



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, THURSDAY, MAY 15, 1997

No. 64

Senate

The Senate met at 9:15 a.m. and was called to order by the Hon. John ASHCROFT, a Senator from the State of Missouri.

The PRESIDING OFFICER. We are favored today with the presence of a guest Chaplain, Dr. Greg Mathis of Mud Creek Baptist Church from Hendersonville, NC. Our guest Chaplain will lead the Senate in prayer.

PRAYER

The Reverend Dr. Greg Mathis of Mud Creek Baptist Church, Hendersonville, NC, offered the following prayer:

Let us pray:

Heavenly Father, thank You for the privilege of prayer. In obedience to You, I lift up the leaders of our country who are in positions of authority and responsibility. Remind each of us this day that all wisdom begins with You. Help us, O Lord, to work this day to protect our heritage, to find common ground for the present, and to have a vision for the future. May this be our purpose. Heavenly Father, guide us to give careful thought to our ways. Grant special insight to our leaders to anything that would threaten our country. Give integrity to them today as they hear, speak, think, and decide. Give them initiative to accomplish something for the good of all. Remind us, O Lord, that You are sovereign. May Your word be our standard of righteousness. May Your love be our example of kindness. May the wonderful salvation You offer to us through Your son, Jesus Christ, find acceptance. Heavenly Father, I pray that everything that transpires here this day will be pleasing to You and in accordance with Your will. This I pray in the name of Jesus Christ, the Saviour of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ASHCROFT, a Senator from the State of Missouri, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ASHCROFT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

THE GUEST CHAPLAIN

Mr. FAIRCLOTH. Mr. President, the Reverend Greg Mathis, pastor of Mud Creek Baptist Church in Hendersonville, NC, is one of our outstanding ministers from North Carolina. Reverend Mathis graduated from Southeastern Baptist Theological Seminary in Wake Forest, NC, and he has pastored Mud Creek for 20 years. During that time, the church experienced a remarkable growth under his leadership. Reverend Mathis is serving his second term as president of the North Carolina Baptist State Convention. The North Carolina Baptist State Convention is the foremost religious organization in North Carolina. It has 3,600 churches and represents 1.2 million worshippers.

Reverend Mathis' wife, Deborah, is with us today, and his three children are back in North Carolina attending school. Also with Reverend Mathis today is the chairman of the board of deacons, Greg Corn, and his wife, Susie.

It is a distinct honor and my pleasure to have Rev. Greg Mathis as our guest Chaplain of the U.S. Senate today and to have led us in our opening prayer. I thank him for being here.

SCHEDULE

Mr. JEFFORDS. Mr. President, for the information of all Senators, today the Senate will resume consideration of S. 4, the Family Friendly Workplace Act. Under the previous order, at approximately 10 a.m., the Senate will vote on a motion to invoke cloture on S. 4. Following that vote, there will be a period for morning business until the hour of 11 a.m. to accommodate a number of the Senators who have requested time to speak. In addition, I remind all Members that they have until 10 a.m. to file second-degree amendments to S. 4.

Also, by previous order, at 11 a.m., the Senate will resume consideration of H.R. 1122, the partial-birth abortion ban bill, with Senator FEINSTEIN recognized to offer an amendment. Debate on the Feinstein amendment will last until approximately 2 p.m., with the time equally divided between Senator FEINSTEIN and Senator SANTORUM. At approximately 2 p.m., a rollcall vote will occur on, or in relation to, the Feinstein amendment.

Following the disposition of the Feinstein amendment, Senator DASCHLE will be recognized to offer his amendment to H.R. 1122, and under a consent agreement, there will be 5 hours of debate in order equally divided between Senator DASCHLE and Senator SANTORUM. Therefore, Senators can anticipate a vote on, or in relation to, the Daschle amendment later this evening. Consequently, Members can expect rollcall votes throughout today's session of the Senate. As always, Senators will be notified with as much notice as possible as to the exact time of these ordered votes.

The majority leader reminds all Members that next week, as the last

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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week prior to the Memorial Day recess, as Senators are aware, we have a number of important issues which we hope to complete action on prior to the recess, including the budget resolution, any conference reports that are available and any executive nominations that can be cleared. Therefore, the majority leader appreciates the cooperation of all Members in the scheduling of legislative business and votes next week.

I thank my colleagues for their attention and yield the floor.

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER (Mr. BROWNBACK). The Chair lays before the Senate, S. 4, with debate equally divided until the hour of 10 a.m. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, bi-weekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield to the Senator from the State of Texas—I am not sure how much time she needs, 15 minutes?

Mrs. HUTCHISON. That will be fine. I probably will not need all of that.

Mr. JEFFORDS. Fine.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 15 minutes.

Mrs. HUTCHISON. Thank you, Mr. President, and I thank the chairman of the committee.

We are going to vote in about an hour and a half to invoke cloture, which means we are going to vote on whether we can take up the Family Friendly Workplace Act. Mr. President, this act is long overdue. This is going to free the hourly employees of our country to have the same flexibility that Federal workers now have, that most State workers now have, that salaried employees now have. Only hourly employees are not able to walk into their employer and say, "Could I take off at 3 o'clock Friday afternoon to go to my child's soccer game and work 2 extra hours on Monday?"

The hourly employees of this country are not allowed to walk into their employer and say, "You know, I don't ever work overtime, but I'd like to be able to work some extra hours and bank those so that when I am able to go on a camping trip with my child, I will have those hours to do it."

An hourly employee is not allowed to walk in to his or her employer's office and say, "I would like to know if it would be possible for me to work maybe 9 hours everyday for 2 weeks and take every other Friday off." An hourly employee cannot do that. And yet this has worked so well for Federal employees and salaried employees who have dealt with the stresses of being a working mom or a working dad. They need to work, they need the extra income, but they do not have enough time with their children. Salaried employees can do this. Federal employees can do this. State employees can do this. But hourly workers cannot. Why? Because the Federal Government says they cannot, because the Federal Government discriminates against employees by a bill that was passed into law in 1938.

Mr. President, in 1938, 10 percent of the women in this country with children worked—10 percent. So it was not exactly an issue on the front burner at the time that working moms had the kind of stresses they do today. The ones who were working did, no question about it, but there were not as many. Today, two-thirds of the working women in this country have school-age children—two-thirds.

I was talking to my daughter last night. I was worried because I had not heard from her. I left a message for her Sunday. Ray and I were trying to reach her and we left a message for her Sunday and said call us back. She did not call back. She called me last night about 10:30, and she said, "Oh, gosh, I'm really sorry, everything is fine, but I had just been volunteering full time at the school and Travis' Little League directors meeting was tonight. I had just gotten home from the directors' meeting, and we have been working with our twin daughters having a pen pal program with another school and were planning a party for the children who were coming over to meet for the first time."

My gosh, I thought, how does she have enough hours in the day, and she is a full-time mom. What if she were working and trying to do those wonderful things that she is doing to support her son's Little League, or our twin granddaughters' activities in Brownies, which she hosts every week at her home? All the extra hours that she volunteers at school, reading to all the children in school at the library, I thought, what if she were a working mom? And I thought to myself, two-thirds of the working women in this country have school-age children, and they would love to do what Brenda Maxon, our daughter, does volunteering at school to read to the children, being on the board of directors of the Little League, working with her twin daughters' pen pal class and having Brownie troop meetings every week. Those are such wonderful things, and I am so grateful that my grandchildren have such a wonderful mom.

But, Mr. President, if she were working full time, she would have the

stresses that would make it impossible. Impossible. Every mom would like to be able to do those things. We are trying to relieve some of that stress with this bill. We are going to try to give hourly employees the ability to say, "I would like to host a Brownie troop every other Friday. Could I work 9 hours every other day of the week and take every other Friday off so I can host a Brownie troop for my daughter?" That is what we want for the hourly employees of our country.

What this bill does is allow the hourly employees to come in and say, "I'd like to work overtime and bank the hours to take a day off." Or, if an employer says, "I need overtime work," the person can have their choice: Time-and-a-half pay or time-and-a-half hours, and, once again, bank those hours for when they are needed. Or to be able to walk in and say, "Can I work 9 hours a day and take every other Friday off?" Or "Can I work 10 hours 4 days a week and take Fridays off?" Because other people are able to do that. Maybe they do not have child care on Fridays. They have child care 4 days a week they feel really comfortable with, but not on Fridays.

You see, the difference between 1938 laws and today is that I think employers realize how important it is that they have happy, productive employees. And when two-thirds of the working women in this country have school-aged children, they know there is stress in this life. What can we do to make these employees happier, to give them a release valve, to let them have that time to do something special with their children so that they do not worry that their children are going to grow up without their awareness of how much their moms and dads love them, cherish them, and want them to have solid values? So, Mr. President, that is what the bill is.

I have heard the opposition. They say, "Oh, but this will just allow employers to coerce employees. All the rights are with the employers." Well, of course the employer is running the business. Many times it is the small business man or woman that has gone out and borrowed the money, that works 80 hours a week trying to make it go, to contribute to our economy. It is not easy being in business in America with all of the taxes and regulations and litigation that a person in business must face.

So, of course, they are running the operation. But that does not mean they are bad. It does not mean that they are going to say, to an employee, "Oh, no. Of course you're not going to do that. I don't want to pay you overtime." That is not the way America is. This is not 1938. It is not 1948. It is 1997.

Welcome to the end of the 20th century. Employers want happy, productive employees. They are going to bend over backward. And they do bend over backwards to make life better for their employees. And if it is not going to disrupt the workplace, of course they are