intuitively, what we know from talking to our own constituents. As both the economy and American family life grow more and more complex, the men and women in America's work force want greater flexibility to be able to cope with all of these changes.

The legislation known as S. 4 would do that. It does not propose doing something untried, something unheard of, something never used before. On the contrary, this is not revolutionary. We have a history of its use in the public sector, and we have a history of its use among employers who are not hourly but are salaried employees. All this bill does is give workers and their employers in the private sector the same kind of workplace flexibility that their counterparts have had for years in the public sector.

Mr. President, I don't think it is outrageous to say that workers in the private sector should have the benefit of the same kind of flexibility Government workers have today. In fact, all it is is a fair shake. It is only equity and equality; it is only fairness.

Mr. President, American society has changed a great deal over the last few decades. The stereotypical role of management and labor, male and female workers, simply does not exist anymore today. In 1938, when the original underlying legislation was passed, less than 16 percent of married women worked outside of the home. Today, more than 60 percent of married women work outside of the home. And 75 percent of mothers with school age children work outside the home today.

The world has gone around many times in those years and the world has changed. The American society has changed. The squeeze on these workers, between family and job, is so great that workers themselves believe that action is absolutely imperative. That is why we are trying to change the outdated Fair Labor Standards Act. Mr. President, this would be a real, positive and necessary change for real American working families.

A few weeks ago, I was on the floor and I talked about the Morris family, an Ohio family. Clayton Morris, a father and a husband, is a public employee. That means he has the option of choosing compensatory time over traditional monetary overtime pay. He is free to spend important extra time, because of this, with his 2½-year-old son, Domenic.

However, Clayton's wife Ann is a sales assistant for a Cleveland area business form company. That means she can't take time off to be with Domenic in lieu of overtime pay. The Federal Government today prohibits her from doing that. Ann has said, ''He''—referring to husband Clayton—''has the ability, if he works overtime, to store those hours. He can use the stored comptime to be at home where he is needed. However, when I need to be able to leave work, I end up having to take sick time or vacation time to do the very same thing. It would be really nice if I had a flexible schedule.''

Mr. President, American workers and their employers want and are demanding this flexibility. Seemingly, countless studies and surveys have pointed out, time and time again, Americans' overwhelming need, desire, and support of a more flexible workplace schedule and the changes the Family Friendly Workplace Act would provide.

Mr. President, if you look at a family like the Morrises, you can see one major reason for the broad public support for this bill. People in the private sector see their friends and family members who are in the public sector; they see how much this type of flexibility helps them and helps their families. They see it and know it works.

Mr. President, I regret that thus far in the U.S. Senate, some Members of the Senate have chosen to stand in the way of the perfectly legitimate desire on the part of American workers and employers for a truly flexible, family-friendly workplace.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the time under our control be extended by 10 minutes. We checked with the other side, and I believe they are in concurrence. This is so that the Senator might finish his remarks and appropriately not have to rush. Then we may be rejoined by the Senator from Missouri.

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

The Senator from Ohio is recognized.

Mr. DEWINE. In conclusion, Mr. President, let me stress that it is not too late for this Senate to work toward an intelligent bipartisan resolution of this issue.

I say to my friends: Let's put politics aside. Let's try to see how far we can move toward giving America's workers what they want, what they need, and what they deserve. This is one case where thus far the American people are far ahead of this Congress—far ahead of this Congress in the very real sense that they know this law needs to be changed. They know that we need to have this flexibility. They not only want it. They are demanding it.

I am confident that in the days ahead and weeks ahead we will be able to bring about this change that the American workers—people who work by the hour, who are out there every day trying to make a difference, every day who are trying to balance their family

obligations with their obligations in the workplace—need. They need this type flexibility that S. 4 will give them.

I again commend my colleague from Georgia for the great work that he has done on this bill, and my colleague from Missouri for bringing this matter to the floor.

I thank the Chair and I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Ohio. I hope that the family that he alluded to in the term of his career will find the relief we are so avidly pursuing here.

I have been reading—the Senator wasn't present through all of it—from the Radcliffe Public Policy Institute, the great article that talks about the rigors and stress in the workplace. And it says, ''Effects of Economic Changes on Families and Children.'' It is a short article. I hope everybody gets a chance to read it.

It says that because mothers assume more of the caretaking responsibilities for children, the elderly, and frail, the problems of integrating work and family responsibilities can disproportionately impact women, both professionally and personally, the very point that S. 4 is trying to correct, or at least help correct.

It says a major consequence of changes in the economy is that dependents do not spend as much time with the family members who are responsible for their welfare.

I mentioned earlier. You can see it in all the data about family and children: school scores, the violence, the drugs, and a host of related problems.

Relationships among all family members suffer, and in some cases affect both family stability and workplace performance. The total time parents spend with their children has diminished by about one-third in the last 30 years.

In the face of that, the rules that govern the workplace have stayed virtually static. Here we have a situation where children receive a third less attention. Of course, SAT scores have plummeted, teenage violence has soared, and the Congress has not stepped forward to modernize that workplace.

I thank the Senator from Ohio. We have just been joined by the primary author and sponsor of the Family Friendly Workplace Act. He has done a remarkable job in explaining the necessity of this to America.

I am going to yield the remainder of my time, which is about 5 minutes, to the bill's primary sponsor, Senator ASHCROFT of Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President.

Let me take this moment to express my appreciation and give my thanks to the Senator from Georgia, the Senator from Ohio, the Senator from New Mexico, the Senator from Wyoming, and others who have spoken eloquently in behalf of American workers.

It is easy to say, Well, we are talking about a bill here, a bill before the U.S. Senate. But the truth of the matter is that we are talking about people. We are taking about people and families. We are talking about the fact that people in single-parent homes—obviously 100 percent of the parents—have to be at work. And in multiple-parent homes, two-parent families, the cost of doing business and taxes have really literally driven the second parent into the workplace, and they need to have time. People feel the financial stress, and they feel the family stress.

All that we really have offered by the administration is that we would give people family and medical leave, which is a way to say that you can have time off without pay if you need to spend time with your family. If you give people time off without pay, that increases the financial stress that they went to work to resolve.

I have found in my own family that every time I had to take a kid to the doctor that was not when I needed less pay. That was when I needed my full paycheck, because when you had those emergencies there is all of the little dollar costs of those emergencies.

So I really believe that this opportunity we present to let people sort of develop a bank of time off so that they can take time off with pay later on is very important.

The comptime part of this bill—which is to say that, if you are asked to work overtime, you can say instead of having time-and-a-half-time overtime pay I would like to have an hour and a half with pay off later on for each hour that I work in overtime. Time off with pay instead of just taking pay as time for the overtime is a way for people to meet these needs.

It only though goes to people who normally get overtime. What you really find out is that of about close to 60 million workers who work by the hour in America only about a third of them ever get any overtime at all. Most companies say, ''Well, we just can't afford to be paying 150 percent of our labor costs. So we don't provide for any overtime.''

So, if all we did was to address the comptime parts of the labor force, which is the way you can get time and a half off for working an hour of overtime, time and a half off with pay, we would find ourselves limited from a quarter to a third of the work force that we were helping.

The last time I checked, whether or not your company does overtime, or whether or not you normally get overtime, your kid still gets sick, your kids still get awards, your kids still go to soccer games, and they still need their parents. But, if we just deal with the narrow quadrant of the culture that gets overtime, we are going to ignore two-thirds to three-quarters of the culture, and we really need to do more than that.

It is important for us to then have what we provided for every Federal employee, and that is the option for flextime. Flextime is the way to schedule work in advance, to work an extra hour in one period so you can take an hour off with pay in another period, or the most popular program for Federal workers. This started in the 1970's.

So there is not a big problem to work 45 hours 1 week in return for only having worked 35 hours in the next week, and that really results in people taking every other Friday off. Since Friday is a working day, you can do the motor vehicle license stuff, or you can go to the doctors. It is the ability for people to spend time with their families.

One other point needs to be mentioned, especially in light of the remarks of the Senator from New Mexico about serving working women. Overtime work in this country is concentrated among men. Hourly workers are just about split evenly between women and men. But overtime work is 2-to-1 in favor of men. So for every woman that gets an overtime hour men get two overtime hours.

So, if we are really going to try to relieve pressure on working women, we do less for women in this bill if we just do the comptime, and if we do not get to the flextime part of the bill.

I think it couldn't be said more clearly than in USA Today, the lead editorial, ''Harried workers need comptime flexibility but unions blocking flexible work rules are favored by employees and employers alike.''

That is the black letterhead line sort of stuff.

I already submitted this for the Record. It says those who stand in the way deserve a permanent vacation. I don't know that we want to put them on vacation but send them home.

The point is we really need to find ways to help workers. This is the way to help people have more time with their families without taking a pay cut and to help people plan. The more pressing the responsibilities are the more valuable planning is.

It is against the law right now to plan with your employer to work an extra hour this week and take that hour off with pay next week. We shouldn't make it against the law for people to do reasonable things like that. It is against the law right now for your employer to say, ''Instead of paying you time and a half time off, I am giving you time and a half off with pay down the road.'' It is against the law.

The Government shouldn't be about the business of making reasonable agreements like that against the law.

The editors of USA Today have made it clear that they agree that this is something that needs to happen, and that labor unions and their lobbyists here in Washington shouldn't stand between the American people in this capacity to serve their families.

It is with that in mind that we should continue to work toward the enactment of the Family Friendly Workplace Act.

I yield the floor.

The PRESIDING OFFICER. All time granted to the Senator from Georgia has now expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

REPORT OF DRAFT LEGISLATION ENTITLED ''THE CLONING PROHIBITION ACT OF 1997''—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit today for immediate consideration and prompt enactment the ''Cloning Prohibition Act of 1997.'' This legislative proposal would prohibit any attempt to create a human being using somatic cell nuclear transfer technology, the method that was used to create Dolly the sheep. This proposal will also provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings.

Following the February report that a sheep had been successfully cloned using a new technique, I requested my National Bioethics Advisory Commission to examine the ethical and legal implications of applying the same cloning technology to human beings. The Commission concluded that at this time ''it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning'' and recommended that Federal legislation be enacted to prohibit such activities. I agree with the Commission's conclusion and am transmitting this legislative proposal to implement its recommendation.

Various forms of cloning technology have been used for decades resulting in important biomedical and agricultural advances. Genes, cells, tissues, and even whole plants and animals have been cloned to develop new therapies for treating such disorders as cancer, diabetes, and cystic fibrosis. Cloning technology also holds promise for producing replacement skin, cartilage, or bone tissue for burn or accident victims, and nerve tissue to treat spinal cord injury. Therefore, nothing in the ''Cloning Prohibition Act of 1997'' restricts activities in other areas of biomedical and agricultural research that involve: (1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or (2) the use of somatic cell nuclear transfer techniques to create animals.

The Commission recommended that such legislation provide for further review of the state of somatic cell nuclear transfer technology and the ethical and social issues attendant to its potential use to create human beings. My legislative proposal would implement this recommendation and assign responsibility for the review, to be completed in the fifth year after passage of the legislation, to the National Bioethics Advisory Commission.

I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:30 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES READ THE FIRST TIME

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first time:

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1000. An act to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2085. A communication from the Acting Assistant Attorney General of the Department of Justice, transmitting pursuant to law, a report on a rule entitled ''Revision of Regulations Governing the Remission or Mitigation of Civil and Criminal Forfeitures'' (RIN1105–AA23), received on June 2, 1997; to the Judiciary Committee.

EC–2086. A communication from the General Counsel of the Office of Management and Budget, from the Executive Office of the President, transmitting, pursuant to law, a report on a rule entitled ''Release of Official Information, and Testimony by OMB Personnel as Witnesses, In Litigation'', received on May 22, 1997; to the Committee on Governmental Affairs.

EC–2087. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled ''Career Preparation Education Reform Act of 1997'', received on June 4, 1997; to the Committee on Labor and Human Resources.

EC–2088. A communication from the Acting Under Secretary for Food, Nutrition, and Consumer Services from the Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Quality Control Provisions of the Mickey Leland Childhood Hunger Relief Act'', received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2089. A communication from the Chairman of the Nuclear Regulatory Commisssion, transmitting, pursuant to law, the report of a major rule relative to licensing, inspection, and annual fees charged to its applicants and licensees, (RIN3150–AF55) received on May 22, 1997; to the Committee on Environment and Public Works.

EC–2090. A communication from the Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''NHTSA Plan for Achieving Harmonization of the U.S. and European Side Impact Standards''; to the Committee on Appropriations.

EC–2091. A communication from the Legislative Counsel of the Office of the Congressional and Legislative Affairs, Department of the Interior, transmitting, pursuant to law, a draft of proposed legislation to make corrections to the Omnibus Parks and Public Lands Management Act of 1996, received on June 4, 1997; to the Committee on Energy.

EC–2092. A communication from the Secretary of the Interior, Department of Interior, transmitting, a report relative to sustained agricultural production under irrigation; to the Committee on Energy and Natural Resources.

EC–2093. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, a rule that amends the Energy Policy and Conservation Act, (RIN1904–AA45) received on June 4, 1997; to the Committee on Energy and Natural Resources.

EC–2094. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled ''Guidelines for Furnishing Sensori-neural Aids,'' (RIN2900–AI60) received on June 3, 1997; to the Committee on Veterans' Affairs.

EC–2095. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled ''Scheduling for Rating Disabilities; Muscle Injuries,'' (RIN2900–AE89) received on June 3, 1997; to the Committee on Veterans' Affairs.

EC–2096. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–15; to the Committee on Appropriations.

REPORTS OF COMMITTEE

The following report of committee were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Special entitled ''Legislative and Oversight Activities During the 104th Congress by the Senate Committee on Veterans' Affairs'' (Rept. 105–23).

By Mr. SHELBY, from the Select Committee on Intelligence, without amendment: