

essential for the preservation of democracy, a goal for which this country risked American lives and has already spent hundreds and hundreds of millions of dollars. For democracy to survive in Haiti, people need to see real improvement in the lives of their families, of their children, of their loved ones. Real improvement in their lives will only come with privatization. If democracy is to survive, it is not enough to have elections. People have to have something to eat as well. Elections are just not enough and people know that. The turnout in the recent legislative elections in Haiti was less than 10 percent. I believe we have to view that as a vote of no confidence in the progress being made by the Haitian Government. Clearly Haiti needs to turn it around. They need, if I can use the term—they need some victories. All politicians need victories. The Government of Haiti has to have some victories. They need to take the kind of action that will inspire confidence in their common future, the kind of confidence that is a prerequisite for economic success. The way to do this is to send the right message to the rest of the world. That message is that Haiti is serious about participating in the global economy. Only by doing this, by doing what is necessary to participate in the rising tide of international growth, can Haiti hope to spark a real economic upturn.

The first privatization is scheduled for this July. They first start with cement factories and the flour mills. The schedule further calls for, in November, the Haitian Popular Bank to privatize; in December, the National Port Authority; in January, the airport and the National Bank of Credit; finally, in February, the telephones and in March the electric company. When I was in Haiti last month I stressed to my hosts that they must act on this plan. Frankly, no one in Congress was going to believe what they said or be convinced that they were serious until, actually, some action took place.

I have also spoken to President Clinton about this matter, and I have asked the President, when he meets with President Preval tomorrow, to stress the importance of this privatization, to make sure the President of Haiti understands our very legitimate concern that this privatization really take place.

Madam President, another key area in which Haiti needs to follow through is the investigation of the political murders. Palace security forces are alleged to have killed two prominent opposition politicians, Mr. Fleurival and Reverend Leroy. In response to these murders, the Government of Haiti suspended the chief of palace security, they suspended his deputy and seven Presidential Security Unit guards who were allegedly at the scene.

The Haitian Government needs to send the strongest possible message that this kind of subversion of democracy, murder of political opponents,

will simply not be tolerated. There is a reasonable chance the Leroy case will be solved, but only if there is adequate leadership from the top of the Haitian political system. In my view, this is a test case of the rule of law, one that President Clinton must take up with President Preval at their meeting tomorrow.

In other areas, Haiti is making real and measurable progress. One such area is the civilian police. In my visit to Haiti, I met again with United States police officers who are helping retrain the Haitian police. These are Haitian-born, Creole-speaking United States citizens on leave from their jobs as city police officers in this country. They come from cities such as Boston—I see Senator KENNEDY on the floor. I met with a number of those police officers from Boston. They come from New York. They come from Miami. They are veterans, and they are mentoring these inexperienced, young Haitian police recruits.

Madam President, nobody expected miracles from this training program, but they are making slow but solid progress. This is a program that works. I am glad the State Department has responded positively to my urging that the number of United States advisers be doubled. That has taken place, and we are now up to the number of 49. Frankly, I believe it is in our national interest to again significantly increase the number of these dedicated United States police officers who are serving in Haiti. I met with these advisers during my recent visit. I was gratified by what I saw. They are doing an excellent job and they need our continuing support. These advisers, I believe, are America's signal to the Haitian people that we will help them in the difficult process of building the rule of law in their country.

I, later today, will continue to discuss the situation in Haiti. At that time I intend to talk about the agricultural situation and several other suggestions that I have that I believe will help the situation there.

I believe, in conclusion for now, the meeting the President of the United States is having tomorrow with President Preval is a crucial meeting. I believe Haiti is at a crossroads. I believe it is important for our country to continue to work internally in this country to develop a bipartisan foreign policy in regard to Haiti. But, ultimately, it is abundantly clear that, no matter what we do, the important players are really the Haitian politicians, Haitian Government officials, and the Haitian people. Our message to President Preval and to the Haitian people must simply be this: We can and we will help you, but the destiny of your country really lies in your own hands.

Madam President, I will turn to this later in the day. I also will have the opportunity, later, to discuss the comptime and flextime bill.

I do see my colleague from Massachusetts on the floor, so at this time I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE FAMILY FRIENDLY WORKPLACE ACT

Mr. KENNEDY. Madam President, I welcome the opportunity to make some brief comments on the measures which are before us here this morning, and that is on the legislation which is, allegedly, the family friendly workplace legislation. I will just take a brief time, but I want, just at the outset, to indicate where we are in terms of working families in this country.

We have made important progress in the last Congress in increasing the minimum wage.

It was not long ago that we made real progress in trying to provide employees who have worked over a long period of time in a plant or a factory with notification when there was going to be a plant closing, so that men and women who worked years, for some a lifetime, in a particular plant would not show up on Monday and find the doors boarded up. In the past, individuals like these were often virtually cast out into the dark without any kind of notification whatsoever. We tried to give, at least for the larger companies that were included in that legislation, notice to the employees so that they would be treated more respectfully and have more time to find a new job. That law has worked very well despite the dire predictions of some in the U.S. Senate.

Then we had the battle on family and medical leave which gives parents who have a sick child the opportunity to take unpaid leave. Every other industrial nation in the world has paid leave under those circumstances, yet it took a lengthy battle in the U.S. Senate to get unpaid leave. We were able to pass it for employers with 50 or more employees. I will come back to that issue in just a few moments. That battle was led by our friend and colleague, Senator DODD of Connecticut. I welcomed the chance to join with him on that. It was a 5-year battle in the Senate. Twelve million Americans have taken advantage of it, the law has worked very well and most Americans wonder why it took us so long.

Those are just three examples of issues, Madam President, which we have fought for on behalf of working men and women. There have been many others. What is so interesting is that in each and every one of those battles, we faced opposition from the National Association of Manufacturers; the Labor Policy Association, which is comprised of many different companies and employers; the National Restaurant Association; and the NFIB. It is very interesting that now on the floor of the U.S. Senate, on legislation that is supposed to protect workers, those four organizations are trying to portray themselves as friends of the worker.

It is very interesting that those groups, and many others that have opposed every single protection for workers in the past, are embracing S. 4 and are now suddenly going to protect all the employees in America.

As we begin this debate, I think it is worthwhile to examine those that are for this legislation and those who are critical of this particular legislation. We should ask who has credibility as advocates for America's workers and who does not. This bill has been described by its authors as "a Mother's Day gift to America's working women." Nothing could be further from the truth. It is a Mother's Day hoax. A more appropriate description would be the "Employer Choice and Paycheck Reduction Act," and it has four fatal flaws.

First, it would result in a pay cut for many working families. The bill eliminates the guarantee of pay for overtime work for 65 million employees. Many of them are already struggling to make ends meet. Nearly half of those who earn overtime pay have a total income of \$16,000 a year or less. More than 80 percent of them earn under \$28,000 a year. Employees could allocate all overtime work to employees who agree to accept time off instead of extra pay for working overtime. Those who insist on receiving overtime pay will no longer get overtime work.

Second, the bill provides no employee choice. Let me repeat that, because that is the heart, I think, of this whole debate: Will the employee have the right to make the decision to take time off when he or she needs it, to go with a child to that school meeting or to that play or to the dentist appointment? Or will the employer have the ultimate authority and power to say no?

Under the terms of S. 4, the employer is given the power to dictate when workers can use comptime. S. 4 would not let working mothers choose when to take their hard-earned comptime. That is the key to what is wrong with this bill. It is the heart of the debate: Where is the power, who determines when the employee can use the comptime which has been earned. This bill provides no employee choice.

Third, the bill will cut benefits for many workers; because it does not count hours of comptime as hours worked. Health and retirement benefits are widely based on the number of hours worked by employees. But under the Republican bill, comptime hours do not count as hours worked. As a result, employees can lose eligibility for health coverage while they are working, and lose eligibility for pension benefits when they retire.

And fourth, the Republican proposal effectively abolishes the 40-hour workweek. An employer can literally require employees to work up to 80 hours in a single week without overtime pay. As long as the 2-week total does not exceed 80 hours, the workers would not be entitled to extra pay. A company can

schedule a worker for 60 hours in one week, and 20 in the next, all without a penny of overtime pay. That is hardly a gift to working mothers, forcing them to try to arrange child care to coincide with such an erratic work schedule.

Madam President, I will just take a moment or two this morning to talk about the issue of employee choice. I have listened to the eloquent remarks of our friends and colleagues who are supporting this proposal. Talk is pretty cheap around here, and it is important that we look at the legislative language.

The bill gives employees, as I mentioned, no right to use the comptime when he or she needs it. Instead, the bill makes it easy for employers to discourage the use of the comptime during the busy periods on the job. The bill says this, Madam President: "The employee shall be permitted to use comptime within a reasonable period after making the request if the use of comptime off does not unduly disrupt the operations of the employer."

The employer gets to decide what is a "reasonable period" and what "unduly disrupt" means. The bill does not define those terms. The employer, not the employee, makes those judgments. In practice, for example, the employee cannot use comptime to go to the school play the next afternoon if the employer decides that the employee has not asked far enough in advance. Another example, if the employee plans to take a child to a dentist appointment during a school vacation, the employer can refuse to let the employee use the comptime for that purpose on the grounds that the absence would unduly disrupt the employer's business.

Madam President, the bill also provides no penalty, no enforcement. Unless you provide a remedy, you are not giving a right. We have seen that time and time again. The bill provides no penalty at all if the employer violates this reasonable period/unduly disrupt standard—none.

If the employer unreasonably denies the employee's request to use the comptime, the employee has no recourse. We will hear how in the legislation there is going to be a balance between the employer and the employee, and the terms will have been agreed upon before the parties. But, in reality, that is not the case. We will get back to that in the course of the debate.

One of the problems in the bill is that it can be an oral agreement. The employer can say, "Look, we had an agreement, this employee wanted to have time off later on. Don't you remember our conversation around the water cooler? You don't remember it? I remember it." And the employee has the burden of challenging that representation.

Contrast this with the Family and Medical Leave Act. Under that law, if the employer denies the worker's request to take family leave, the worker

can recover damages, including money spent on child care, compensatory damages and the like. The supporters of S. 4 say the unduly disrupt standard comes from the Family and Medical Leave Act. That is what they say. "Senator, you don't really understand, the unduly disrupt standard is the same language as the Family and Medical Leave Act."

This is not true, Madam President. The FMLA has two types of medical leave, unforeseen serious illness and foreseeable medical treatment. For the unforeseen illness, such as hepatitis, pneumonia, or the like, the employee has a right to take up to 12 weeks of unpaid medical leave. Any disruption to the employer's operation is irrelevant. The employee makes the judgment.

For foreseeable medical treatment, such as elective surgery or removal of wisdom teeth, the employee retains the right to take the medical leave, but the employee must make a reasonable effort to schedule the treatment at a time that does not unduly disrupt the employer's operation. If the employee's reasonable efforts fail, the worker can still take the time for the surgery. The decision is made by the employee under the Family and Medical Leave Act. It has worked and worked well. I will come back to that when we have more of a chance to debate this. We will go through family and medical leave act and the evaluations of it demonstrating that there have not been abuses. However, under S. 4 just the opposite is done. The employer makes the final judgment on when the comptime can be used.

The Ashcroft unduly disrupt language differs from the Family and Medical Leave Act standard in critical ways. First of all, the Ashcroft language gives no right to the employee to take comptime under any circumstances, even for unforeseen illness or other uncontrollable events. The employer can deny a worker's request to use the comptime if a child's babysitter calls in sick at the last moment, docking the employee's pay even if she has comptime in the bank. This does not help the working families.

Second, the Ashcroft language deletes the requirement that workers make only a reasonable effort to schedule time off so it will not unduly disrupt an employer's operation.

For example, a waitress makes a reasonable effort to schedule her child's immunization for the week after Christmas when the restaurant business is slow, but the doctor is on vacation that week. The waitress wants to use comptime to get the immunization the week after New Year's. The employer says no, citing that it will be unduly disruptive. The worker does not use comptime, and the child does not get immunized. This is not family friendly. This is an outrage.

Let's talk about who these hourly workers are. They are the workers at the lower rung of the economic ladder.

Sixty percent of them have only a high school education. Eighty percent of them make less than \$28,000. A great percentage of them are single mothers with children who are depending on that overtime. Many of them are already having trouble making ends meet. They need every dollar they can earn to support their families.

The extraordinary comment which a witness from the NFIB made at the February 13, 1997 Labor Committee hearing proves that the real goal of the business advocates of this bill is to reduce the pay of these vulnerable workers:

[Small businesses] can't afford to pay their employees overtime. This is something they can offer in exchange that gives them a benefit.

This statement is so harsh and blunt that even supporters of the bill have been embarrassed by it, and they are attempting to retract it.

That says it all, Madam President. When you take away all of the rhetoric, that says it all. They do not want to pay hard-working Americans who are at the lower rung of the economic ladder overtime. That is what this bill is about—not giving the employee the opportunity to make the choice, but giving it to the employer. The employer has the whip hand under the provisions of S. 4.

There is a dramatic difference between the flexible credit hour provisions applicable to Federal employees in title 5, United States Code, and in the flexible credit hour provisions of S. 4.

The credit hours mean any hours within a flexible schedule which are in excess of the employee's basic workweek which the employee elects to work so as to vary the length of the workweek or workday.

With Federal employees, who makes the judgment? Is it the employee and the employer? It is the employee who makes it with regard to the Federal employees. But, that is not the case with S. 4's credit hour program. Under this provision, the final say as to when an employee can take the time off rests with the employer.

The heart of the section, page 13, lines 12 through 17, these lines provide: "An employee shall be compensated for flexible hours at the employee's regular rate." That is, an employee that works 45 hours in a week can take 5 hours of flexible credit time at some point in the future.

This, too, is a pay cut. Current law would require the worker to get paid time-and-a-half for those 5 hours. But this bill would compensate a worker at the straight-time rate for those hours.

That is another section we will have an opportunity, Madam President, to get into in greater detail.

But the idea that this is giving to the working moms the kind of flexibility to meet responsibilities is a hoax.

What would do it is Senator MURRAY's amendment to the Family and Medical Leave Act to give up to 24 hours of leave per year to be used at

the employee's discretion. This would allow employees to go to a teacher's conference, take their child to the dentist, or go to the Christmas play that their children are involved in.

But Senator MURRAY's amendment was defeated on a party-line vote in the committee. "No way we're going to take that, Senator MURRAY. No way we're going to let them have 24 hours where the employee—the employee—is going to make the decision. No. We're not going to do that. No way." We are talking about only 24 hours a year. But the Republicans say no. We are not going to do that. That is not acceptable. We will not include that provision in this bill. We are not going to do that for those workers.

The Republicans are not even going to say to the employees of smaller businesses—those with 25 to 50 employees—that they too are entitled to the benefits of family and medical leave. This applies to 13 million Americans not currently covered by FMLA. They must continue to choose between the needs of their family and the demands of their employer. No, said the majority, we are not going to give the employees that kind of right. Senator DODD's amendment would lower the threshold of the FMLA to apply to employers with at least 25 employees. But the Republicans said, "No." Let us really do something today that can make a difference for these workers as it already has for more than 12 million Americans, mothers and fathers that have used the leave because they had a sick child.

Everyone in this body knows that if you have a parent or a loved one that cares for a child who is ill, that child recovers at about 40 to 50 percent faster than if the child is just isolated and trying to recover on his or her own. That is one of the principal reasons for family and medical leave—unpaid family medical leave.

But when we tried with Senator DODD to reduce the eligibility threshold, the Republicans said no way. And they said no to the Murray amendment for 24 hours to give the employee the opportunity to attend a school event.

We have to ask ourselves, Madam President, at the beginning of this debate, whose side are we on? Whose side are we on? Who are we going to say is really protecting the interests and the rights of workers? Is it those people who have stood up time and time again on plant closing legislation to protect workers, minimum wage, family and medical leave? Or are we going to believe that business groups and organizations that have opposed every one of those programs for workers are suddenly undergoing a conversion and are sincerely interested in employee well-being?

Madam President, we will have a chance at a later time to examine in detail the other provisions of this legislation. I would just hope as we celebrate this Mother's Day, we will tell the truth to America's working moth-

ers. S. 4 is a cruel hoax. It will not provide you the time off you need when you need it.

Finally, I would just ask, Madam President, who are the ones that are really benefiting from the overtime? About 80 percent of those that receive overtime pay are employees that are making less than \$28,000 a year, and trying to take care of their families. Most of them want to work overtime so they can earn the extra pay to look after their kids. Let us not lose sight of that.

Madam President, this is a pay cut bill. This is a pay cut bill.

Last year, we had 147,000 decisions made by the NLRB about violations of even paying overtime. Over \$100 million in back wages awarded by the Labor Department to workers in 1996. You can imagine if we pass S. 4, what do you think they are going to do? You have half the garment shops in this country today who are not paying the minimum wage and not paying overtime. Industries with records like that cannot be trusted with the kind of power this bill would give them.

So, Madam President, I look forward to this debate, because I believe what we have seen in recent years is a growing disparity between the resources of those at the top level versus those struggling Americans who are the heart and soul of the country—the men and women that clean these buildings, clean the companies, are teachers' aides and are working in nursing homes and health assistance. They are barely able to make it with overtime. We cannot in good conscience take that overtime pay away from them.

I thank the Chair.

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER (Mr. GREGG). The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President.

I am pleased we have had the opportunity to begin the debate on the Family Friendly Workplace Act. The Senator from Massachusetts has referred to this act as a hoax, and indicated that it would not be in the best interest of workers. Frankly, it is troublesome to me to find that kind of disconnect with what is happening to workers, because I have letters from people who are having a tough time making time for their families and making time for their jobs. These workers want us to address this important issue. Particularly, mothers—who are in the work force in increasingly high numbers—need to have flexibility so in order to meet the needs of their families, financially by being in the workplace, and emotionally by being able to spend time with their families.

There are a couple—as a matter of fact, there are a whole series of things that the Senator from Massachusetts stated which are substantially inaccuracies as it relates to the bill.

The suggestion, for instance there is no employee choice. This bill is predicated upon employee choice. There is

no ability of any employer to impose anything on any employee contained in this bill. The provisions of this bill are available only—only and exclusively—when the employee agrees. If the employer so much as suggests that the employee work overtime—the employee would be entitled to overtime compensation at one-and-one-half times the employees regular rate of pay. Any time the employer goes to an employee and asks for additional time beyond the 40-hour week it is automatically overtime.

The difference in this bill is that the employee would have the chance to say, "You know, I would like to take time-and-a-half sometime instead of being paid overtime for this work because I'm having such a tough time spending enough time with my family." That is employee choice.

The Senator went through a long and rather arduous explanation about how that was not employee choice. The truth of the matter is, if the employee—at any time after the employee has opted for compensatory time—if the employee decides, "well, I think I want the money instead, the second level of employee choice arises." That is, the choice to change his or her mind.

Employees are not just endowed with the choice originally to ask for compensatory time. If an agreement has been reached that compensatory time will be allowed, then a second option comes to the employee, the option to say, "Well, I don't think I really wanted to take the time off after all. Give me the money." You still have the money. This suggestion that there are no employee choices in this bill is simply not borne out by the bill itself.

For instance, if the employer asks that the extra time be worked, if there is extra time that comes as a result of a request by the employer, or if the request is initiated by the employer, it is automatically overtime.

One interesting case that came up really stunned me. During the winter of 1996, the Washington, DC area had a big, heavy snowstorm. A woman named Arlyce Robinson spoke before the Labor and Human Resources and testified that she was called on a Friday morning and told not to come to work due to the heavy snowfall. Therefore, Arlyce, along with all of her coworkers missed 1 day of work and suffered a 20-percent decrease in her salary. She and a couple hundred other people at her plant wanted to have that money. They needed the money—their fuel bills were going up because of the severe winter. They wanted, during the following week, to add 1 hour and 40 minutes a day to their work schedule so they could make up for the Friday missed. The current laws make it illegal for the employer to allow them to work that extra hour and 40 minutes on each of the days the next week in order to make up for the time lost on Friday.

The Senator from Massachusetts is correct, these people are the poorest of

the people that are working by the hour. They are suffering financial stress. If the employer is willing to let them work additional hours to make that up, what does the law say? The law says it is illegal, we cannot allow that to happen. Our bill would allow the employer to let that happen, allow the employer to say you can make up time or you can make up time in advance. You can bank flexible hours in order to ameliorate these stresses—these stresses that attend the work of the most needy of the workers.

The Senator from Massachusetts kept asking the rhetorical question, who are we for? I tell you who we are for; we are for the working people here. Guess who already has flextime? The guys in the boardroom already have flextime. The guys with the paneled offices already have flextime. They never have to worry if they need to take time off to watch their son or daughter get an award at the high school.

When Arlyce Robinson came to talk to us about this bill, she said she needed to have time off during the day occasionally to attend those responsibilities of her four grandchildren. She said, "More and more, the extracurricular activities are in the daytime because it is safer for people to go to extracurricular activities in the daytime, safer for the kids if they are scheduled in the day," and she wanted to see one of her grandchildren play in sports or do other things.

The guys in the boardroom with the walnut-paneled walls can take the time off. The supervisors paid on salary can take the time off. The folks who work for the Federal Government have flextime already. We have flextime for far more people than those who do not. There are about 79 million people in this country who are eligible for flextime while the people at the bottom end of the ladder—people who need to be able to spend time with their kids—who are trying to make ends meet, families where both parents have to be in the work force in order to have enough money to make ends meet. This group who does not have access to flexible work arrangements includes a large number of the most stressed people in this culture—the single parents who must spend the time working, they are the ones who desperately need flexible schedules.

Whose side are we on? I tell you whose side we are on. We are not on the side of the guys who already have it. Sure, we are glad that Federal workers have flextime. If you interview the Federal workers, they tell you how well it works. Federal workers interviewed by the General Accounting Office—this is not a polling firm going out to get one result or another. The chairman of the committee, who has been so good in pushing this bill forward, knows the General Accounting Office is a governmental agency that just wants to get to the facts and the truth. They interviewed the hourly workers at the Federal Government

who have basically the same components of this plan. What do they say? Mr. President, by a 10-to-1 ratio they say, "This is great. We like this. We want this." That is whose side we are on.

The Senator from Massachusetts suggests that the 40-hour work week is abolished. I do not know how you can read this bill and come to the conclusion that the 40-hour week is abolished. Everything in this bill is voluntary. Anyone who does not want to agree—and it takes the agreement of both the employer and the employee—cannot be forced to working such schedules.

The single most popular program for Federal workers, the 2.9 million Federal workers in the country that enjoy this provision, is the ability to take a weekday off every other week so every other Friday or every other Monday is off.

That means if they need to take a child to a doctor or schedule things, if they want to go fishing, hunting, or take a day of vacation with their children, it is something they can do. It is something they can do on their own without taking a pay cut.

This does not empower employers to demand it. It empowers workers, if they can cooperate with their employers, to get it. No employer can mandate any provision in this bill. It is that simple. If the employer is not cooperating to give people time off the way they would otherwise want the time off, what is the choice of the worker? The worker can immediately say, "Give me the money." This bill allows the worker to cash in any of the banked benefits or compensatory time benefits at any time.

In case someone is worried—we do not want anything that would not protect the worker. We have gone to great lengths, we have doubled the penalties for abuses under the bill. We have said that at any time the employee wants the money instead of the time, they can automatically call for it. We have said that at the end of the year if the time has not been taken, give them the money. In every respect, any time this is not working, the current law prevails, the money is paid at regular overtime rates, individuals fall back to the normal 40-hour week. This is a voluntary measure.

Some strange suggestion was made that because this was not exactly like family and medical leave, it did not have merit. I would like to ask those who would make that argument, like the Senator from Massachusetts, whether he believe that this abolishes family and medical leave? Every benefit that is available to people under family and medical leave will continue to be available to them. After this is enacted, after this is signed by the President, people will still have family and medical leave, so that all of the obligations available to them under that setting and in that situation still will be available to them. This is simply an additional way for people to accommodate the needs of their families.

I do not think we would be getting the kind of letters we are; I do not think we would have Working Women's magazine, Working Mother magazine say, "Get this done." I do not think newspapers like the New York Times, the Chicago Tribune would be endorsing this proposal. I do not think we would have people asking us to do something if family and medical leave were all that people wanted. This bill does not repeal or adjust or otherwise diminish family and medical leave. It simply says there are flexibilities that workers need in addition to that.

There are differences between this and family and medical leave, and one of those differences is something that hard working Americans will really appreciate. The biggest single difference between this measure and family and medical leave is that family and medical leave has people taking time off without pay. I think most people would rather try to plan their schedules and develop the capacity to make up for things in advance so they did not have to take a pay cut every time they wanted to take some time off. I think that the people of the United States of America really want to be good moms and dads without taking a pay cut, because in a very strange way, whenever you take the pay cut, you impair your ability to be the kind of parent you want to be. Most people have both spouses working so they can meet the financial needs of their families. If meeting the needs of your family for time means you have less capacity to meet the need of your family for finances, it creates undue stress. This is a stress reduction matter. I am surprised that the Senator would indicate that somehow this competes with family and medical leave. This adds to the options of American workers.

Sure, they are different. There are different standards for this iteration or that iteration. The primary difference is that this does not require you to take a pay cut to take time off. Family and medical leave simply requires you to take a pay cut to take time off.

It is appropriate we will be getting this bill to the floor. We will have the full range of debate on it. It is important we be engaged on this matter. I think it is important we understand that workers need something more than what we already have. Workers are feeling this tension.

I look at today's Washington Times, and it contains an article that said "Moms of Today Don't Think They Are Doing As Good As Our Own Moms, Poll Says." I think we all sense the stresses of modern day life. It recounts a study that says a substantial number of moms today just feel that "We really have a lot of juggling to do and unfortunately * * * our children suffer because of what we have to do * * * to maintain a living." "We are doing a worse job than our mothers did." Well, I think mothers are doing a valiant job, but people are feeling the pressure.

The study also found more than half the mothers who worked full time were

burdened with time pressures and trying to balance motherhood with other aspects of their lives. "Some of the pressures cited by mothers include trying to be in three places at once, making sure they get everything done without being stressed out and having enough time for themselves."

Mr. President, I ask unanimous consent the article from the Washington Times regarding mothers be printed in the RECORD.

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

[From the Washington Times, May 9, 1997]

MOTHERS OF TODAY DON'T THINK THEY'RE DOING AS GOOD AS OWN MOMS, POLL SAYS

Sandra Watson is a successful professional who has raised a well-adjusted 18-year-old son.

Still, she is often racked by guilt because she's not there for him when he returns from school to ask how his day was, go over his homework with him and eat dinner with him.

"We really have a lot of juggling to do and unfortunately . . . our children suffer somewhat because of what we have to do . . . to maintain a living," said Mrs. Watson, 42, an accounting manager. "We're doing a worse job than our mothers did."

Mrs. Watson is not alone in thinking that way. According to a study released yesterday, just before Mother's Day weekend, 56 percent of the women surveyed think their mothers were better parents than they are.

But on a more cheerful note, most mothers said they are mostly or very satisfied with the job they're doing raising their children.

The study by the Pew Research Center questioned 1,101 women, 74 percent of them mothers. Of the total sample 42 percent were employed full time, 15 percent part time, 21 percent retired and 22 percent not employed outside the home. The study has a margin of error of plus or minus 3 percentage points.

The researchers found that the problems and challenges faced by 1990s moms are related to changes in the lives of women and the evolution of the American family.

Mrs. Watson agrees.

"I think that parenting has somewhat taken a back seat to our lives and that should not be," said Mrs. Watson. "A lot of kids are somewhat having to raise themselves."

According to the survey, a large proportion of the women favored more traditional family settings.

Only 17 percent said most divorced couples who split custody of their children can do a good job of parenting; and fewer than 30 percent said most single mothers, stepmothers and couples in which both parents work full time can do a good job.

The study also found that more than half the mothers who worked full time were burdened with time pressures and trying to balance motherhood with other aspects of their lives compared with 18 percent of mothers who work part time or not at all.

Some of the pressures cited by mothers include trying to be in three places at once, making sure they get everything done without being stressed out and having enough time for themselves.

But the survey found that disciplining children is a problem all mothers face whether or not they work outside the house.

Despite the guilt, the self-recrimination and the worry, Mrs. Watson says, being a mother "is definitely worth it."

Mr. ASHCROFT. This sensitivity is not just felt in polls. It is felt in the

lives of real individuals. With this Mother's Day weekend in view, I will take you through the life of a mother who came to testify on this bill. Her job was incredible. People talk about overtime work. As far as I am concerned, there is not a mother in the United States of America who does not work overtime. I have observed only two mothers very closely, my own mother, and my wife, who is the mother of our three kids, and working overtime is an understatement. I am sure the chairman would agree. It is work all the time. I think it is important to provide some flexibility.

Let me give a little schedule out of the life of Christine Korzendorfer, an executive assistant in a TRW's northern Virginia office, is one of the individuals who came to talk about the need for flexible working arrangements. This is Christine's picture here.

She gets up at 5:30 in the morning and gets herself together by showering and dressing. About 6:30, she gets up her 2-year-old son, Ryan, to give him breakfast, yogurt and bananas.

Those were the days, I remember them, and I am sure the Senator from Vermont remembers them. It is one thing to coax a child to eat, but if the child decides he is not going to eat, it can ruin your whole day. You better be well protected or poorly dressed. You are at the child's mercy if he decides not to eat.

At 6:30 you put the yogurt and bananas together, feed the toddler, and you may have to bathe the toddler. I know Christine says she bathes the kid before he goes to bed at night, but sometimes a 2-year-old has to be bathed again in the morning. Then the 14-year-old in the household wakes up. So then from 7 to 7:15—after getting up at 5:30, a 6:30 feeding, getting up the 2-year-old and helping the 14-year-old get things together. At 7 or 7:15 in the morning, strap Ryan into the baby seat of the van and drive to the day care center. Of course, you have to leave your 14-year-old, at that point, with the right instructions and asking for the personal discipline on her part to get ready to go to junior high. Christine gets to the day care center and has to partly undress the kid she just dressed a short time ago. He is anxious about leaving his mom. Christine has to start distracting him, showing him something or another that might capture his attention, quiet him as much as possible before kissing him goodbye and sneaking out. And sometimes the sneak doesn't work. We have all been there, where the child clings. We have all had the scratches on the back of our necks or on our faces from a child who simply doesn't want to be left. Then, from 7:15 from 8 a.m. Christine drives to work. At work, she immediately is thrust into the day, sifting through, organizing.

For Christine, an easy workday is from 8 to 4. She loves her job. Her co-workers really are another family to her. She works hard to keep them

doing what they need to do, and she works hard to keep from being burned out. She eats lunch on the job, with ordered-in food from a fast-food chain. At 3:30, her daughter, Jennifer, the 14-year-old, gets home from school before Christine even leaves work. So she tries to get a call from her daughter. She would like to be home, but she cannot be, so she is sort of making up. The stress is there, but she is at least checking by phone. On the easy day, she drives home between 4 and 5 o'clock, picks up Ryan, straps him back into the seat. Sometimes—very often—she has to work overtime, but when she doesn't, she arrives home at 5 o'clock. Everybody wants a snack right off the bat. They are too impatient to wait for dinner. The snacks come first and then the dinner begins. Her husband plays with Ryan in the yard; dinner is at 6. Then Ryan wants to go back outside and play while mom is cleaning up the kitchen. Christine bathes Ryan, maybe, for a second time during the day, and everybody tries to go to bed in time to get up again at 5:30 in the morning.

All the errands are run on the weekends, which really makes it tough because, in that setting, the time we would normally have for repose, relaxation, and recovery is spent grocery shopping, clothes shopping, running around. The one thing that interrupts the schedule is when the junior high student needs the assistance of a parent with homework, and it often means that a couple extra hours are injected.

According to Christine, her daughter Jennifer had to have oral surgery a couple of weeks ago. Christine had to take unpaid leave on Wednesday, Thursday, and Friday afternoon to take care of Jennifer at home. And because Christine has a lot of overtime—we have said that her short days are the 8 to 4 days—and she would very much like to have been able to spend comptime or flextime for those 3 days. However, since those options are not available, Christine had to take a 3-day pay cut for her to be the kind of mother she wants to be. This is one very conscientious woman. I might add that Christine and her husband now are expecting their third child. So this pressure is not likely to be abated. During her testimony before the Labor and Human Resources Committee's Employment and Training Subcommittee hearing, Christine asked the members to hurry up and pass the legislation so she could bank some comptime to use at the end of her current pregnancy. Mr. President, if we hurry, we might just make it.

The point I want to make is that, as we approach this Sunday when we honor mothers who don't work just overtime, they work all the time, we have a responsibility to do what we can to give them at least the category of flexibility that the majority of workers in our culture enjoy. The boardroom enjoys flextime options; the managers enjoy flextime—the ones not paid by

the hour, and most of them are not—Government workers enjoy flextime and comptime, and, frankly, it is time for the working mothers of America to enjoy a comptime option.

Harvard economist Juliet Schor has chronicled the crazy schedules that Americans are put through in a 1992 book called "The Overworked American." She found that between 1969 and 1987, men worked an average of 98 more hours per year at the end of the period than they did at the beginning of the period. Here is the staggering statistic: during that same period—between 1969 and 1987—the average woman worked 305 more hours at the end of the period per year than she did at the beginning of the year.

Not only are we working more, but the demands that we have for our families are not less; they may be more. There are more threatening influences on our families, I believe, in today's culture than there have been in the past. The need for direct parental involvement is something I believe the Senator from Massachusetts and I can agree to. I think kids do respond to direct parental involvement. He cited the fact that children actually recover faster from illness when there is more time with parents. I can agree to that. We need to provide a way for parents to do that, and we should not ask them to take a pay cut in order to be able to spend more time with their children, whether it is recovering from an illness or whether it is something else. Again, 305 additional hours, on the average, women at work in 1987 than there was in 1969.

Working mothers are stressed. Millions of moms wake up at 6, or earlier, in the morning to hustle their kids out of bed, make breakfast and lunch before sending the kids to the bus or dropping them off at day care. After the hectic morning hours, they show up for work ready to meet the demands of the day. We enjoy a great standard of living, a high level of productivity in the United States of America. There are lots of reasons for it, but one of the primary reasons we have the standard of living we do is that women work in the marriage. When the Fair Labor Standards Act went into effect in the 1930's, only one out of six mothers of school-aged children was in the work force. But today, about 75 percent—or 9 out of 12—of the mothers of school-aged children are in the work force. There is a benefit to the culture in that. We have a high standard of living. As a nation, we are competitive and productive. To think that somehow we can ignore the needs of the people who are the source of that productivity and competitive standing is just to have our heads in the sand.

After 8 or 9 hours of work, women pick up the kids from some practice, or a babysitter, and go home to make dinner, sometimes with the assistance of the family, sometimes not. Often, each person in the family has a different shift, and that makes the schedule

even more hectic. But there is a real challenge here. I think it is very important. The study indicates that, in addition to the 40-plus hours a week a working mom puts in on the job, the average mother adds about 25 to 45 additional hours at home. That is not just overtime, that is where we talk about the fact that women are working all the time.

You know the problems that can exist often in the middle of a school day: a school nurse calls to announce a child is ill and needs to be picked up. Under today's labor law, a mother who takes Friday afternoon off to take her flu-stricken son home can't make up that time on the following Monday. She must suffer a pay loss for those hours. We want to correct that. She can't go to a "bank" of pre-work time and say, I have 3 or 4 hours in reserve so that I won't have to have my pay disrupted; I can go and I don't have to choose between my paycheck and my child. No one wants to do that. No one would choose their paycheck. We don't want to put people under that stress. They could just go to an account that they would have for flexible working arrangements or compensatory time, and employers who understand the value of workers are eager to cooperate with workers to help them meet the needs of their families.

The Senator from Massachusetts made a number of remarks that, in my judgment, suggest that employers aren't eager to help employees resolve these difficulties. I think that may have been the case at some time in history. But there are many, many employers who are very eager to help their employees do well with both their families and on the job. As a matter of fact, Working Women magazine features the 100 best companies each year, and companies compete for this. They say, "You should work for us because we have this kind of willingness to work with you, and we should be partners in an enterprise that isn't just a business enterprise, but the enterprise of helping you be successful."

Well, I believe that our ability to add to the arsenal of things that can help people meet the needs of their families and the workplace is a tremendous responsibility, and we should take that responsibility seriously and we should address it. To suggest that to have flexible working arrangements means that we can't have or won't have the family and medical leave opportunity is simply wrong. To suggest that if these new arrangements aren't identical to family and medical leave, they are bad, is to ignore the fact that family and medical leave can meet one category of demand, and flexible working arrangements can meet another category of demand. And to ignore the fact that the category of need exists for flexible working arrangements is to ignore the thousands of workers that have contacted us, and to ignore the experience of people in the public sector and salaried workers and people in

the boardroom who have been using flexible work approaches for a long time.

I am very grateful to the chairman of the Labor Committee, the Senator from Vermont, and to the chairman of the subcommittee, the Senator from Ohio, for their excellent work in this respect. I look forward to the debate.

This is not a pay reduction bill. I kind of get the idea that those who oppose this bill know that it is not, because this is a way for people to take time off without taking the pay cut. I kind of get the idea that those who oppose this bill feel like a good offense must be their best defense because, frankly, to suggest that this is a pay cut bill is to misrepresent it in terms of the thing that makes it most strong, and that is this is the ability of people to meet the needs of their families, without sacrificing their pay in order to do so.

It is with that in mind that I look forward to the debate next week and to the ultimate passage of this measure by the U.S. Senate. It, indeed, would be the very single best Mother's Day gift that this Government could extend to the people of America.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to proceed for 10 minutes.

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

Mr. HUTCHINSON. Mr. President, I want to commend the Senator from Missouri for his eloquent, compassionate statement on behalf of the families of America and on behalf of the Mothers of America. I appreciate his leadership on this bill.

EXPANDED PORTABILITY AND HEALTH INSURANCE COVERAGE ACT

Mr. HUTCHINSON. Mr. President, yesterday, I introduced legislation that I believe is desperately needed by millions of uninsured Americans who are employed by small businesses.

The problem of the uninsured—both children and adults—is largely a problem of small businesses lacking access to affordable health insurance.

When I first came to Congress in 1993 on the House side, health insurance coverage and accessibility was at the forefront of public debate. This year, it seems as if all of the attention is focused upon health insurance coverage for children—a very important topic indeed.

If we can provide access for millions of adults in this country, we can extend access to health care for millions of children. We know that there are more than 40 million uninsured Americans, and that 10 million of those 40 million Americans are children. It is these children who are the most vul-

nerable in our society. If we do not provide these children with quality health care in their early years, we will find the cost of providing health care for them as they grow older to be ever higher. Not providing quality health care for our children translates into higher health costs for all of us.

A closer examination reveals that 80 percent of these individuals—that is the 40 million who are uninsured—live in families with an employed worker who is likely to work for a small employer, or who is self-employed. That is, they are drawing a paycheck. And, yet, they don't have health insurance.

In fact, only 26 percent of the workers in companies of 10 employees or less receive health insurance through their employer, while nearly all workers in Fortune 500 companies have health insurance available to them. This, of course, is because many small employers simply cannot afford high health premiums and the high administrative costs associated with health insurance today.

So, if you work for a small business with 10 employees or less, the odds are three to one that you don't have health insurance.

If we can solve this problem so that millions of Americans who are working for small businesses can obtain health insurance, we will have taken a huge step toward providing health insurance for all Americans.

According to a February General Accounting Office study, while many employers remain committed to providing employee and family coverage, the percentage of people with private coverage is declining in America. At the very time that we want to expand health insurance for millions of children in this country, at the very time that we have a goal of providing universal health coverage to all Americans, we are finding that the percentage of people with health coverage is declining. One of the primary reasons for this decline is eroding financial support. Each year between the late 1980's and 1994, increases in employers' cost to provide health insurance to their employees and their employees' families outpaced inflation, with cost growth of 18 percent in one single year.

With the surge in health insurance premium costs, many employers have reevaluated their commitment to provide health coverage to employees and their families. It is understandable. With health care inflation, increasing at as much as 18 percent a year in certain instances, it is little wonder that employers are reevaluating whether they are going to be able to afford to provide health coverage to their employees and to their employees' families. Some employers—particularly smaller employers—have dropped their health care coverage altogether. Many employers that have chosen to continue to offer benefits, have been forced to raise employees' premiums, creating more out of pocket expenses for their employees—which is essentially a pay cut.

The percentage of Americans with private health insurance dropped from 75 percent in 1989 to 71 percent in 1995. During the same time period, private health insurance coverage for children under the age of 18 decreased from 73 percent to 66 percent. If private coverage levels had not decreased, it is estimated that about 5 million more children and 5 million more adults would have private health insurance.

To my colleagues, I say that we are actually losing ground in our efforts to provide health insurance for all Americans.

Small employers also cannot afford costly State mandated benefit requirements, which studies show can add up to 30 percent of health care costs. According to a December 1996 study by Blue Cross-Blue Shield, the number of State mandated benefit requirements has soared over the past 20 years. For example, the State of Florida had enacted only two insurance related mandates in 1976. In just 20 years, the number of State insurance mandates in the State of Florida has increased to 36. In my home State of Arkansas, the number has more than quintupled over the same 20-year period. State mandates are increasing exponentially all over the Nation.

It is important to realize that while the number of people with private insurance has declined, the number of people with Medicaid coverage has increased. Unless the decline in private coverage abates, taxpayers may face increased costs for health care as we see more and more people enroll in the Medicaid system.

The Expanded Portability and Health Insurance Coverage Act, which I introduced yesterday, will help alleviate the problem of the uninsured by removing barriers that prevent small businesses from providing health insurance to their employees. Most small businesses want to provide these benefits, but they find that there are innumerable, costly barriers that prevent them from doing so. This legislation will give associations and franchise networks the opportunity to form multistate purchasing groups under a single set of national rules, through the Employment Retirement Income Security Act, ERISA. The EPHIC bill will make health insurance more affordable for small employers in several important ways.

First, it will lower administrative costs. Second, it will provide greater bargaining power to smaller employers to negotiate better agreements with health plans and providers. Finally, it will eliminate the need for small businesses to comply with costly State-mandated benefit requirements which, as I mentioned, studies indicate amount to 30 percent in additional cost.

To put this in this perspective, just last week, a constituent came into my office and told me the following story. He is an employer with about 150 employees in Little Rock, AR. He shopped