

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

going to say, yes, they would like the flexibility to do this.

It has been stated on the floor, "Oh, well, the only people supporting this are employers." That is not true. This morning in my office I met with three Federal workers. And I said, "How do you like flextime?"

They said, "Oh, it's wonderful, of course. We love it."

And I said, "Well, can you imagine why many of the Democrats are keeping this bill from coming up so that others would be able to have these same rights?"

And they looked at me sort of aghast—aghast—of course.

What in the world could be wrong with adding one more option for the working moms and dads in this country that are hourly employees? We are taking away no rights. We are taking nothing away.

In fact, the unions are opposed to this, but I do not understand it, because if there is a union contract, it does not apply. A union contract overrides the ability for this employee to go outside of the union contract to his or her employer. So the unions' rights are certainly protected.

Why would the union not want other hourly employees, who do not have union contracts, why would they step in and say that we should not allow hourly employees in this country to have the same rights as salaried employees do, as Federal employees do? What could be their motivation?

It is incomprehensible to me that adding another option to the hourly employees' ability to relieve the stress in their lives would be opposed by anyone, by unions, by members of the Democratic side of the Senate. It is incomprehensible because every single Republican is certainly going to vote for this bill.

But we need 60 votes to move forward. And I do not know if we will have 60 votes. But I would like to have the explanation from someone who is going to vote against this bill, why they would not allow the hourly employees of this country to have another option to relieve the stress in their lives, to spend more time with their kids, paid rather than unpaid, which is what the President's plan would do.

This is paid. What if the hourly employee cannot afford the Family and Medical Leave Act, which does not have pay, because they have a mortgage payment and they are barely making ends meet, they have a car payment, they have day care payments, they just cannot quite squeeze it out if they cannot get paid? That is why this is so important. They will continue to get paid at their regular rates. They know what their hourly compensation is. They know they can depend on it. They would just choose, if they wanted to, instead of getting extra pay, they would take extra time off.

In a poll done by Money magazine, a survey found 64 percent of the public

and 68 percent of the women would choose paid time off, which our bill would give them, for overtime work instead of added pay because it means that it is up to them to have the extra time with their kids without in any way giving up the ability to pay the car payment and the mortgage payment and the day care payment.

So, Mr. President, this bill is so fair. It is so right. It is impossible to think—if you go out and do an interview on the street, talk to people who are not in Washington, DC. Talk to people who are in the real world, working hard to make ends meet, running a small business. Talk to people who are making this country tick. It is not the people in the U.S. Senate that are making this country tick; it is the people out there on the frontline, working to make ends meet as hourly employees or as small business owners or as salaried employees or Federal workers. They are out there trying to make ends meet. And we are giving them one more option to relieve the stress in their lives.

If you ask a man on the street, would they like this as an option, not as a mandate, but as an option to be able to at some point attend a special football game, a special soccer game, a special Little League baseball game, or to be able to host the Brownie troop every Friday, would they like the option to go to their employer and say, "Could I have flexible time? Could I have compensatory time?" I will guarantee you, that 8 out of 10 people will say absolutely yes—probably 10 out of 10—but I know 8 out of 10 would, or 68 percent of the women or 65 percent of all people. An overwhelming majority would say, "Hey, I didn't know they couldn't." That is what most people would say. "Are you kidding me? You mean, there are people in this country who cannot walk into their employer's office and say, 'Could I have time off Friday at 3 o'clock and work Monday until 7?'" Well, gosh, yeah, I think they ought to have that right. I sure do." That is what we are trying to give them today.

So, Mr. President, I hope people will ask themselves the question—ask yourself the question, should hourly employees have the same rights as everybody else that works in this country? Should they? And if you think they should, then you should vote today for cloture so we can get on with this bill.

I think the President would have a hard time not signing a flextime bill when he campaigned saying exactly that is what he wanted. He wanted flextime. We are going to give it to him, if the Democrats will let us move forward on this bill.

Thank you, Mr. President. I appreciate the time.

The PRESIDING OFFICER. Who seeks time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts controls 19 minutes and 48 seconds.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

Mr. President, I listened to my good friend from Texas make a very eloquent statement and, of course, if that was the bill that we had before us, there would be an entirely different result than the vote that is going to take place at a little after 10 this morning. But that is not the bill we have before us.

I'd like just to mention that on page 9 of the bill, the decision about whether an employee will be permitted to take the time off will be made, as line 18 says, by the employer, not by the employee.

If, the good Senator from Texas said wants to change that, so that the employee makes the decision, instead of the employer, we have an entirely different bill here. If you want to give the choice to the workers, so that the employee can make that judgment and decision, you would have an entirely different outcome.

But that is not what the legislation says. This bill says the employer will make the decision—the employer will make it. And as I have said, if the employer decides not to grant an employee's request to use comptime on a particular date, because the employer makes the decision that the employee has not given sufficient notice, or the use of the comptime would disrupt the employer's operations, the employee has no ability to appeal it. Even if the employer fails to adhere to this standard, the employee has no remedy. There is no remedy if the employer is being unreasonable or harsh.

So that is really the difference. The difference between this bill and the Federal employee program is that the Federal employee makes the decision about when to take the time off. That is the difference between this bill and the Family and Medical Leave Act, too—the employee makes the decision. Under this bill, it is the employer that makes the decision. And that is the major difference between this bill and those existing programs.

I would just mention to my friend again, who objects because the unions are opposed to this even though they are not affected by it. Sometimes we have groups in our country that fight for the rights of people who are not necessarily members of those groups. That is why just about every woman's group that has fought for economic justice has also opposed this legislation, because they believe it is a major step back, particularly for lower income workers. And they know that, while those lower income workers are primarily women, they are not all women.

It is interesting that all the organizations that supported the increase in the minimum wage, all the ones who supported the Family and Medical Leave Act, all the ones who supported

the WARN Act, which requires an employer to give employees 60 days' notice before closing a factory—all are opposed to this bill. And all the organizations that opposed all those provisions that would have enhanced the rights of working families are for this bill. So we ought to look at the bill very closely.

Those organizations that support this bill do so for a very fundamental reason.

Mr. President, I urge my colleagues to oppose cloture on S. 4, which its supporters call the Family Friendly Workplace Act. This is a bill with an appealing title but appalling substance. We should not rush to final passage.

This bill would make a fundamental change in the Fair Labor Standards Act, a law that has well served American workers and their families for 60 years. The law requires that employees be paid no less than the minimum wage. Does that sound unreasonable to the American people? Have we changed so much in the 60 years since that Act was passed that we do not want to permit hard-working men and women to be paid the minimum wage? The law requires the payments of the minimum wage, currently at \$4.75 an hour. And the law also requires that employees be paid at least time-and-a-half when they work more than 40 hours a week.

Contrary to what the Senator from Texas said, if workers want to work 10 hours a day for 4 days and have Friday off, they can do it under existing law. They can do that under the existing law. If the employer wants to juggle work schedules so that employees can work half a day on Friday, and work longer days in the earlier part of the week, they can do that under existing law. Only 10 percent of hourly employees are offered these or other flexible arrangements available under current law. Part of our complaint about this bill is, why don't employers first demonstrate that the existing law does not work for them? We do not believe the law should be changed until employers show that existing law does not provide adequate flexibility.

The Fair Labor Standards Act requires employers to pay the minimum wage, and to give employees time-and-a-half for hours worked over 40 in a week. That principle is part of the fabric of the employer-employee relations in this Nation. It has been so since 1938. But this bill would radically change that principle.

Under Senator ASHCROFT's proposal, employees could be required—listen to this, Mr. President—could be required to work up to 80 hours in a single week without being paid a penny of overtime.

Under this bill, employers could require workers to work extra hours in one week, then give them an equal number of hours off at a later time without paying time-and-a-half.

This is what it says, Mr. President. Right here on page 11: "In general, notwithstanding any other provision of

the law"—that eliminates the 40-hour workweek—"an employer may establish biweekly work programs that allow the use of biweekly work schedules that consist of a basic work requirement of not more than 80 hours over a 2-week period in which more than 40 hours of the work requirement may occur in a week of the period." Well, that says it. "More than 40 hours of the work requirement may occur" in 1 of the 2 weeks.

Further: "The employee shall be compensated for each hour in such biweekly work schedule at a rate not less than the regular rate at which the employee is employed." That is straight time. Do we all understand that? It is left to the employer to decide whether that employee will work not just 40 hours, but 50, 60, 70, or even 80 hours a week. And every single one of those hours will be paid at straight time. This is the abolition of the 40-hour workweek.

We hear, "Well, times have changed. We do not want to be restricted by the traditions of the past." I agree with that. We are not committed to unnecessary programs, but we are committed to values, the values that men and women ought to work 40 hours a week, and if they are going to work longer than 40 hours a week, they get paid time and a half. I think that concept is as real today as it ever was—but the Ashcroft proposal disagrees.

The PRESIDING OFFICER. The Senator has spoken for 7 minutes.

Mr. KENNEDY. I yield 3 additional minutes.

The Ashcroft proposal says that the idea of the 40-hour workweek is out; it can be 50, 60, 70 hours a week, all paid at straight time.

I have discussed who makes the decision under this bill—it is the employer, not the employee. It is not the employee who says, "My child has a school play," or "I have a meeting with the child's teacher." Under this bill, the employee has no right to use comptime for these important purposes. The employee has no right to use any time for these purposes—paid or unpaid.

That is the Murray amendment. That amendment provides employees just 24 hours a year to attend school conferences and participate in family literacy programs. Those 24 hours are within the 12 weeks of family leave provided by the Family and Medical Leave Act. We will see how many votes we get from the other side of the aisle when we consider the Murray amendment. We will see how many votes we will get on that.

I say to the Senator from Texas that I hope she makes that very eloquent statement when Senator MURRAY offers the amendment.

Mr. President, we are talking about abolishing the 40-hour workweek and giving the employers the whip hand. The changes proposed by this bill go to the heart of our labor standards laws and would alter the basic rules covering 65 million Americans.

But this has been debated on the floor for only a little over 2 hours. We began debate on the bill 2 days ago and spent only a morning discussing it before the Republicans filed this petition—2 hours and they filed this petition. Since that time, we have not had a moment of debate on the bill on the floor of the Senate. This issue deserves much fuller consideration than that. We should not be contemplating such significant changes with so little discussion.

These changes are so powerful and the debate has been so short, I wonder why the bill's proponents are in such a rush? What do they have to fear from developing or talking about or debating these issues? Those who support this legislation must recognize the bill cannot withstand close scrutiny. They know that full and fair consideration of the legislation will reveal fatal flaws. Serious defects are built into the bill, and the proponents know it. That is why they want to ram this legislation through without adequate opportunity for discussion.

That is exactly why we should oppose this petition. This bill cries out for a closer look. The 65 million American workers deserve no less.

A careful review of the bill demonstrates that it is nothing more than a pay cut for those hard-working Americans. In truth, the bill should be called the Paycheck Reduction Act. The bill is not designed to help employees juggle their work and family obligations. Instead, it is designed to help employers cut wages.

The bill's proponents have admitted that small businesses cannot afford to pay their employees overtime. That is why they support this bill. This statement was made by the witness from the National Federation of Independent Businesses who testified in support of S. 4 before the Labor Committee in February.

The bill has four major flaws. First, it makes good on the NFIB's characterization. It cuts workers' wages. Under the bill, an employer could force an employee to take an hour off in the future for every hour of overtime they work. Current law requires employers to pay time and a half for overtime hours. Substituting time off at a straight time rate is a pay cut, pure and simple.

The bill also lets employers discriminate against workers who refuse to take comptime instead of overtime pay. Under S. 4, the employer is free to assign overtime work only to those workers who accept comptime. Workers who need the money the most, who cannot afford to take the time off, would be hurt the most. Their paychecks would be smaller. Giving the employer that power eliminates the worker's freedom of choice. We offered an amendment to address that issue. It was defeated in the Labor Committee—on a party line vote.

Second, the bill cuts employees' benefits. Many industries link the size of

employees' pension and health benefits to the number of hours they work. Under S. 4, when an employee uses comptime hours, they would not count towards pension and health benefits. The result is a reduction in employees' income after retirement and a cut in their health benefits while they are working. Once again, we offered an amendment on that issue in committee, and we were defeated along strict party lines.

The bill also permits a perverse outcome. The way the bill is drafted, an employee would not be assured an increase in time off. If an employee takes 8 hours of comptime on Monday in order to spend time with his or her family, the employer is free to force the employee to work on Saturday to make up for lost time. The employer does not even have to pay time and a half for the hours worked on Saturday. That is really family friendly. The comptime hours used on Monday do not count toward the 40-hour workweek. Is this family friendly? We offered an amendment on this issue, too, and it was defeated along party lines in the committee.

Third, as I mentioned, the bill abolishes the 40-hour week. The so-called biweekly work program allows employers to work employees up to 80 hours in a single week, without paying a penny of overtime. Or, the employer could impose a work schedule of 60 hours one week and 20 hours the next—again, without paying any overtime premium. Making child care arrangements for such shifting and irregular schedules wouldn't be family-friendly—it would be a nightmare.

Finally, and most importantly, the bill does not give employees the choice about when to take comp hours that they have earned. Supporters of S. 4 claim that their bill is meant to give employees the option to use comptime to attend a child's graduation, take an elderly parent to the doctor, or deal with other family obligations. But nothing in this bill requires the employer to give the employee the day that he or she wants or needs. Instead, the bill gives the employer virtually unreviewable discretion to decide when the employee takes the time off.

If the employer gets to choose when employees can take comptime, this bill provides no benefit. It does not help workers to give up overtime pay if the employer can deny their request to use comptime when they need it. Instead, the system becomes nothing more than a pay cut.

For all these reasons, I urge my colleagues to vote against cloture. Give us the opportunity to explore and discuss what this bill does to—not for—65 million working Americans. The hard-working families who depend on overtime pay to make ends meet deserve no less.

I reserve the remainder of my time.

Mr. JEFFORDS. How much time do I have remaining?

The PRESIDING OFFICER. You have 23 seconds.

Mr. JEFFORDS. I was allocated 22½ minutes. I have used 15. I ask unanimous consent the Senator from Maine be allowed to speak for 5 minutes.

Mr. KENNEDY. I will not object if we can have the same 5 minutes on our side.

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

There is an additional allocation of 5 minutes on each side. The Senator from Maine is recognized for a period of 5 minutes.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Family Friendly Workplace Act, which will permit employers to offer more flexible work schedules to their employees.

The lifestyles of today's employees do not always match the traditional 9 to 5, 5-day-a-week schedules of their parents. This legislation is intended to give families greater flexibility in order to better balance the often competing demands of work and family.

The legislation will allow private sector employers to offer more flexible work schedules to their employees by providing additional options like comptime, flextime, and biweekly schedules. The legislation doesn't change to amount of compensation—simply the form of compensation.

For instance, the legislation allows employers to give their employees the option of receiving overtime in the form of compensatory time off instead of cash wages at a rate of not less than one and one-half hours for each hour of overtime worked.

The legislation also allows employers and employees—by mutual agreement—to set up a biweekly schedule consisting of any combination of 80 hours over a 2-week period. For example, an employee could work 45 hours in week one and 35 hours in week two, which would allow them to work nine hours a day and take every other Friday off.

In response to the concerns expressed by my Democratic colleagues, I also want to emphasize that participation in these programs is strictly voluntary on the part of both the employee and the employer. No one can be forced to participate, nor can participation be a "condition of employment." In fact, employers are expressly prohibited from coercing, threatening, or intimidating their employees into participating against their will, and violators face a range of sanctions.

Mr. President, for many families, time is more valuable than money, and this bill simply extends options that have been widely available—and extremely popular among employees—in the public sector to the private sector.

I have been a manager in the public sector, and I know firsthand how popular and effective these options can be. As former Representative Geraldine Ferraro said during the House debate on the bill allowing Federal agencies to offer flextime and biweekly work schedules, "Flexible schedules have

helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities." I certainly agree with former Representative Ferraro on this issue.

Finally, Mr. President, I bring to my colleagues' attention a very recent study of over 1,100 women conducted by the Princeton Survey Research. Of the mothers surveyed, 91 percent—91 percent—of those surveyed said that a flexible work schedule was important to them. In fact, the ability to work a flexible work schedule was more important to these working women than the availability of workplace child care or the ability to work part time.

Mr. President, we should listen to the women of America. We should listen to the mothers of America. I urge all of my colleagues to join me in supporting S. 4, the Family Friendly Workplace Act. It is prowomen, it is profamily, and it is proemployee.

I yield back the remainder of my time.

Mr. KENNEDY. I yield 5 minutes to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. I appreciate the opportunity to come to the floor today to talk about the comptime bill or the so-called Family Friendly Workplace Act. I have listened very carefully to this bill. I serve in the committee that it went through, the Labor Committee, and we went through the amendments. The Senator from Massachusetts, Senator KENNEDY, has really outlined the true effects of this bill.

Now, I, like everyone, like the stated purpose of this bill. As a mother with a daughter who is in school, working full time, I know the pressures that every single parent faces in this country in trying to manage their job and making sure that they pay the right attention to their young children as well. All of us are in that time crunch where we are trying to figure out how we can do the best job possible for our employer and we can do the best job possible for our children.

Unfortunately, the comptime bill that has been presented to us does not offer that flexibility for families. In fact, it will take that flexibility away. Can you imagine a young mother with two young children who has them in preschool or day care, who is told by her employer on Friday that next week you will work 60 hours? Now, how is she going to go to her day care provider and say, excuse me, I need 20 additional hours for my two young children in preschool next week or in day care. Day care facilities are very controlled in the amount of children they can have and the amount of hours they can have. They do not have flextime to allow additional children just whenever an employer says you need to work 60 hours next week.

It is critical that we look at this bill from the eyes of those who are the receivers, the employees, the people who

go to work every day, the people who are really trying to raise their kids and manage their jobs at the same time. This bill does not give them the flexibility. It will, instead, take that away from them and really cause a lot more family stress than is already needed.

I encourage my colleagues to vote against cloture so we can have the opportunity to offer amendments to this bill to really make it do what the proponents want it to do, and that is to give employees time to participate with their children. I will have an amendment called the "time for schools" amendment that we will offer on this bill if we are allowed, if cloture is defeated, so we can really give that flexibility back to families.

I have spent a great deal of time going around my State talking to parents who are working. Inevitably they say to me, "You know, I could not get to my child's school conference last week, I could not go participate with my young child. I feel guilty about that. But I went to my employer and I could not take time off." When you talk to young children today, far too often they say, "My parent does not care about my education. They did not come to my school conference last week. They did not participate with me. They do not care whether or not I get a good education. They are never here."

Kids want their parents at school with them for those teacher conferences and those important dates. Mothers and fathers want to be with their kids on those important dates.

My amendment, if I am allowed to offer it, will give employees 24 hours a year. That is 2 hours a month—simply 2 hours a month—of the current family medical leave time; time off to go back and forth to school conferences; to participate with their child in importance activities.

What an incredible message that will give to young children across this country—all of us saying to them that we feel it is so important that parents participate with their children that we are willing to give them time off from their jobs to go participate with those kids.

I want every young person in this country to say, "My parents care about my education. They came with me to school last week for an hour to talk with the teachers." I want that child to say, "My education is important. I know because my mother was here yesterday. She took off from her job to be here."

That is what my amendment does. That is what this bill is all about—giving parents the ability to participate with their young children when it is vitally important.

Let's do the right thing with this bill. Let's stop cloture today and move on to a mandatory process that really does what all of us want to do—deal with that time that every parent feels today, and let their children know that as adults we will care for them. Let's

pass the time for schools amendment. Let's put some flexibility in the bill that really allows employees the ability to care for their families and do their jobs right, and let's do it right.

So I urge my colleagues to oppose cloture today, and then help us pass amendments that really make this a Family Friendly Workplace Act.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself 15 seconds.

The amendment that has been described by the Senator from Washington was offered in our committee, and was defeated. If we allow cloture on this, she will be denied offering that amendment on this particular program. It is an additional reason that we should not have cloture.

I yield 5 minutes to the Senator from Illinois, my good friend, and a strong supporter of families and working families.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank Senator KENNEDY very much.

Thank you, Mr. President.

Mr. President, I would like to join many of my colleagues in opposing S. 4.

People across the country are working hard to realize the American Dream of economic security for their families. At the same time, it is increasingly apparent that parents are having to struggle to balance the competing interests of work and family. Parents are being forced to choose between paying for health care and education for their children, for instance, and spending quality time with them so they can be happy and succeed. The Federal Government's policies need to support efforts to strengthen families as well as efforts to realize the American Dream.

I do not believe, however, that S. 4, the so-called "Family Friendly Workplace Act," is an appropriate response to the problems facing working families. While the title of the bill sounds benign enough, the consequences will be detrimental to all working people and to working parents in particular. Parents could end up with less control over their work schedule and less money to pay for raising their families. The paycheck reduction act might be a more appropriate name.

This legislation purports to allow working people the flexibility to choose between overtime pay and compensatory time off or flexible credit hours and replaces the 40-hour work week with an 80-hour 2 week work period, with hours to be agreed upon by the employers and the employees. Each of these provisions will have serious adverse consequences for working families.

The most serious concern is that employees would not, in fact, be given a choice. Employers would favor an employee who consistently chose comptime over overtime when assigning overtime hours. The atmosphere in

the workplace might lead employees to believe that their jobs depended on their choosing comptime instead of overtime, or to work 60 hours in a busy week and 20 hours in a slow week regardless of the needs of the family.

Overtime pay is a significant source of income for many American families. Thousands of families pay for food, shelter, education and retirement by earning overtime at time-and-a-half. With the growing income gap between the rich and poor, and with the middle class working harder than ever working Americans have little room to give on wages. If S. 4 results in the end of overtime, it will mark the end of many people's ability to provide for their children and to remain part of the American middle class.

The 40-hour work week is a basic protection for workers. We talk about wanting to strengthen the family unit, eliminate single parent families, and provide important parental supports so that parents can care for their children.

If an employee has to work 65 hours one week and 15 hours the next, their schedule is going to dictate chaos for the whole family. Imagine if your mom was home early one week and then not home for dinner at all the next. Obtaining decent child care, already difficult for many parents, could become even harder due to the erratic work schedule and odd hours of a mother or father working 80 hours in two weeks. Without real employee choice, the 80-hour work week could spell disaster for a family.

While there are some provisions in the legislation to prevent employers from forcing employees to choose compensatory time instead of overtime or to work excessive hours one week, these provisions are weak and insufficient to protect employees. I and my staff have met with many employers from Illinois who are good employers, just trying to make their businesses work better and their employee's lives better. I point out, however, that while Illinois may have many ideal employers, there are currently overtime abuses across the country. Abuses that the Labor Department is unable to enforce due to the sheer number of them and the lack of resources in the Department.

A Wall Street Journal article from June of last year cites as conservative a study that estimates workers are cheated out of \$19 billion a year in overtime pay. If employers are not paying their workers earned overtime, why should we believe that they will allow them to freely choose between comptime and overtime. Expanding the opportunities for abuse does not seem prudent.

There are additional concerns that even where comptime is freely chosen, employees will be able to take their compensatory time off when they need it. Under the current language, a company who found it inconvenient to give comptime when a parent requested

time off, could refuse the comptime request. There is also concern that for the purposes of unemployment and pension compensation, comptime will not be counted in the same manner as overtime pay, thus leaving the employee with less lifetime benefits. This means that as parents and grandparents retire, they are less likely to be self sufficient and more likely to rely on their families.

There are many options available to employers wishing to create family friendly flexibility in their workplaces, including the flexibility to create both flextime and compressed work schedules programs that allow workers and employers to create family friendly schedules. There are many legislative options as well, including expansion of the Family and Medical Leave Act. These are initiatives that provide flexibility without opening the door to abuses.

The 40-hour work week and the right to overtime were not instituted at the whim of Congress. These are rights that the working people of America fought for for over 100 years. Blood was shed and people died in the struggle to create a work week in which people could see daylight, see their children, and build their communities. We should not take lightly efforts to eradicate the victories of America's working men and women, victories that have strengthened America's families. I urge my colleagues to support America's working families by voting no on S. 4 and no on cloture.

Mr. President, this legislation reduces pay, cuts benefits, and eliminates worker options all under the guise of flexibility.

If you think about it for a minute, when you have a choice that only goes in one direction, that is not flexibility. That is coercion. And that is what this legislation allows.

Employees will not be able to freely choose whether or not they want to take overtime, or to take comptime. That will be up to the employer.

Under this legislation, the employer gets to choose not only when an employee can use comptime but who gets to use comptime. So an employer could theoretically choose to give favored employees the benefits of the flexibility they need and not offer the same options to someone they didn't like quite as much.

Add to that the fact that the benefits that employees receive with regard to their pensions and other retirement benefits are calculated based on hours worked and it is possible that under this legislation retirement benefits would wind up being cut. This is another flaw of this legislation that is hidden under the guise of flexibility.

Add to that also the fact that S. 4 is the Paycheck Reduction Act. Clearly an employer could decide that an employee will not have overtime, and many people—15 percent of manufacturing workers in this country for instance—right now depend on overtime

in order to meet the family bills, in order to provide for their children. That option would be gone for many working families under this legislation. Employees could wind up having their overtime pay cut in favor of what is called comptime or flexible credit hours.

Again, choice going in one direction is coercion.

Finally, Mr. President, this legislation fails, I think, the test of good legislation because it does not give employees the ability to plan. The sponsors say this legislation is intended to give workers the flexibility to plan their lives, and the like.

In fact, under this legislation the employer could say to a given worker, "This week you work 50 hours, and next week you work 30 hours. And that makes up the 80 hours, and I don't have to do anything else for you." If that person has a child in day care, or if that person doesn't want to split up their work week so they can plan their activities they are out of luck. If they wind up putting in 50 or 60 hours in 1 week and only 20 or 30 the next, if an individual is disrupted by this schedule, if their personal life is disrupted, this legislation does not provide any protections for them. It only provides for protections against disruption for the employer.

So, if this legislation wants to be called the Family Friendly Workplace Act, I would actually suggest it be amended to be called the Adams Family Friendly Workplace Act because that is the only family that this legislation is friendly to.

I urge my colleagues to oppose this legislation, and I oppose cloture.

I yield the floor.

Mr. BAUCUS. Mr. President, I rise today because yesterday I introduced the Baucus-Kerrey-Landrieu substitute amendment to the comptime bill. This amendment will give working men and women the choice between earning overtime pay or taking that time off to spend with their families.

As I travel around my State, I get the chance to meet with a lot of decent, hard-working people. In Montana, we know how to put in an honest day's work. And in exchange for that work, we ask only for an honest day's pay.

But lately, that pay isn't stretching as far as it used to. That means working longer hours, and sometimes holding down two jobs. Whether it is a single-parent household, or a home where both parents have to work, people are finding less and less time for their families.

Mothers and fathers are finding themselves caught in a costly juggling act, where they are trying to balance the demands of their work with the needs of their families.

I believe that this trend has very serious consequences on our families and our society as a whole. I know most of the Senators in this body agree with me.

As our society changes, so must our labor laws. They must reflect the needs of our current work force.

And that is why I offered this amendment. Because America's working men and women need flexibility in their jobs—so they can spend more time with their families.

And that is what S. 4, in its current form, proposes to do. Regrettably, I believe this legislation takes the wrong approach.

Under the current bill, mothers and fathers do not have the final say in how their overtime will be used. Their hands are tied by the decisions of their employer.

Under my amendment, if a worker puts in overtime, he or she can be paid time and a half, just as the law stands now. Or if that person wants, he or she can take that payment in the form of vacation—an hour and a half for every hour of overtime. Quite simply, workers can choose money or time, and not be penalized for their choice.

This choice would allow a parent the flexibility to attend their child's soccer game. Or it would let that worker earn a little extra money for Christmas presents.

Under the changes proposed in Senator ASHCROFT's bill, the employer has the last word. Mothers and fathers could find their employer deciding whether they get time off or whether they get overtime pay. And I believe that is wrong.

It is our duty to protect America's workers. When it comes to the choice between comptime and time off, we need to make sure the employee has the last choice.

We have a tremendous opportunity to do something great for America's working men and women. We have a chance to give our families a powerful tool in the struggle to find balance between work and family.

They're not asking for much. They simply want an honest day's pay for an honest day's work. They also want a little time to spend with their families.

The American people have made it clear to us that flexibility and choice are what they need. Under my amendment, that flexibility, and that choice, are what they will get.

I urge my colleagues to join me, and vote in favor of this amendment when it comes to the Senate floor.

Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I am voting for cloture for the Family-Friendly Workplace Act because I believe that it has the potential to allow workers around the country the flexibility to spend more time with their families. This legislation will give employees the flexibility of taking time-and-a-half off in lieu of receiving time-and-a-half pay for any overtime hours worked. In addition, the employee will also have the option of working out a biweekly work program with his or her employer or using flexible credit hours. All of these options are currently available to Federal employees and receive high praise from the employees who choose to participate.

While I think the principles behind this bill are sound and important for



the American worker, I also believe it is important to ensure that the choice to participate in the program is left to the employee. Without this assurance, the employee will have gained nothing.

For this reason, I have expressed my concern that the coercion language contained in this bill be strong enough to deter potential abuses of the law. I am supportive of the managers' amendment which establishes a similar level of penalties for employers who coerce employees to accept the compensatory time, biweekly work program, or flexible credit hours. This amendment, would essentially double the penalties for an employer who coerced an employee to take any of these options.

In addition to this change, I have filed two amendments Nos. 254 and 255, that would establish additional penalties for employers who continue to abuse the intent of this law. If an employer is found guilty of a second offense of coercion, my amendment would triple the penalties for that employer. While I believe that most employers will work with their employees to establish mutually beneficial work programs, I believe it is important to establish strong penalties for those employers who may abuse the system.

With appropriate protections for the employee, I believe the Family-Friendly Workplace Act will benefit hundreds of workers and families around the country.

Mr. KENNEDY. Mr. President, how much time remains? We are prepared to yield back. I think we have had excellent statements that have been made by our two colleagues and friends.

The PRESIDING OFFICER. Two minutes and ten seconds.

Mr. KENNEDY. I will withhold the time, if the proponents of legislation want to yield back.

Mr. JEFFORDS. Mr. President, I think I have the right to close.

Mr. KENNEDY. Mr. President, I yield back our time.

Mr. JEFFORDS. Mr. President, I will very brief.

All of the arguments that have been given here against the Family Friendly Workplace Act are based on one fact: that an employer who is a real SOB is not going to give his or her employees the rights created in this bill.

Why deny the 99.9 percent of the employees in this Nation who have good employers the ability to work these things out with their employers?

So all of the arguments against S. 4 are based on one thing; that employers will not follow the provisions contained in the bill. The point is, Mr. President, that S. 4 contains provisions that will protect American workers. Since the bill does contain these protections, and 99.9 percent of employees work for good employers, it is completely unfair to deny all of the rest of the employees in the country the ability to participate in comptime, flextime and bi-weekly work schedules.

Mr. President, I yield the remainder of my time.

## CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee amendment to Calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997:

Trent Lott, John Ashcroft, Susan M. Collins, Kay Bailey Hutchison, Mike DeWine, Judd Gregg, Paul Coverdell, Gordon Smith, John W. Warner, Thad Cochran, Conrad Burns, Fred Thompson, Don Nickles, Wayne Allard, Jeff Sessions, and Dirk Kempthorne.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute, as modified, on S. 4. shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 68 Leg.]

## YEAS—53

|           |            |            |
|-----------|------------|------------|
| Abraham   | Frist      | McCain     |
| Allard    | Gorton     | McConnell  |
| Ashcroft  | Gramm      | Murkowski  |
| Bennett   | Grams      | Nickles    |
| Bond      | Grassley   | Roberts    |
| Brownback | Gregg      | Roth       |
| Burns     | Hagel      | Santorum   |
| Campbell  | Hatch      | Sessions   |
| Chafee    | Helms      | Shelby     |
| Coats     | Hutchinson | Smith (NH) |
| Cochran   | Hutchison  | Smith (OR) |
| Collins   | Inhofe     | Snowe      |
| Coverdell | Jeffords   | Stevens    |
| Craig     | Kempthorne | Thomas     |
| DeWine    | Kyl        | Thompson   |
| Domenici  | Lott       | Thurmond   |
| Enzi      | Lugar      | Warner     |
| Faircloth | Mack       |            |

## NAYS—47

|          |            |               |
|----------|------------|---------------|
| Akaka    | Feingold   | Levin         |
| Baucus   | Feinstein  | Lieberman     |
| Biden    | Ford       | Mikulski      |
| Bingaman | Glenn      | Moseley-Braun |
| Boxer    | Graham     | Moynihan      |
| Breaux   | Harkin     | Murray        |
| Bryan    | Hollings   | Reed          |
| Bumpers  | Inouye     | Reid          |
| Byrd     | Johnson    | Robb          |
| Cleland  | Kennedy    | Rockefeller   |
| Conrad   | Kerrey     | Sarbanes      |
| D'Amato  | Kerry      | Specter       |
| Daschle  | Kohl       | Torricelli    |
| Dodd     | Landrieu   | Wellstone     |
| Dorgan   | Lautenberg | Wyden         |
| Durbin   | Leahy      |               |

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 53, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, might we have order?

The PRESIDING OFFICER. If I can have the attention of the Senators in the Chamber, if will they take their conversations outside, I would appreciate it. The Senator from Georgia has the floor. He is due your attention.

Mr. COVERDELL. Mr. President, on behalf of the leader, I make the following remarks.

The people of America want flextime. Working women, mothers and fathers need the same flexible work schedules and comptime choices that Government workers, salaried workers, bosses and boardroom executives have enjoyed for decades. I am particularly struck that, since 1978, Government workers have enjoyed what this legislation would provide other workers in the private sector.

I remember when I came here it was important that there be congressional accountability, that the Congress operate under the same laws as the businesses and people of the country. I think that is applicable here, too. If Government workers can enjoy these benefits, then private sector employees ought to as well.

The Family Friendly Workplace Act is a matter of fairness to the workers of America. It is a high priority of the Republican leadership, and we intend to continue to press this case both here in the Senate and before the American people. A number of people on the other side, including the White House, have said both publicly and privately they want to get a bill. An op-ed, or editorial, in today's Wall Street Journal by the executive director of the Democratic Leadership Council urges passage of the bill. That appeared Thursday, May 15, 1997: "Comptime's Time Has Come."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, May 15, 1997]

## COMP TIME'S TIME HAS COME

(By Chuck Alston)

For a fresh example of why voters think Washington doesn't get it, look no further than the partisan standoff over overtime compensation.

Federal law now requires employers to pay most hourly workers time-and-a-half for all work beyond 40 hours a week. The Senate, following the House's lead, is now debating legislation that would permit employers to give workers the choice of taking so-called compensatory time off (at the time-and-a-half rate) instead of overtime pay.

The concept is enormously popular, and for good reason. The Fair Labor Standards Act which must be amended to allow comp time, was designed in 1938 for the male manufacturing work force of the Depression era. Today, both parents generally must work to keep their family in the middle class. Even with squeezed family budgets, some workers would welcome extra time off to take care of a sick child or parent, attend a Little League game or just catch up with home life. According to the independent Families and Work Institute, 40% of workers say they can't get their chores done because of their job; 35% complain of a lack of personal time; 24% complain they lack time for their families. No wonder a 1995 Penn, Schoen & Berland poll for the business-backed Labor Policy Association found that three-fourths of all Americans favor giving employees a choice between overtime pay and comp time.

Unfortunately, politics as usual could kill this attempt to help harried families. President Clinton has called for comp-time legislation, but has threatened to veto the bill the House has passed, largely on the grounds that it does not go far enough to protect workers' interests. Unions have made opposition a litmus test for Democrats, making a yes vote suicidal for members who want to protect their labor PAC donations (a big reason only 13 House Democrats voted yes). Democratic opponents have cast the House bill as the "paycheck reduction act." And Republicans have appeared gleeful at the thought of jamming legislation down labor's throat, a payback for unions \$35 million soft money campaign last year for Democrats. In sum, hardly the atmospherics for compromise.

Nonetheless, this effort to modernize labor law shouldn't be allowed to run aground on partisan shoals. The tools and protection workers need in the new economy are different from those of the Industrial Era. Employers and employees alike will benefit from public policy that supports two-parent families by giving them the flexibility to balance family and income needs.

The legislation has won wide backing from business groups: not only because it could lower labor costs by cutting cash out the door for payroll and payroll taxes, but also because smart companies understand how flexibility can help their efforts to recruit and retain top-notch employees. As a recent Working Woman article on workplace flexibility programs at Xerox Corp. noted, "In the end, researchers found that work/life initiatives were not just a feelgood answer to personal time conflicts, but a solution to business problems—and one that could provide companies with a competitive edge." A comp-time law would give companies yet another flexibility option to offer employees, but without mandating it.

At the same time, we must also make sure workers' interests are protected. In the real world, some companies will certainly try to maneuver workers into taking comp time instead of overtime, or start offering overtime work only to people who will take comp time instead of pay. As a former newspaper reporter, I'm well aware of the lengths to which managers will go to avoid paying overtime. That is why any legislation must ensure that comp time is truly voluntary. It should bar employers from coercing employees to take comp time, give employees reasonable latitude over when they can take the time off or cash out their accumulated hours, protect part-time, seasonal and other especially vulnerable employees, and prevent employers from discriminating unfairly in determining who gets comp time.

The House bill's five-year sunset provision was a good compromise. If employers aren't honoring these protections, or the law proves so overly complex that employers don't take advantage of it, we can always revise it or return to the status quo ante.

The president and House Republicans aren't that far apart on comp-time legislation. The Senate could point the way toward compromise, based on this foundation: Republicans must understand that tinkering with one of the labor movement's greatest accomplishments—the 40-hour work week—naturally generates suspicion in Democratic quarters. And they shouldn't automatically resist every attempt to bolster worker protection. Meanwhile, Democrats who rightly seek to protect workers must understand that they can, and may well, doom comp time with overly complex conditions. In the end, the last thing anyone should want is a law so complicated that employers, especially in small businesses, choose not to offer employees any option at all for fear of being sued.

The irony of the debate is that the comp-time option has been available in the public sector since 1985. To be sure, it won't work everywhere in the private sector, but it's time to give companies—and their workers—the choice.

Mr. COVERDELL. Mr. President, now is the time to get serious about this, but it is your move. I urge the White House to get with the sponsor of S. 4, and let us find out where the common ground is. Senators JEFFORDS, DEWINE, and ASHCROFT are ready to work with you, Mr. President, as they always have been. It is your move.

I hope Senators who voted against cloture, cutting off debate, will think about whose side they are on. Are you on the side of those who already have flextime but want to deny others the same rights? Or are you on the side of the working women and men who do not have these options? The only workers who are denied flextime today are hourly workers: the secretaries, sales clerks, mechanics, factory workers in our country. They are the folks who get up early, punch in the time clock, and work hard to make ends meet. It is time that we were on the side of the millions of working class people in America who are denied these choices. I repeat these choices that Federal workers already have. Single moms, two-paycheck families need flextime. Just ask them and they will tell you. Let us give working parents a helping hand in the vital job they are doing.

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

Mr. BUMPERS. Mr. President, will the Senator withhold that request for a moment?

Mr. COVERDELL. Mr. President, I withhold my request for a moment.

Mr. BUMPERS. Parliamentary inquiry. What is the time situation between now and the time we go to the FEINSTEIN amendment?

The PRESIDING OFFICER. We have morning business until 11. We have already cut into that substantially. About half of it is remaining.

Mr. BUMPERS. How much time remains and who is supposed to receive it?

The PRESIDING OFFICER. The Democratic side—the Democratic leader has 12 minutes, the Senator from Wyoming has 8 minutes.

Mr. BUMPERS. I thank the Chair.

Mr. COVERDELL. Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

#### MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for morning business until the hour of 11 a.m., with Senator DASCHLE or his designee in control of 10 minutes and Senator THOMAS or his designee in control of 10 minutes.

The Senator from Wyoming.

#### THE PARTIAL-BIRTH ABORTION ACT

Mr. THOMAS. Mr. President, I am sorry we have moved into some of our time, but I will be very brief and cover the points I want to make. I am real pleased today to be joined by three of my associates in support of H.R. 1122, the Partial-Birth Abortion Act. I am going to be very brief. It has been talked about to a great extent. Everything, probably, has been said. But there is one thing that sticks in my mind that I think is important about this discussion and this vote that will come up.

We did this last year, you will recall. It passed by significant numbers in the Senate. President Clinton vetoed the bill that was passed in the 104th Congress. I just want to mention the reasons that he gave for vetoing the bill.

First, he said it was only necessary in "a small number of compelling cases." The fact is that is not factual. The fact is that has changed. The fact is, there are facts that show, for instance, in New Jersey, that there were more than 1,500, just in the one State. So that reason for vetoing is not true. It is not true.

The second one was to protect the mother from "serious injury to her health." The fact is, in the vast majority of cases when the partial-birth technique is used, it is for elective purposes, and that, also, has been shown to be true.

Third, the President said, to avoid the mother "losing the ability to ever bear further children." The facts have now shown it is never necessary to safeguard the mother's health or fertility; that there are other procedures that are available. I think these are compelling, compelling arguments. These are the reasons the President vetoed the bill that have subsequently been found not to be factual.

I yield time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today to offer my full support for the Partial-Birth Abortion Ban Act. I am proud to be an original cosponsor of this important legislation.

I thank my distinguished colleague from Pennsylvania, Senator SANTORUM, for his leadership on this issue.

This debate, of course, is about abortion, which I strongly oppose. But it is about much more than that. It is about doing what is right. It is about values.

And it is about a civilized society standing against a heinous procedure that is used to kill a mostly born child—a procedure that, as even some advocates of abortion rights have conceded, comes dangerously close to murder.

The debate about abortion raged in America long before I began my service in the Senate. It will continue long after the Senate votes on this bill to ban one specific abortion procedure.

It will continue until America comes to grips with the moral crisis that