

he has done that in the minority. I know he does his utmost to try to work these matters out.

So it is my hope that reason will prevail and we can find a way to get out of the entrenched positions, move ahead, do the public's business, and finish this bill.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I would like to respond to my friend. He is absolutely right. He and Senator HARKIN have set an example after which many of us have modeled our responsibilities on the Appropriations Committee.

I would say this. I think we should. I agree with the Senator from Pennsylvania. Why don't we go ahead and finish this bill? I think we have lost the time—we won't be able to do it today, but maybe we could do it tomorrow.

I had suggested and made a unanimous consent request that there be a vote at 3:15. When do you want the vote today? It is the pending amendment. When do you want the vote? I would say that. Let's vote on that. We have a number of amendments on which we can go ahead and vote. We have a couple more people who want to speak on the overtime issue, but they could do that quickly.

I say to my friend from Pennsylvania, check with the majority leader. See when he wants the vote. He can set the vote on overtime. We won't set it. Let him set it. Set the time for that. We can go ahead and dispose of other amendments. I think if he came back and said fine, vote on it at 2:15, or whenever—give us a suggestion—then we will try to finish this bill.

Mr. SPECTER. Mr. President, I would direct this question to the Senator from Nevada. He says let the majority leader determine when the vote should be set. I would agree with that. But suppose the majority leader says we ought to take the Harkin amendment vote after we take the votes on the other amendments?

Mr. REID. Fine.

Mr. SPECTER. And vote, but not necessarily today.

Mr. REID. Mr. President, I would say to my—

Mr. SPECTER. Mr. President, let me add, I personally don't object to voting today, but there are a lot of people on this side of the aisle who do as a matter of protocol and principle.

That is why I am going to leave the Chamber in a few minutes and, along with the President pro tempore, who is the chairman of the full committee, discuss the matter with the majority leader.

But as I understand the position of the Senator from Nevada and his side of the aisle, it is that they insist on the vote today.

Am I incorrect about that?

Mr. REID. Mr. President, we have never in the past 6 months, during the

time four Members are running in the Presidential campaign, said to the majority that we can't vote today because people are running for President. We have never done that. We have lost by one vote. And we have gone ahead and refiled amendments. We have taken our lumps.

On this occasion, we gave adequate notice that we think it is a good idea to vote on Tuesday. But we never tried to play games as to why we wanted that. We have done this on one occasion. This is an extremely important vote for the country.

What I am saying is that I guess we are in a no-win situation. If the majority leader says we are not going to vote on it today, then I don't see any alternative. But we are not going to be able to finish this bill. This is an important bill for the people of the State of Nevada.

It is an important bill for the people of this country. But the overtime issue is also an important issue.

I say to my friend from Pennsylvania that we are going to vote on this issue whether it is on this bill or if we are unable to finish this bill when it comes back or on a continuing resolution—however it gets here. We have a right to vote on this amendment.

I don't understand why we cannot have a vote sometime today. That is my point. Let the leader schedule it, if he wants to, right now. Do it now. If he wants to do it at 6 o'clock tonight—whenever he wants to do it—we can set it up and get rid of all of these other amendments and be in pretty good shape to finish this bill tomorrow sometime.

Mr. SPECTER. Mr. President, we will try to find the position of the leader on this issue as he represents the majority. We will report back as promptly as we can.

Mr. REID. Mr. President, if I may say one other thing, this kind of reminds me of Roger Miller. He was a songwriter. He wrote songs which I identified with more than my friend from Pennsylvania who probably likes opera and other things. But one of the lines in one of the songs which Roger Miller wrote was pride is the chief reason for the decline in the number of husbands and wives. I think that is really true. That is what we have here. We are being prideful saying I got you and you got me. Why don't we, as adults, try to work this out so we can have a vote on overtime. We want it at 3:15. Have the leader set it any time he wants today but complete the other amendments that are important. It is a tough vote. There is no question about that. Most of them are 60-vote waivers.

I would like to finish this bill. I know the Presiding Officer has a real interest in this. Once we knock this out, we have eight more appropriations bills to go. We might be able to do another one this week. That would leave seven. That puts us in pretty good shape to finish all of this.

We want a certain time this afternoon, but we can do it some other

time. We will swallow whatever pride we have, and hopefully you folks will, and we can finish this bill.

Mr. SPECTER. Mr. President, the Senator from Nevada has articulated some wisdom this morning in his comments about pride. I think of the statement "pride goeth before a fall." I think we can retain our pride and also get this worked out.

RECESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:15 a.m. to give us an opportunity to try to ascertain the position of the majority leader and the Republican caucus.

There being no objection, the Senate, at 9:44 a.m., recessed until 10:10 a.m. and reassembled when called to order by the President pro tempore (Mr. STEVENS).

RECESS

The PRESIDENT pro tempore. In my capacity as a Senator from Alaska, I ask unanimous consent that the Senate stand in recess until 10:45 a.m.

There being no objection, the Senate, at 10:10 a.m., recessed until 10:44 a.m. and reassembled when called to order by the President pro tempore.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial

aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

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

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, last week the Labor Department announced we had lost almost 100,000 more jobs in the month of August. Almost 9 million American people are unemployed. Almost 2 million of these people have been out of work for more than 6 months. As bad as these numbers are, the real story is even worse. These figures don't include 1.7 million people who want work but have given up looking for it and are no longer counted in the unemployed listed by the Labor Department. They don't qualify.

The problem is especially frightening among minority groups. Unemployment among African Americans is double the rate for whites. It is much harder for Hispanic and Asian Americans to find jobs.

Some may have heard the economy in Nevada is booming. We are so fortunate. It isn't as bad as it is in some places. But "booming" is not the proper term for it. People in Nevada, as good as it is, are having a lot of problems. We have more than 90,000 people out of work. These numbers are grim, and they don't even begin to tell the story.

Every time we lose a job, it threatens another family's American dream—the dream of owning a home, building a strong community, giving children a good education.

Some have said the economy is recovering. But is it recovering when we are still losing jobs to the tune of 100,000 a month? We know job loss is not a normal function of the business cycle. Job loss reflects more serious underlying problems with our economy such as the alarming loss of manufacturing jobs. In the last 3 years, we lost 16 percent of our manufacturing jobs. This is serious, and we need to take it seriously. We need a plan to create more jobs.

Unfortunately, the administration's only plan seems to be more of the same. Since January of 2001, we have lost more than 3 million jobs. This is the first administration since Herbert Hoover to lose jobs, and our President says more of the same.

We have to do something different. Instead of a continual program of tax breaks for those who have the most, we have to create jobs for those who want to work. We can create jobs by building new schools, roads, bridges, by rebuilding our decaying sewer systems, and by replacing broken water pipes. Any State in the Union qualifies for new schools, new roads, new bridges, and, of course, rebuilding our decaying sewer systems and replacing broken water pipes.

All over America there are plans no longer on the drawing boards. They are ready to be executed. They just need the money. We can create jobs. For every billion dollars we spend on a public works project, we create 47,000 high-paying jobs. We can also create jobs by promoting new technology to produce energy, and we can do this by having a view that we should do more with renewable, nonpolluting sources. This will not only create jobs, it will benefit our environment and help us achieve energy independence.

We can save existing jobs by helping our financially burdened States so they do not have to raise taxes on working families and small businesses. We can reverse this trend. We can save the jobs we have and help create new ones. We have to be innovative.

I hope the President will consider joining with this Senator and others who want to push what we call the American Marshall Plan; that is, have the Federal Government spend money to create jobs. These jobs are not Government jobs; they are private sector jobs.

I repeat, for every \$1 billion we spend, there are 47,000 high-paying jobs, and the spinoff from those jobs is unbelievably large. That is what we need to do. America needs it. We need it to create jobs, but we also need it to make America a better place to live with better roads, bridges, dams, cleaner water, and able to adequately dispose of our sewer problems.

Mr. President, I hope we can do some of these activities in the immediate future, and I hope we are joined by the administration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1580

Mr. HARKIN. Mr. President, last week I offered an amendment to the pending appropriations bill that would prevent the administration from imple-

menting a new regulation that could result in millions of American workers losing their overtime pay protection.

My amendment is very straightforward. It would allow the administration to increase overtime pay protection for working Americans but not take it away from those who currently have that protection.

I was quite surprised, as a matter of fact, to come to work yesterday and find that on Friday, after we had debated this appropriations bill—we adopted a couple of amendments on the appropriations bill last Friday, and, we all know, at the end of the day, the leader always has unanimous consent requests agreed to that have been worked out on both sides. I was quite surprised to see that last Friday, the Senate passed unanimously, by consent, a sense-of-the-Senate resolution supporting a balance between work and personal life being in the best interest of national worker productivity and families.

S. Res. 210 was adopted last Friday. It is sponsored by Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, and I assume others. It expresses the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity and that the President should issue a proclamation designating October as "National Work and Family Month."

I will read a few of the clauses that we all voted for last Friday:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers and retention. . . .

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;

Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;

Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates. . . .

Whereas nearly all working adults are concerned about spending more time with their immediate family. . . .

Resolved, That—

(1) it is the sense of the Senate that—
(A) reducing the conflict between work and family life should be a national priority; and
(B) the month of October should be designated as "National Work and Family Month";

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

We adopted this resolution last Friday, unanimously. Maybe some did not know about it. I did not know about it either, but I support it. It sounds very

good: It is the sense of the Senate that reducing the conflict between work and family life should be a national priority.

We have this resolution, and now we have the proposal by the administration, rolled out this spring under cover of darkness—there was not one public hearing anywhere in the Nation—which changes rules and regulations that will affect overtime protection for over 8 million American workers and their families.

It is interesting that the administration did not ask us to change the law. No, they just want to do it by rules and regulations.

We cannot have it both ways. We cannot have a sense-of-the-Senate resolution saying—we all say—we have to reduce the conflict between work and family life, and it ought to be a national priority; that people need to spend more time with their families, and then let the administration implement these changes in rules and regulations which mean that people will have to work longer hours with less pay. That is exactly what it means: longer hours with less pay.

I found it so interesting that we have been debating my amendment—it came up last week. I guess we talked about it a couple of times during the week. We talked about it at length on Thursday. We spoke about it on Friday, and yet on the very same day we adopt a sense-of-the-Senate resolution unanimously saying we want to reduce stress on families. We want to recognize that workers need more time with their families. Well, OK, here is a chance to not just have a sense-of-the-Senate resolution but to take concrete action to make sure that happens by telling the administration that we are not going to permit these changes in rules and regulations that would take away overtime protection for up to 8 million people.

Again, a quick summary of the Bush administration's proposal is simply this: Eliminate the 40-hour workweek by allowing employers to deny millions of workers overtime pay, workers who are currently guaranteed overtime pay protections under the Fair Labor Standards Act passed in 1938. This proposal is antiworker. It is antifamily. It is the antithesis, the total opposite, of what we passed on Friday as a sense-of-the-Senate resolution. It is an attack on America's middle and lower income workers. It will not create one job. In fact, just the opposite; it will kill a lot of jobs.

Why do I say that? Because employers right now know that if workers work more than 40 hours a week, they have to pay time and a half overtime. So in many cases, they might find it better to go ahead and hire someone new, hire another person, rather than paying that kind of overtime pay.

Let's say one changes the rules of the game. No longer is one protected by time and a half. That means their employer can say they need them to work

43 hours this week, 44 hours, 45, but guess what. They do not get any more money. They get the same salary they had before. They just do not get any more money.

Now, what is an employer going to do? Why, here is a new pool of labor that is not going to cost him a cent. So why would they go hire someone new to work when they can take an existing person and say work longer at no extra pay?

Employers will have a financial disincentive to hire new workers if they can force current workers to work these longer hours without pay.

Who are we talking about? We are talking about nurses—again, we have a nursing shortage right now and we are trying to get more nurses—police officers, firefighters, retail managers, insurance claim adjusters, journalists, medical technicians, paralegals, surveyors, secretaries, and so on. For most of those men and women, the overtime pay they earn is not spare change. It is not for frivolous spending. Sometimes it is essential to help pay the mortgage, feed the children, pay for college, and save for retirement.

In fact, I have a recent letter from the National Association of Police Organizations which represents thousands of law enforcement officers from across the country. They oppose the administration's proposal because, as they said:

Under such regulations, America's State and local law enforcement officers, already strained by countless overtime hours ensuring community safety from terrorist threats, could lose their basic benefit accorded to them for their efforts.

A few days ago President Bush was asked a question about my amendment. He said that basically I was wrong. He said that the proposal would increase overtime coverage for low-income workers.

Interestingly enough, part of the proposal does raise the income threshold, and I will get into that in a minute. So he says it is going to cover more people. The other part of the proposal, though, in changing the rules, would result in up to 8 million people losing overtime pay protection.

By raising this income threshold, most of the people who are already getting overtime pay are already over that threshold so they are going to be covered anyway. They are covered now. They are going to be covered then. So it is really not going to increase the number of people paid overtime pay because they are already getting it. But do not take my word for it. This is what industry and their consultants had to say about it from Hewitt Associates. On their Web they say their clients include half of the companies on the Fortune 500 list. This is what Hewitt Associates said:

These proposed changes likely will open the door for employers to reclassify a large number of previously nonexempt employees as exempt—

Meaning exempt from overtime pay.

The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

The administration argues the proposal they are putting out is simply to update and clarify current regulations under the Fair Labor Standards Act. Again, the Society for Human Resource Management, which touts itself on its Web site as the world's largest association devoted to human resource management, said the following:

This is going to affect every workplace, every employee and every professional.

I will explain a little bit about how some of these rules work right now. Under the Fair Labor Standards Act of 1938, hourly workers are generally guaranteed overtime pay when they work more than 40 hours a week. Many salaried workers are also eligible for overtime pay under this law. The administration's proposal will make it much easier for employers to deny salaried workers overtime pay protection. The result: Millions of salaried workers earning more than \$22,100 a year would be denied overtime under the proposed changes. This proposal would keep workers from spending time with their families without compensation.

Now, we said last week we want workers to spend more time with their families. One of the ways to do that is if they have guaranteed overtime.

Maybe the employer says, well, I do not need an employee to work overtime because I have to pay time and a half. Well, now if I do not have to pay them time and a half, they can work 44, 48 hours a week and I do not have to pay anything extra.

I have always thought at least—and I think it has sort of been generally accepted as a kind of a social contract in this country—that we wanted people to spend more time with their families, but if an employer needed someone to work overtime, that they would be compensated for that at more than just their regular pay because we were taking away the time they could spend with their family that would be beyond their normal workweek, and therefore we paid time and a half, or on Sundays sometimes double time, for that kind of overtime.

Right now, American workers already work longer hours than any industrialized country and nearly all Third World countries. This is a chart that shows that. U.S. work hours increase, over the years, while those in other industrialized nations decrease. Here is the change in annual average hours worked from 1979 to 2000. We see in the United States it went up 32 hours. In Japan, it has fallen 386 hours; Germany, fallen 489 hours; France, fallen 244 hours; Italy, 88; United Kingdom, 107 hours; Canada, minus 31 hours; Australia, minus 44 hours. This is from the Organization for Economic Cooperation and Development, 2001.

Already, our workers are working more than their counterparts in all of

these countries, from Japan to Australia to the United Kingdom, France, and Germany. They have made a decision in those countries that one can still have high productivity and still give workers time off to be with their families, and they have a better social system and stronger families because of it, and because workers are not working so much they are more productive in the time they do work. In America we just keep on working people more and more, longer hours all the time. So already American workers are working longer hours.

Under this proposal put out by the Bush administration to take away overtime protection, in a few years this number is going to be skyrocketing. As I said before, it is not enough that we export all of our manufacturing jobs out of this country to Third World countries; now we are importing Third World labor standards into this country: No labor protections and no overtime protection, just work however long your employer wants you to work without overtime pay protection.

Major women's organizations, including the National Partnership for Women and Families and the American Association of University Women, oppose the administration's proposal because they fear an increase in mandatory overtime would take time away from families and disrupt the schedules of working parents as well as impose additional childcare and other expenses.

I said last week that the first wave of people who will be hit, if this proposed change goes through, will be women. This charts show what I mean and why it will be women who will be hit first and hardest. I am not saying men won't be hit; they will be. But I am saying the first wave of people hit the hardest by taking away overtime pay protection will be women.

If we look at the labor force participation rate for men and women from 1948 until today, we see participation of women has climbed dramatically. Women's participation in the labor force climbed from slightly over 30 percent to over 60 percent, and participation rates for men consequently have declined from about 88 percent to about 74 or 75 percent. So it is women who have come into the workforce in the last 30 or 40 years.

We see some other statistics here. We find that 61.3 percent of married couples with children were dual earners in 2002.

In 1975, 47.3 percent of women with children were in the labor force. In 2002, it was 71.8 percent.

Women with children under 3—in 1975, only 34 percent of women with children under age 3 were in the workforce. Now it is over 60 percent of women with children under 3 who are in the workforce. And 66 percent of women with children worked 40 hours or more in 2002.

Who are these women? Bookkeepers, paralegals, clerks, nurses, physical

therapists, social workers, et cetera, those who are really doing the nitty-gritty hard work to keep our society together. These are the facts right here. Now we are going to tell these women: Sorry, we know you have children in daycare, we know you have to pay a lot for childcare, but we need you to work longer hours per week.

Maybe in the past, if these women had worked longer hours, they got time and a half for overtime, but now they will not; they will get the same salary rate. Now they will have to continue to pay for more childcare. Yet they will not get 1 cent more for their labors.

This chart also shows what is happening with middle-income families. Remember last week we passed a sense-of-the-Senate resolution saying it is the sense of the Senate that reducing the conflict between work and family life should be a national priority? We recognized:

Whereas nearly all working adults are concerned about spending more time with their immediate family;

Whereas 85 percent of U.S. wage and salaried workers have immediate day-to-day family responsibilities off the job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends. . . .

That is what we said last week on the Senate floor.

Here is what is happening with our middle-income families. Average weeks worked per year by middle-income families with children: In 1969, the number of average weeks worked per year by middle-income families with children was 78.2. Look at it now, 97.9 weeks per year, average, for a middle-income family in America with children. That is why I showed this first chart, where you see the United States is going up in hours worked and all the other countries are going down. And you wonder why American workers and their families are stressed out, why we are having family strife in this country, why families are breaking up, why the divorce rate gets higher, why our kids don't have parents around after school to help nurture them. We wonder why we are having such trouble in our society. Because we are not letting our working parents spend more time with their families.

Columnist Bob Herbert recently wrote in the New York Times:

You would think that an administration that has presided over the loss of millions of jobs might want to strengthen the protections of workers fortunate enough to still be employed. But that's not what the Administration is about.

Since the Senate overwhelmingly supported the Hatch resolution last Friday, which I just quoted from—passed unanimously—I would think it would be a no-brainer to support my amendment saying the administration cannot take away overtime pay protection for millions of Americans. But I don't know what the situation is right now with the leadership. We wanted to vote on it today. We wanted to vote on

it today, but I guess the leadership on that side, on the majority side—I don't know what they are deciding right now, whether or not we can vote on it today or not.

But we are all here.

The Senator from Pennsylvania earlier mentioned something about Democratic Presidential candidates being gone. That is true. They are running for President. The Senator from Pennsylvania sought the Presidency himself once. So did this Senator from Iowa. You know what it is like when you have to be out there on the campaign trail and attend to your duties here. But it just so happens everyone seems to be here today. So why don't we vote today? Why is there an empty Chamber? Why don't we move ahead and vote—now, later, I don't care when—and we can wrap up this bill by tonight.

Again, I don't know why we would want to make it easier to deny American workers overtime pay. Why would we want to make it easier? It seems to me we would want to make it tougher. If we want people to spend more time with their families, reduce that kind of stress, you would think we would want to make it tougher, harder to deny American workers overtime pay. But the proposed regulations of the Bush administration would make it easier. I don't know. Why would we want to do that? How would this help the economy? How does it strengthen families? How does it help people who need to work overtime for extra pay?

I read into the RECORD last Friday a statement by a worker—I forget what State she was from—who had a disabled child, and she was saying she needed the overtime pay for her upkeep and to keep her child home and she relied on her overtime pay.

Here it is. Michael Farrar, from Jacksonville, FL. He and his wife need overtime pay to support their 21-year-old disabled son Andy who lives with them. Michael Farrar said:

When I took this job, it was clear that I was expected to work more than 40 hours per week. And I agreed to it because I knew I'd need the money. We'd be devastated without the overtime now—we have no more corners to cut.

When I took this job it was clear that I was expected to work more than 40 hours a week. And I agreed to it because I knew I would need the money.

Michael Farrar of Jacksonville, FL.

Sheila Perez of Bremerton, WA said:

I began my career as a supply clerk earning \$3.10 an hour in 1976.

I entered an upward mobility program and received training to become an engineer technician with a career ladder that gave me a yearly boost of income. It seemed though that even with a decent raise each year I really relied on overtime income to help make ends meet. There are many more single parents today with the same problem. How does one pay for the car that broke down or the braces for the children's teeth?

When I as a working mother leave my 8-hour day job and go home, my second shift begins. There is dinner to cook, dishes to wash, laundry, and all the other house work

that must be done which adds another 3 to 4 hours to your workday. When one has to put in extra hours at work, it takes away from the time needed to take care of our personal needs. It seems only fair that one should be compensated for that extra effort.

These are not my words. These are the words of Sheila Perez of Bremerton, WA.

It seems only fair that one should be compensated for that extra effort. Overtime is a sacrifice of one's time, energy and physical and mental well-being. Compensation should be commensurate in the form of premium pay as it is a premium of one's personal time, energy and expertise that is being used. It has been a crime that many engineers and technicians were paid less than even their straight time for overtime worked. It has never made sense to me that the hours I work past my normal 8 are of a lesser value when those additional hours are a cost of my personal time.

What do we say to Sheila Perez? What do we say to Michael Farrar? I think what we say to them is that we understand. We passed a sense-of-the-Senate resolution last Friday. That is what we did. We passed a sense-of-the-Senate resolution expressing the sense of the Senate that workers are overstressed and overworked. They are concerned about spending more time with their families. We said it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Yes, Michael Farrar, that is what we said. Yes, Sheila Perez, we said that on your behalf last Friday. But, Michael Farrar; but, Sheila Perez, today, on Tuesday, the week after, we are not going to do one single thing to stop the Bush administration from changing rules and regulations that will take away your overtime pay protection.

It is not what we do, Ms. Perez or Mr. Farrar, that is important around here. It is what we say that is important. We said: We are on your side. We understand your problems. Gosh, we think it should be a national priority. But don't count on our votes to make it happen. Listen to what we say but don't watch what we do around this place.

It is time for us to stand and be counted and to put into form what we said last week the facts are. These are all nice words on a piece of paper. This is what we believe without actions to back up our beliefs.

What I am asking is the Senate now back up those nice words that we said last Friday in this sense-of-the-Senate resolution—back them up with a strong vote saying that we are going to protect overtime pay protection. We are not going to permit overtime pay protection to be taken away. If you do not to strengthen it, or if you want to extend overtime pay protection for more workers, that is fine. But don't take it away from the workers who now have it.

That is what this amendment that I have offered is all about. I am hopeful we can get to a vote on it today. We are here to vote. It is Tuesday. It is already 11:30. We haven't had one vote today. Why not? Why don't we vote on

this? It is the pending amendment. I don't know why we can't vote on it. But evidently, for some reason, the Republican majority doesn't want to vote on my amendment. The majority, for some reason, doesn't want to bring it up for a vote. Why, I don't know. After all, Republicans, as well as Democrats, voted unanimously last Friday saying that it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Why we don't want to vote on this today, for the life of me, I can't understand.

I end my comments now, but I will be back to talk more about this overtime issue because it is a national issue. It is one that strikes at the very heart of the middle-income and middle-class families in this country. It is an issue that strikes at the very heart of our productivity as a country. It is an issue that strikes at the very heart of what kind of society we want to be and to become. It strikes at the very heart of working women who have children and who want some time, as Ms. Sheila Perez said, to attend to personal needs and to a second shift at home with their kids and family. That is what it strikes.

It is time for us to do our duty, to do our job, to stand up for working families and to stand up for the men and women of this country who are now being overworked and underpaid. If this proposed change in regulations goes through, it will mean more overwork and more underpay. That is the wrong direction for our country. It is time for the Senate to say no to these changes in regulations that would take away overtime pay protection for millions of middle-income Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD. Mr. President, the Department of Labor overtime proposal is the latest in a series of assaults on working Americans that began in the early days of this administration. Right out of the gate, the President made it his first legislative priority to overturn a Federal ergonomics standard that was more than 10 years in the making. I am also concerned about the approach this administration has taken on the collective bargaining process through its use of the Railway Labor Act and the Taft-Hartley Act. We have also seen the re-introduction in Congress of so-called "family friendly" workplace bills that we all know really seek to rob working families of vital overtime pay.

In March of this year, the Department of Labor proposed a regulation that builds upon these efforts to tear

down worker protections by denying millions of Americans vital overtime pay. This proposed rule would change the three tests that must be met to declare a worker exempt from the wage and hour protections of the Fair Labor Standards Act, thus opening the door to denial of overtime benefits to more than 8 million workers who currently are entitled to this extra pay for working more than 40 hours per week.

Under current law, a worker must meet each of three tests to be declared exempt from overtime protections. First, workers earning less than a certain level each week cannot be exempted. Second, workers must be paid a set salary, not an hourly rate, in order to be exempt. Finally, only workers whose job responsibilities are primarily classified as administrative, professional, or executive can be exempt from overtime protections. The proposed rule would reduce the educational levels required to be classified as a professional or administrative employee, thus allowing employers to substitute as little as 2 years of work experience for education when considering whether an employee should be entitled to overtime protections.

I am deeply concerned that the administration continues to characterize these changes to overtime protections as "small" or "insignificant." During an August 31 interview with National Public Radio, the Secretary of Labor said of the proposed rule, "it's not an overtime regulation. We have many, many overtime regulations. This is not one of the major ones. This is a small part of the Fair Labor Standards Act that pertains to white collar workers. So it's got nothing to do with blue collar workers."

The wage and hour protections of the FLSA are intended to protect all workers from being forced to work excessive hours without additional compensation. The Secretary's attempt to differentiate between white collar and blue collar workers in such a way as to imply that only blue collar workers are protected by the FLSA is troubling.

According to the Economic Policy Institute, EPI:

The revised regulations—would dramatically increase the number of workers whose jobs are classified as professional, administrative, or executive and therefore ineligible for overtime pay. The blurring of the lines between managerial and hourly staff, coupled with a downgrading of the educational standards required to exempt employees from overtime pay, will give employers a powerful incentive to switch millions of workers from hourly to salaried status in order to reap the benefit of a newly created pool of unpaid overtime hours.

In essence, this rule would create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it.

The administration has claimed that they are trying simply to update and clarify the FLSA as it applies to white collar employees. According to the Secretary:

"[W]hat we are trying to do is clarify a regulation that has not been modernized in well over 50 years. And the ambiguity in the regulation is impeding the Department's ability to enforce the law so that we cannot protect workers who need protection. So what we are trying to do is to guarantee vulnerable, low-wage workers the overtime that they deserve, and we also want to provide clarity so that business people know what they're supposed to be doing.

It seems to me that the FLSA is abundantly clear: if a worker who is covered by the act works more than 40 hours per week, he or she is entitled to time-and-a-half pay for each extra hour worked.

According to the EPI, the administration's proposed changes go far beyond simple clarifications. "It is troubling that such dramatic losses in overtime protection are being proposed as a means of bringing clarity to the regulations and reducing litigation. As [our report] has shown—the proposed rule is rife with ambiguity and new terms—that will spawn new litigation."

The Secretary's contention that the FLSA has not been updated in 50 years is just plain false. Congress has amended and revised the FLSA numerous times since its enactment in 1938, most recently just 3 years ago. I regret that this administration continues to characterize Federal labor protections as "outdated" and claims that it seeks to "update" them for the new century, when, in fact, many of its proposals would roll back protections for workers around the country.

Who are the 8 million workers who will be affected by this proposed rule change? According to EPI, 257 "white collar" occupational groups could be impacted. EPI did a detailed analysis of the effect of this rule on 78 of those occupational groups and found that 2.5 million salaried employees and 5.5 million hourly workers would lose their overtime protections under the proposed rule. And that is less than half of the occupational groups that would be covered by this rule change.

By broadening the FLSA wage and hour exemptions, the Department of Labor is seeking to deny overtime benefits to a wide range of workers, including police officers, firefighters, and other first responders, nurses and other health care workers, postmasters, preschool teachers, and social workers, just to name a few.

I am deeply troubled that the administration would propose a rule that would deny overtime benefits to the people who put their lives on the line each and every day to protect our communities and those who work in health care professions, which, of course, as we know, already are facing severe staffing shortages. I am also disappointed that the Office of Management and Budget issued a "Statement of Administration Policy" document on this bill that states that the President's advisers would recommend that he veto this important appropriations bill if the Harkin amendment is adopted. I think it is irresponsible to threat-

en to veto a bill that includes crucial funding for labor, health, and education programs because the administration, apparently, is digging in its heels about a proposal that would deny millions of Americans overtime pay. I regret that this administration is so determined to undermine labor protections for American workers that it would actually threaten to deny funding for schools, health care, job training, and other programs that it regularly claims are a priority.

I urge my colleagues to support working families by supporting the Harkin amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, just prior to the caucus recess I had the opportunity to talk to Senator FRIST about the pending schedule. We both had indicated to each other that it was our expectation we would talk to the caucus about where we are with regard to that schedule. I had indicated it would be my expectation we could complete our work on the Labor, Education appropriations bill prior to September 11; I couldn't guarantee it, but that would be my expectation. What we really wanted was an opportunity to do what Senator HARKIN has been calling for since he offered his amendment on the overtime regulation last Friday. We have said if we can get a vote, which is, of course, the right of any Senator to expect if he offers his amendment, if we have that vote, if they cooperate, then certainly we can reciprocate. It is our desire is to reciprocate and cooperate.

However, I come to the floor this afternoon simply to reiterate how vitally important this issue is. Eight million people in this country today will be affected by the vote to be taken here. With absolutely no consultation, with no public hearings, with little public debate, last spring the adminis-

tration promulgated new rules weakening overtime protection for workers. Again, as I said, there was no consultation with us or the millions of workers affected before the most sweeping change in overtime rules was issued.

The overtime regulations have changed over the years but, as Senator HARKIN has so ably and eloquently pointed out, this is the first time the Department of Labor has used their efforts to update the salary threshold as a back door to take away overtime protection for millions of workers. This is a major constraint being created in the overtime rules.

What is remarkable is that overtime pay now accounts for 25 percent of the income of workers who work overtime—25 percent. These rules affect firefighters. It affects policemen. It affects first responders in various ways—emergency medical technicians, licensed practical nurses, pilots, dental hygienists, health technicians, electrical technicians, air traffic controllers. They are all affected, and that is not a complete list.

Senator HARKIN has noted it was just last Friday we passed S. Res. 210. I will not reread the whole thing, he did such a good job earlier today, but we cite:

... the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job . . .

Whereas 46 percent of salaried workers are parents with children under the age of 18 who live with them at least half-time . . .

Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year . . .

With all those "whereas's"—again, I will not repeat them all—we concluded just last Friday, unanimously, that it is the position of the Senate that we should reduce the conflict between work and family life; that this should be a national priority; that the month of October—next month—should be designated as "National Work and Family Month"; and that the President should issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

If I had been on the Senate floor, I would have offered an amendment. I would have called for the passage, as well, of the Harkin amendment. How could you possibly proclaim "National Work and Family Month" and then tell millions of workers who earn overtime pay that they don't have the right to the protection that the Fair Labor Standards Act has provided them now for over 65 years?

The Republicans' actions makes a mockery of this resolution.

This is a critical vote. Whether it is today, tomorrow, or it is at some point in the future, we will have a vote on this legislation. We will vote on whether to protect American workers against