

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

makes abortion just another sign of the times.

This debate itself may rise and fall, but my view on this matter is straightforward—I believe America should ban partial-birth abortion because it is wrong.

For too long, our society has drifted too far from that simple conclusion. In this body—as in this country—we are adept at weighing and debating the pros and cons. We know how to balance competing interests. We know how to strike compromises. But do we think often enough about the consequences of our actions?

I fear we have strayed from seeking straightforward answers to tough questions. We have too often strayed from making public policy based solely on what is right.

The vote we are about to cast is about banning a specific method of abortion. But the debate in which we are engaged is about larger questions.

Have we become coarsened by a society that cheapens life—from our failure to stop violence in our streets to our unwillingness to keep violence from our television screens?

Have we come to accept what should never be acceptable—a society where drug use is termed recreational, and irresponsible behavior is just a sign of the times?

Have we lost the basis of a civil society? Are we no longer willing to stand up and say enough is enough?

Mr. President, I came to this Senate with a firm belief that we can make a real difference for America's future. I have no doubt we can put our financial books in order—by cutting spending, cutting taxes, cutting regulations, and balancing the budget.

But can we put our values in order? If we, as leaders, fail to do what is right and fail to stop what is wrong, will we really have left a better America for our children and our grandchildren?

I think not.

For two centuries, America has rested on a value system anchored by personal responsibility. Our society has always been underpinned by respect for others, respect for self, faith in God and family, and helping those in need. We have always held these values important—worth struggling for and worth fighting for.

People of good character stood up for these values in their own lives, and in their communities. They expected their leaders to stand up for them as well.

Mr. President, I have every confidence that this body will vote to outlaw this gruesome procedure because the goodness of our people will demand it. Just as families across America wake up every day and try to do the right thing, so they are expecting their leaders to do the same.

The vote we will cast on this issue is important. It goes to the heart of who we are as a people and who we want to be as a Nation.

I hope we will all take pause, in this body and throughout America, to re-

flect on what type of society we have become and what type of society we want to leave for our children and grandchildren.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the 12 minutes remaining for the Democratic side be divided 5 minutes to Senator BINGAMAN and 5 minutes to the Senator from Arkansas, who will share it with the Senator from Georgia, Senator CLELAND, and 2 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Reserving the right to object, is there time left on our original 10 minutes?

The PRESIDING OFFICER. The Senator has 3 minutes and 42 seconds.

Mr. THOMAS. I wonder if it would be possible for us to go ahead and finish and then do it as the Senator described?

Mr. BUMPERS. Is the Senator objecting to the request?

Mr. THOMAS. No, sir, I am asking that we finish the 10 minutes we were allocated and then transfer to you to do it in the method that you asked.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, in that I only have 3 minutes remaining, I am going to put aside my written remarks and, frankly, speak from the heart.

I rise today, first, to thank Senator SANTORUM for his leadership on this issue but, more important, to stand with those who stand for the principle of life today on this very important bill. I have consistently supported this principle and have tried to listen with some care and compassion to those who advocate the other view. I heard them say things like, "Let's make abortion safe, legal, and rare," except for the fact that when it comes to doing anything to make it rare, I seldom see them helping us in this endeavor. Conversely, I have tried very hard to reach out on issues of education and prevention to try to make abortion rare.

Today presents us with an opportunity not to end abortion but simply to ban one incredibly gruesome procedure and to make all unborn American children safe from this procedure.

It is clear, because of testimony that has come out, that the partial-birth abortion is anything but rare in this country, and today we need to make it impossible.

I refer to the statement by the Surgeon General C. Everett Koop, a man much admired for his service in health care in this country, who said:

Partial-birth abortion is never medically necessary to protect the mother's health or

her future fertility. On the contrary, this procedure can pose a significant threat to both.

As I ponder partial-birth abortion, I come to the conclusion that Americans must be bigger than this procedure performed on the most innocent among us. We are bigger than this, and I believe that Americans today in the United States will rise above this procedure to make it unlawful and to contribute towards the common desire of those who are pro-life and pro-choice to make abortion rare.

Thank you, Mr. President.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 748 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. (Mr. SMITH of Oregon). The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS and Mr. CLELAND pertaining to the introduction of S. 745 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized.

JUDICIAL NOMINATIONS

Mr. KOHL. Mr. President, yesterday Mr. LEAHY and several of my colleagues spoke about judicial confirmations. Let me make a few additional points. First, we are experiencing a record slowdown in confirming judges. Last year, only 17 Federal judges were confirmed, and not a single judge for a court of appeals. This year, the process has gotten even worse—only two judges have been confirmed, and the year is almost half over. Indeed, at our current pace, with only 5 judges likely to be confirmed a year, and an average of more than 50 retiring, we would have no federal judges at all in 20 years. Literally, an empty bench.

Second, we need these judges, both to prosecute and sentence violent criminals and to prevent more backlogs in civil cases. This is about justice—it shouldn't be about politics. Don't take my word on this, ask Chief Justice Rehnquist. He says "filling judicial vacancies is crucial to the fair and effective administration of justice." Chief Justice Rehnquist is right.

Or ask Judge George Kazen from the Southern District of Texas. He is the subject of a front page article in today's Washington Post with the headline "Cases Pile Up as Judgeships Remain Vacant." He is hearing a dramatic increase in criminal cases now