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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, these days in the Senate are filled with crucial issues, sharp differences on solutions, and vital votes on legislation. So we begin this day with the question that you asked King Solomon, ''Ask: What shall I give you?'' We empathize with Solomon's response. He asked for an ''understanding heart.'' We are moved by the more precise translation of Hebrew words for ''understanding heart,'' meaning ''a hearing heart.''

Solomon wanted to hear a word from You for the perplexities he faced. He longed for the gift of wisdom so that he could have answers and direction for his people. We are moved by Your response, Lord. ''See, I have given you a wise and listening heart.''

I pray for nothing less as Your answer for the urgent prayers of the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their debates and their decisions. All through our history of this Nation, You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak, Lord. We need to hear Your voice in the cacophony of other voices. We are listening. Through our Lord and Saviour. Amen

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COCHRAN, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I announce today that the Senate will be in morning business during which Senators may speak. There will be no rollcall votes during today's session of the Senate. On Monday, the majority leader hopes that the Senate will be able to begin debate on the concurrent budget resolution. Senators will be notified as soon as any agreements are reached.

Mr. President, I ask unanimous consent that I be recognized for a period not to exceed 15 minutes.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

NATO ALLIANCE MEMBERSHIP FOR ROMANIA

Mr. COCHRAN. Madam President, last week I received a letter from the distinguished Senator from Indiana [Mr. LUGAR] on the subject of a task force which he had been asked to chair convened by the Council on Foreign Relations on the subject of Russia, its neighbors, and an enlarging NATO.

Senator LUGAR's letter discusses the highlights of the findings and agreements that were reached by this impressive task force made up of experts on foreign policy and national security. I think it is important for the Senate to consider and review carefully the task force report and the information in that as we are beginning serious consideration now in the Foreign Relations Committee and soon in this Chamber proposals for the enlargement of NATO. We have already had other agreements which have been widely publicized this week—the charter or the framework between Russia and the United States on the subject of NATO enlargement. So it is very timely, in my view, for us to begin to get all of the information and all of the viewpoints that we can from those who deserve respect on these issues so we will be fully advised as we are called upon to make decisions on proposals from the administration.

In his letter, Senator LUGAR points out that ''The Task Force reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible.'' First he pointed out that the goal of this task force ''was to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. The Task Force also looked,'' he said, ''at the security concerns of the Baltic states and Ukraine.''

He says the Task Force ''agreed that it is in the United States interest to try to achieve both'' enlargement of NATO and a strengthening of NATO-Russian relations. So we also should ''negotiate from a position of strength and not allow the NATO Alliance to be held hostage in any manner by Moscow. We strongly caution,'' he said, the Task Force said, ''that NATO's core mission of collective defense of its members—both old and new—not be diluted in any manner.''

Other highlights include an urging of the administration and NATO allies ''to take very specific steps, to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.''

And in conclusion, he says the Task Force recommends endorsing ''NATO's decision to add new, 'full' members at the Madrid summit in July 1997, and suggests the Alliance remain open to the possibility of adding more new members in the future.''

The Task Force said, and he quotes from their findings:

> We believe that the goal of NATO's enlargement with Russia should not be to provide compensation for enlargement. Rather, it should be to forge a new NATO-Russia relationship that builds on opportunities offered by a new Europe, a Russia in transition and an adapting NATO.

The Task Force recommended also ''To engage Russia, negotiate a formal NATO-Russia charter,'' which is being done, ''and a consultative mechanism

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

that offers both sides incentives to cooperate on shared problems,'' and to ''Update Conventional Forces in Europe Treaty,'' which we approved this week.

In conclusion, he points out that the Task Force suggests that we,

Reject vigorously any efforts by Moscow to dictate the terms of Baltic or Ukrainian relations with NATO. The Task Force urges the administration and the Alliance to offer special assurances to the three Baltic states and Ukraine, including confirmation that NATO's open-door policy applies to all Partnership for Peace states; increased efforts to include all four countries in Partnership for Peace planning and training exercises; affirmation that the United States shares the aspirations of the Baltic states to become full members of all European institutions; and conclusion of a NATO-Ukraine agreement to deepen practical consideration over the coming years.

Madam President, I ask unanimous consent that the full text of the letter from Senator LUGAR and the media remarks that he made on May 5 at the announcement of the task force findings and report be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 5, 1997.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR THAD: There is no more important foreign policy issue today than the future of European security. Our investments now in Europe's future will make a dramatic difference to our own security. NATO's decision to enlarge is a key element of that investment.

But so too is our investment in Russia's transition. Our security and the security of every nation in Europe will be affected by whether Russia succeeds or fails in becoming a fully democratic state, at peace with its neighbors and integrated into Europe. Yet Russia's leaders claim the enlargement of NATO is a threat not only to Russian security but also to the success of Russia's transformation.

I was recently asked to chair a Council on Foreign Relation's Task Force on the subject of ''Russia, Its Neighbors, and an Enlarging NATO'', and to pull together some of the best minds in the country to look at this dilemma. Our goal was to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. The Task Force also looked at the security concerns of the Baltic states and Ukraine, given their history with Russia, its anxiety about their relations with NATO, and their strong desire for closer ties with NATO.

With NATO enlargement imminent, the premise behind this Task Force's deliberations was not ''whether and when'' NATO should expand, but ''how.'' We looked not only at how the Alliance might engage Russia, but also at how the process of enlargement, how NATO's own internal adaptation and how conventional and nuclear arms control, could improve the security climate across Europe, without dangerous concessions to Russia.

The Task Force reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible, despite continued Russian opposition to enlargement. We agreed that it is in the U.S. interest to try to achieve both, so long as we negotiate from a position of strength, and do not allow the NATO Alliance to be held hostage in any manner by Moscow. The U.S. and the Alliance can offer Russia reassurances about its security and role in the new Europe that make sense on their own merits, without compromising NATO's effectiveness or independence.

In the process, however, we strongly caution that NATO's core mission of collective defense of its members—both old and new—must not be diluted in any manner. As discussions with Russia proceed, the Task Force warns the Administration and the Alliance to remain vigilant regarding Russian efforts to step or stall expansion, to turn NATO into a social club or debating society, or to have a veto over its decisions. We also caution against trying to compensate Russia for expansion with arms control or other concessions.

All NATO-Russia and U.S.-Russia political and security arrangements must be reciprocal. We also urge the Administration and our NATO allies to take very specific steps in the coming months and years to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.

The bipartisan Task Force brought together experts on Europe and the former Soviet Union from government, think tanks, universities, and the business community. Participants included Robert Blackwill, former Principal Deputy Assistance Secretary of State for European and Canadian Affairs and for Political Military Affairs; Richard C. Holbrooke, former Assistant secretary of State for European and Canadian Affairs; William Kristol, Editor of The Weekly Standard magazine; Thomas Pickering, former U.S. Ambassador to Russia, Brent Scowcroft, former National Security Advisor; and Robert Zoellick, former Counselor of the State Department and Undersecretary of State for Economic and Business Affairs. There was wide agreement among the Task Force participants with the report's major findings and recommendations; additional comments reflecting divergent positions are presented in the report to help frame the dabate.

The Task Force calls for a series of measures to address Russia's concerns as NATO enlarges, but states ''we believe that the goal of NATO's engagement with Russia should not be to provide 'compensation' for enlargement. Rather, it should be to forge a new NATO-Russia relationship that builds on opportunities offered by a new Europe, a Russia in transition and an adapting NATO.''

Among the Task Force's conclusions and recommendations.

Endorses NATO's decision to add new, ''full'' members at the Madrid summit in July 1997, and suggests the Alliance remain open to the possibility of adding more new members in the future. The report asserts that an expanded Alliance does not threaten Russia; in fact Russia will benefit from increased European stability.

To engage Russia, negotiate a formal NATO-Russia charter and a consultative mechanism that offers both sides incentives to cooperate on shared problems. However, NATO-Russia arrangements must not: stop or slow expansion; give Russia a veto over NATO decisions or dilute the effectiveness of the North Atlantic Council; allow ''second class citizens'' in the Alliance or exclude any Partnership for Peace (PfP) participant from future membership consideration; or preclude any Alliance member from calling for a meeting without Russia present.

Update Conventional Forces in Europe (CFE) Treaty in a way that: eliminates its current bloc-to-bloc character in favor of national limits and reciprocal overall troop reductions and does not make second-class citizens of the new NATO members; does not isolate the Ukraine; does not impinge upon NATO's future ability to extend a full security guarantee to other potential members, and does not set an arbitrary deadline for the conclusion of the treaty negotiations or link them the NATO expansion timetable.

Continue to reject vigorously any efforts by Moscow to dictate the terms of Baltic or Ukrainian relations with NATO. The Task Force urges the Administration and the Alliance to offer special assurances to the three Baltic states and Ukraine, including confirmation that NATO's open-door policy applies to all PfP states, increased efforts to include all four countries in PfP planning and training exercises; affirmation that the U.S. shares the aspirations of the Baltic states to become full members of all European institutions; and conclusions of a NATO-Ukraine agreement to deepen practical cooperation over the coming years.

I attach a copy of the Task Force Report, along with my summary of its findings and recommendations that I presented at a recent press conference to mark the Report's publication.

I recommend both to your attention.

Sincerely,

RICHARD G. LUGAR,
U.S. Senator.

COUNCIL ON FOREIGN RELATIONS NATO TASK FORCE PRESS CONFERENCE: REMARKS BY U.S. SENATOR RICHARD LUGAR, MAY 5, 1997

I am delighted to have had the opportunity to chair this very distinguished Task Force on ''Russia, its Neighbors and an Enlarging NATO'' and to present its findings to you today.

I agreed to chair this group because there is no more important foreign policy issue today than the future of European security. Just as our investments during the Cold War led directly to the collapse of the Soviet Union and the Warsaw Pact, our investments now in Europe's future will make a dramatic difference to our own security. NATO's decision to enlarge is a key element of that investment. But so too is our investment in Russia's transition. Our security and the security of every nation in Europe will be affected by whether Russia succeeds or fails in becoming a fully democratic state, at peace with its neighbors, and integrated into Europe. Yet Russia's leaders claim the enlargement of NATO is a threat not only to Russian security, but also to the success of Russia's transformation.

The goal of the Task Force was to pull together some of the best minds in the country to look at this dilemma and to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. We also looked at the security concerns of the Baltic States and Ukraine, given their history with Russia, its anxiety about their relations with NATO and their strong desire for closer ties with NATO.

With NATO enlargement imminent, the premise behind this Task Force's deliberations was not ''whether and when'' NATO should expand, but ''how.'' We looked not only at how the Alliance might engage Russia, but also at how the process of enlargement, how NATO's own internal adaptation and conventional and nuclear arms control, could improve the security climate across Europe, without dangerous concessions to Russia.

I am pleased to announce that we reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible, despite continued Russian opposition to enlargement. We agreed that it is in the U.S.

interest to try to achieve both, so long as we negotiate from a position of strength, and do not allow the NATO Alliance to be held hostage in any manner by Moscow. The U.S. and the Alliance can offer Russia significant reassurances about its security and role in the new Europe that make sense on their own merits, without compromising NATO's effectiveness or independence.

In the process, however, we strongly caution that NATO's core mission of collective defense of its members—both old and new—must not be diluted in any manner. As discussions with Russia proceed, the Task Force warns the Administration and the Alliance to remain vigilant regarding Russian efforts to stop or stall expansion, to turn NATO into a social club or debating society, or to have a veto over its decisions. We also caution against trying to compensate Russia for expansion with arms control or other concessions. All NATO-Russia and U.S.-Russia political and security arrangements must be reciprocal. We also urge the Administration and our NATO allies to take very specific steps in the coming months and years to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.

Let me now mention some of our specific recommendations. For a more complete list, I call your attention to the short ''Statement of the Task Force'' which covers the longer report.

First, the Task Force endorses NATO's decision to invite new members to join the Alliance at the Madrid summit this July, and its commitment that these will be full members, not ''second-class citizens.''

On future enlargement, we recommend that NATO affirm that it remains open to the possibility of other new members. We believe Alliance selection of future members should depend on three factors: (1) The strategic interests of NATO members; (2) the Alliance's perception of threats to security and stability; and (3) future members' success in completing their democratic transitions and in harmonizing their political aims and security policies with NATO's.

At the same time, we believe NATO should offer ideas to draw Russia closer to the Alliance to deal with mutual security concerns in a reciprocal fashion, to support Russia's consolidation of a non-imperialist, stable democracy, and to reassure Moscow that we don't seek to isolate or weaken Russia.

Specifically, we endorse efforts to negotiate a NATO-Russia charter and a consultative mechanism that offers both sides incentives to cooperate on shared problems. These could include non-proliferation, aggressive nationalism, territorial disputes, security and safety of nuclear weapons, and peacekeeping.

That said, we strongly caution the Administration and the Alliance against even the appearance of trying to ''compensate'' Russia for NATO enlargement or allowing Moscow to weaken or hamstring the Alliance in any way. Specifically, NATO-Russia arrangements must not:

(1) stop or slow NATO enlargement;

(2) NATO-Russia arrangements must not give Russia an actual or de facto veto over NATO decision-making, or the ability to stall or divide the Alliance;

(3) NATO-Russia arrangements must not create ''second class citizens'' in the Alliance or exclude any participant in the Partnership for Peace program (PFP) from future consideration for NATO membership;

(4) NATO-Russia arrangements must not subordinate NATO to any other decision-making body or organization;

(5) NATO-Russia arrangements must not dilute the effectiveness of the North Atlantic Council or preclude any Alliance member from calling for a meeting without Russia present.

We also support adaptation of the Conventional Forces in Europe Treaty in a way that will facilitate both NATO enlargement and NATO-Russia cooperation, including eliminating the bloc-to-bloc nature of the treaty in favor of national limits and reducing the amount of equipment the treaty permits all signatories.

But we caution the Administration and NATO states, as negotiations proceed, to ensure that all geographic limits are reciprocal, and that future equipment limits do not make de facto ''second class'' citizens of the new Alliance members.

We further caution against any agreement that would isolate Ukraine or make it more vulnerable to Moscow's pressure. We urge that the revised limits in no way impinge on NATO's ability to extend a full security guarantee to other potential members in the future.

We also argue strenuously against setting an arbitrary deadline for the conclusion of the negotiations or linking such a deadline to the timetable for NATO enlargement.

On the nuclear side, the linkage between NATO enlargement and nuclear arms control is clearly more political than strategic. That said, we believe the U.S.-Russian arrangements with regard to START II and START III reached at Helsinki have improved the climate for Russian acceptance of the first tranche of enlargement as well as for Duma ratification of START II, while advancing our own security interests. This will not happen overnight, and probably not before the Madrid Summit in July. But Helsinki represented a good-faith effort on the part of the United States to address some Russian and Duma concerns.

Finally, with regard to the Baltic states and Ukraine, we believe the Alliance must continue to reject vigorously any efforts by Moscow to dictate the terms of these countries' relations with NATO, and to exercise a veto over their future membership.

We urge the Administration and the Alliance to offer reassurances to the Baltic states and Ukraine that they will not be discriminated against as a result of their history and geography. Such assurances could include:

(1) confirmation that NATO's open door policy applies to all Partnership for Peace states, including the Baltics and Ukraine;

(2) affirmation that the U.S. recognizes and shares the aspirations of the Baltic states to become full members of all the institutions of Europe including the EU and NATO, and will assist them in this goal;

(3) conclusion of a NATO-Ukraine agreement to deepen practical cooperation over the coming years, particularly until Ukraine decides whether or not it will eventually seek Alliance membership; and

(4) increased efforts to deepen the involvement of all four countries with NATO through active participation in the Atlantic Partnership Council and the Partnership for Peace.

If we proceed in this manner, as recommended by the Task Force, we believe the choice will ultimately be up to Russia to accept the hand of cooperation NATO has offered and to participate in crafting the new Europe, or to isolate itself.

Our concluding point is that NATO enlargement and deeper NATO-Russia relations both have value for the United States and the Alliance if they are pursued properly. A zero-sum debate about them therefore misses the point. The best outcome for the United States is for both tracks to succeed. This is also the best outcome for the Baltics and Ukraine that may have to live between an enlarged NATO and Russia for some time to come.

Now, before I turn to your questions, I want to say just a word about the deliberations of our group. We met four times between December and March, here in Washington. Overall, I was encouraged by the breadth of consensus we were able to achieve, considering the different perspectives and backgrounds of the individual participants. The caliber of the group was exceptional—so exceptional in fact that, during the course of our deliberations, four of our members were tapped by President Clinton to join the administration in the second term.

But, as the attached additional comments and the one dissent by General Scowcroft indicate, there were a couple of important points where views differed significantly. I point these out to you because I think they are instructive about the larger debate in this country and the challenges we will face when NATO enlargement comes up for ratification in the Senate.

The most controversial issue for our group was not what should happen this summer at Madrid, but what should happen thereafter to NATO and in Europe. Several of our members are less confident than others that the time will ever be right for a second, third or fourth tranche of NATO enlargement. General Scowcroft and Bob Blackwill call for a formal ''pause'' or breathing space after Madrid. A couple of other members question the Report's support for the Baltic states' aspirations to join NATO eventually.

My own personal view is that it would be a huge mistake to declare a formal pause in expansion after Madrid. This would cede precisely the kind of veto over NATO's plans to Moscow that the Report warns against. Making that pause permanent would effectively draw a new line across Europe slightly further east. It would relegate whole parts of Europe to a permanent security gray-zone, and would undermine any incentive those countries' leaders have to make the kinds of democratic changes that Alliance membership demands.

While I agree that NATO must proceed cautiously after Madrid and take time absorbing the new members, it is essential that the Alliance make clear at Madrid that the first new members will not be the last. Such a pledge would be particularly important for the Baltic states, which were, after all, also captive nations throughout the Cold War.

I endorse strongly all the cautions in the report that NATO's effectiveness as a defensive alliance not be diluted in any way. It is also essential that NATO's new members be full members and not ''second class citizens.'' In that regard, I want to close my comments today by lending my personal endorsement to one of the notes Bob Zoellick appended to the report. He cautions that between Madrid and the formal ratification of enlargement by all sixteen NATO parliaments, the new candidate members must enjoy all the privileges Russia might receive through a NATO-Russia charter and consultative arrangements. It would indeed be ironic, if over the next 2 years, Russia enjoyed closer ties to the Alliance than Poland.

I welcome your questions now.

Mr. COCHRAN. Madam President, I took time to comment and read some excerpts because in my view this is excellent work, and Senator LUGAR ought to be strongly commended for his leadership not only in chairing this traffic force on these important issues but in his work on the Foreign Relations Committee in connection with NATO enlargement, United States-Russia relations which are the subject of this work.

Madam President, I am pleased to cosponsor Senate Concurrent Resolution 5, which was introduced by Senator ROTH, supporting the expansion of the North Atlantic Treaty Organization, because I believe the NATO alliance will be strengthened by including new members and that its capacity to contribute to stability and freedom will be enhanced by such expansion.

Senate Concurrent Resolution 5 specifically mentions four nations: Hungary, Poland, the Czech Republic, and Slovenia, which should be considered for membership in the alliance, but I do not think the consideration of the Foreign Relations Committee should be limited to those countries. Serious consideration should also be given, in my opinion, to Romania, and maybe to others as well.

The Romanian Government has a record of cooperation with the United States and Western nations. During the Persian Gulf crisis, for example, Romania supported U.N. resolutions imposing sanctions against Iraq and voted to authorize the United States and other nations to enforce the sanctions and liberate Kuwait. In 1993, Romania supported continuation of a 30-year U.N. embargo against Cuba, and its military forces participated in the U.N. action in Angola in 1995.

Romania also supported the U.N. trade embargo against the former Yugoslavia, and following the Dayton accords, it deployed a 200-troop battalion to assist in the NATO-led IFOR mission. Romania has participated in many Partnership for Peace exercises and was the first nation to sign the Partnership for Peace framework document in 1994.

The Romanian Government has sought entry into several Western economic and security alliances. In 1993, Romania became an associate member of the European Union, and in 1995, it submitted an application to become a full member of the EU. In 1994, Romania became a member of the Council of Europe.

The people of Romania strongly support joining the NATO alliance. A recent European Commission poll of 20 Eastern and Central European nations shows a higher percentage of Romanians favoring membership in NATO than any other prospective new member's citizenry.

Since the fall of Romania's Communist government in 1989, the people of Romania have made great progress to achieve the goal of democracy, by showing respect for the rule of law, moving to a free market economy, and imposing civilian control over the military. By the end of 1996, Romania had completed a round of elections at all levels of Government, including both Parliamentary and Presidential elections. Observers from the Council of Europe classified the November Presidential elections ''reasonably fair and transparent,'' and it should be noted that they resulted in the first peaceful transfer of power since 1937. The current political situation is particularly remarkable when compared with the regime which held power in 1989.

In addition to strengthening the elements common to democracies worldwide, the Romanians have directly confronted and worked to abate both internal and external ethnic conflicts. In March of this year, the Prime Minister outlined steps the Government will take to ease domestic ethnic tensions. In an effort to discourage ethnic conflict with the Hungarians living in Romania, the Government negotiated and signed a treaty with Hungary. The ruling party coalition includes the party most closely associated with ethnic Hungarians. I understand also that the Romanians are nearing the end of treaty negotiations with Ukraine over remaining border issues. Both of these cases demonstrate a willingness to settle disputes with its neighbors in a peaceful way. NATO Secretary General Solana has cited the programs that Romania, among other nations, has made toward resolving outstanding bilateral differences.

Including Romania in NATO would enhance European security. Romania's military forces are among the largest in Europe. Of the countries currently being considered for NATO membership, only Romania and Poland have army, navy, and air force capabilities.

On the day their Minister of Defense was sworn in, he declared that one of his administration's highest priorities would be to prepare Romania's military for interoperability with existing NATO structures. As a result, Romanians have undertaken strenuous efforts to update their military equipment and improve their ability to operate in concert with the forces of other nations.

Perhaps the most concerted efforts of the Romanian people have been devoted to improving their economy. The results of the last election demonstrated a preference for leaders who favor privatization, freer markets, and a continuation of reform. Within 3 weeks of the decisive Presidential election, senior representatives from the International Monetary Fund, the European Union, and the World Bank traveled to Bucharest to finalize the details of a comprehensive reform package aimed at reducing inflation, cutting the deficit, and speeding privatization. This plan for reform—released in February—will be challenging for the Romanian Government and its people over the next few years, and the Government has planned certain countermeasures during the transition, such as a strengthening of the welfare program in anticipation of temporary unemployment. However, it appears that Romania is committed to this economic plan.

In August 1996, the United States granted MFN status to Romania, and this year our Department of State reported that 80 percent of Romanian farming and 70 percent of retail sales are being generated by private enterprises. This spring the International Monetary Fund announced a $400 million loan to Romania. To supplement this IMF assistance and support the Government's reforms, the European Commission has pledged $140 million. Indicators such as these all offer assurance to foreign investors, whose contributions are important to the growth and stability of Romania's economy.

Madam President, I am impressed and encouraged by the progress Romania has made, and I urge serious consideration of Romania for inclusion in NATO. I hope the Foreign Relations Committee will conduct a full and careful review of Romania's political, economic, and military strengths when it considers legislation on NATO expansion.

Madam President, 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. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Madam President, are we in a period of morning business?

The PRESIDING OFFICER. The Senate is in a period for the transaction of routine morning business.

Mr. COVERDELL. Madam President, is each Senator allowed a period of 5 to 10 minutes to speak?

The PRESIDING OFFICER. The Senator from Georgia would be permitted to speak for up to 10 minutes.

FAMILY FRIENDLY WORKPLACE ACT

Mr. COVERDELL. Madam President, my good colleague from Missouri, Senator JOHN ASHCROFT, recently introduced legislation that would provide increased opportunities for working parents to spend more time with their families without losing 1 cent in compensation.

It is popularly called flextime. It is legislation that allows a worker an opportunity to trade time-and-a-half for just time. I think it is a very, very important piece of legislation and very timely, because there have been so many changes in the workplace.

This bill would allow employees to choose to work additional hours, more than 40, in one workweek and use those extra hours to fill in for a shorter workweek later. Or an employee could choose to take time off in lieu of overtime pay at a rate of 1½ hours for each hour of overtime. An employee could also choose to work 80 hours over a 2-week period in any combination.

Here is the important point, Madam President, that all of these choices are voluntary. These flexible options can only be exercised if the employee and employer agree to the concept. None of these choices would result in lower pay, and, in the case of comptime off,

those hours not used, up to 240 could be cashed in at overtime rate pay.

The point here is no one is being shortchanged. The point is that everybody has new flexibility, in terms of managing their workweek.

One might have thought that President Clinton would have embraced this initiative wholeheartedly, but, no, President Clinton has threatened to veto these options, to strike down the opportunity for these workers to have these voluntary flexible options. He claims that the legislation will force employees to take time off in lieu of overtime pay. In other words, the employee would be forced to not receive the overtime pay but to take the time off.

Some in the media have repeated this claim and then wrongly insisted that overtime would start only after an employee had worked 80 hours in 2 weeks, instead of 40 hours in 1 week, which is the current law.

There is one thing wrong about these claims that have been made by the President and by some in the media: They are not true. They are not just a little off base, but utterly false. The administration and these other opponents need to read the bill. I have taken particular notice that critics never actually quote from the bill.

Madam President, here is what the bill actually says, and I am proud to be a cosponsor of it. The bill allows:

> Employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate.

Is that too hard for our critics to figure out? Just in case, here is what the bill has to say to employers who have other ideas. Employers,

> . . . may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any—

Any—

> . . . employee for the purpose of interfering with the rights of such employee under this section to elect or not to elect to [participate in one of the programs offered in the bill].

Madam President, if they do coerce, threaten or intimidate their employees, they are subject to criminal and civil penalties.

This is a bill that benefits working parents. The bill has been endorsed by Working Women and by Working Mothers magazines and, yes, the New York Times. It does not mandate anything. Some employees may like the new options, others may not. That is the whole point. Employees should be able to decide what is best for them. This legislation ought to be a slam dunk.

So why, you might ask, is the legislation even necessary? Because current Federal law prohibits such voluntary arrangements for everybody, except for Federal employees who have enjoyed these choices since 1978.

I am going to repeat that. If you are a Federal employee, the very options and flexibility that we are trying to make available for hourly wage workers are already enjoyed by Federal employees that surround this Capitol. But it isn't good enough for the hourly worker in the private sector.

Who would support the status quo? Who wants to leave it the way it is? I have already alluded to the fact that the President has threatened to veto any legislation that would provide these opportunities and this flexibility. Labor leaders, the labor bosses oppose it. When you think about it, the kinds of issues that exist between an employee and employer boil down to just two categories: hours of employment and compensation, whether in the form of health care plans, time off, salary, or overtime. If employers and employees can work out these issues by themselves, I believe that these union leaders feel they will be out of business.

President Clinton has, thus, obliged the unions by producing his own proposal, which naturally gives the Secretary of Labor the discretion to decide which workers would be extended the kinds of scheduling choices we support. This doesn't meet the laugh test. Perhaps someone should notify the administration the election is over. Ordinary hard-working Americans, not labor bosses and leaders, reelected President Clinton and returned a Republican majority to Congress. They expect us to work together providing choices that allow families more time together, and that is a very good place to start working together.

Madam President, I was reading a piece in a recent magazine, and the article is entitled, ''Work and Family Integration.'' I will just quote a couple paragraphs:

> Economic changes have direct consequences on work and family life. It is increasingly common for all adult family members to spend a greater number of hours at work in order to make up for declining median family incomes . . .

I might point out that that decline has a lot to do with increasing tax burdens on these families.

It goes on to say:

> to fulfill personal career goals, or to cater to growing workplace demands. Married women with children have entered the labor force in record numbers; they therefore have less time for care-giving in the home. Many parents, both mothers and fathers, feel conflicted and torn between spending time with their families and meeting workplace demands. Work and family life should not be in opposition, but should enrich each other.

That is exactly what this legislation attempts to do. It attempts to make the workplace adjustable so that families who have these new and added pressures can make changes voluntarily to suit the requirements and needs of their families.

When I first arrived here, there was a great hue and cry that the Congress operated under a different set of laws than American families and businesses. The new majority changed that. The Congress now lives under the same laws as the rest of the land. It is time that the hourly wage workers in America received the same breaks as the Federal workers in their Capital City, and this is the legislation that ought not to be filibustered and ought to be passed and sent to the workplace as a new option and opportunity for American workers.

Madam President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, I wonder if the Senator from Georgia will yield for a question.

Mr. COVERDELL. Absolutely.

Mr. ASHCROFT. I want to thank, first of all, the Senator from Georgia. I appreciate his work. Incidentally, I ask unanimous consent that his time be charged against the time under my control from 10:30 to 11 o'clock, and other reservation of time be restored.

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

Mr. ASHCROFT. The opponents of this bill, who don't want to let us even have a chance to vote on it, voted to stop us from even voting, to keep us from getting cloture and moving to a vote, have indicated that they have an alternative. They want to increase the amount of family and medical leave, and they call our bill the Paycheck Reduction Act.

Will the Senator clarify for me, now, under family and medical leave, what kind of time off is that and do you get paid when you take that time off?

Mr. COVERDELL. You absolutely don't, but I would make an even greater distinction. Your legislation, which I have been proud to coauthor, and I commend the work of the Senator from Missouri, as I did before the Senator arrived, leaves the decision about what families need and don't need to the families, the workers themselves.

The alternatives proposed—and there are several. One is to turn the decision over to Secretary Shalala. I think that is a pretty big job to try to figure out what the millions of working families need and don't need. I think she might not be up to that. Or to try to construct Federal law that manages time off, which may or may not deal with the circumstances of a family, and, no, it would not be pay.

Mr. ASHCROFT. So their proposal is, if you want to take time off with your family, you have to take a pay cut to do it?

Mr. COVERDELL. Correct, and the Senator's proposal doesn't cost them one penny.

Mr. ASHCROFT. So you could make up the time under the flextime or comptime provisions, take time with your family and not take the pay cut.

Mr. COVERDELL. That is absolutely correct.

Mr. ASHCROFT. The Senator from Georgia started to make the point, though, that is also important, which is this flextime and comptime opportunity isn't just for specific things with your family. If you wanted to

take this time off once you have earned it—

Mr. COVERDELL. You could go fishing.

Mr. ASHCROFT. You can do what?

Mr. COVERDELL. You could go fishing.

Mr. ASHCROFT. I can go fishing. I believe I might.

Mr. COVERDELL. You can go camping. You might have an emergency you are dealing with. You might have a graduation. Again, the point I am making is the principal distinction, and it appears so often between our two sides, is that the legislation of the Senator from Missouri leaves the choice to the worker and his or her family, the choice about time-and-a-half or trading the time-and-a-half.

Their view is that it has to be managed by the Government or by Secretary Shalala. I just don't think they can figure out what the requirements and needs are of each one of those workers all across the land from Missouri to Georgia to Nome, AK.

Mr. ASHCROFT. The Senator pointed out that the Federal Government workers have had this full range of options now for almost 20 years. Has the Senator from Georgia had a lot of Federal Government workers streaming into his office to say, ''Please, take us out from under this system, it's a problem to us''?

Mr. COVERDELL. To the contrary. Imagine the hue and cry if the way we were to equalize this was to remove that option from Federal employees so that they would be treated like these other hourly workers. Talk about a hailstorm. They have enjoyed the benefit, and no one that I know of has issued the first complaint about those flexible options that are enjoyed by Federal employees.

I mentioned a moment ago that when we came here, the Congress functioned under a different set of laws than American businesses. Now we have the Congressional Accountability Act, and we have put Congress under the same confines. It is time to let the private hourly workers enjoy the same benefits as Federal employees.

Mr. ASHCROFT. It is not just Federal employees.

Mr. COVERDELL. Salaried, and those in the boardrooms.

Mr. ASHCROFT. All the corporate presidents, all the salaried workers, and the Government workers have comp or flextime, but the hourly workers, who are a minority of the workers in this country; less than half of the workers, do not have this. The other folks all have it.

I thank the Senator for coming to the floor to talk about this.

Mr. COVERDELL. I thank the Senator from Missouri. He is a very eloquent spokesperson on this issue. I do think anything we can do that makes it easier for families to be in the workplace—we know they are under enormous duress today, with both parents working—anything we can do to make it more manageable for them we ought to do. Your bill, our bill, lowering their taxes, all of these things need to happen in working America.

Mr. ASHCROFT. I thank the Senator from Georgia for his contribution to this debate and his insight. In fact, the insight which is most valuable is that families have the capacity intellectually, and ought to have the capacity legally, to make decisions about their own family and not to have Government trying, from 1,000 miles away, to tell you whether or not you should be able to do something or not with your kids or whether or not you should be able to take time off to meet your own personal needs.

Mr. COVERDELL. Absolutely. Thank you.

Mr. ASHCROFT. I thank the Senator from Georgia.

I inquire how much time remains?

The PRESIDING OFFICER. The Senator has until 11:30.

Mr. ASHCROFT. I thank the Chair.

Madam President, I want to talk about benefits that people enjoy as workers in America, benefits which are enjoyed by Federal workers, benefits which are enjoyed by State workers, benefits which are enjoyed by executives, by supervisors, by managers, benefits which are enjoyed by all salaried workers, but benefits which do not inure to the advantage of individuals who work by the hour.

There are about 59 million people in this country who work by the hour; 28.9 million women who work by the hour. These are the individuals who do not have the flexibility to adjust their schedules. They do not have the capacity to say, ''I'm going to take Friday morning off and work a little extra Monday afternoon.'' They do not have the ability to say, ''I need to quickly take a few minutes away here. I need to go to the school and pick up my child who needs to be taken to the doctor's office.'' They do not have that capacity.

The majority of Americans do have that benefit. Far more, millions more, people have that benefit than those who do not. But the hourly paid workers do not.

If you work for the Federal Government, you can schedule your workweek to get an extra day off every other week while keeping a full paycheck. If you took Friday off every other week in the same way and you are not in the Federal Government, you are going to find yourself short on cash. If you are an hourly worker in the private sector, you just cannot do it; you do not have that benefit.

If you work for the Federal Government, you can choose compensatory time; in other words, take time off with pay later on instead of being paid time and a half when you have been asked to work overtime. You do not have that choice, you cannot make that choice if you are an hourly worker in the private sector. It is against the law for your employer to say to you, ''Well, if you'd really rather have time and a half off later with pay instead of taking paid time and a half for your overtime now, I'll do that for you.'' Then the employer is in violation, the employer suffers the penalty, the heavy hand of law enforcement, and the Government comes down on him if he does that.

It simply is something that cannot be done for people in the hourly category in the private sector. The boardroom, yes. If the boardroom boys want to go play golf, they want to have Friday off, they have flexibility. The salaried workers have the flexibility. Government workers have that kind of flexibility. But private, hourly paid employees, whether they be men or women, they do not have it. It is not fair.

If you work for the Federal Government, you can bank hours 1 week, you can work a couple hours extra this week in order to take a couple hours off next week. That sounds reasonable. It is something that people could do to adjust to the needs of their families.

If there is an awards assembly at the school, if there are PTA conferences, if you need to get your driver's license renewed, you have to retake the test, or just have to have your eyes checked and you have to do it during the hours when government offices are open, the department of motor vehicles, you need to do that, if you are a Government worker, you can put a couple hours in comptime this week and take the time off next week. Or, of course, if you are a manager or boardroom executive or a salaried worker, that is something that can be done.

But your employer cannot trade 2 hours this week for 2 hours next week if you are an hourly worker. That is a benefit that people in the governmental system enjoy. It is a benefit to be able to bank some hours this week and take them off next week. It is a benefit to be able to use time off and take compensatory time off with pay instead of being paid the time-and-a-half overtime, take compensatory time and a half off without losing pay.

It is a benefit to be able to schedule your workweek so that you can take Friday off every other week the way Federal employees can. These are benefits which belong to the majority of the members of the work force in our culture which do not belong to hourly workers.

What S. 4 is all about is providing an opportunity for hourly workers to have some of the same benefits that have been available to individuals in other quadrants of the culture. Private-sector workers have fewer benefits than Government workers.

I think a lot of folks, when they have worked in the private sector—certainly I knew that—they work just as hard. Private-sector families need moms and dads just as much as public-sector families do. Private-sector kids play soccer. Private-sector kids get in trouble and need the folks to show up at the

school to get them out of trouble and help straighten them out. My mom came to school occasionally when I did not want her to, but it helped me, and I am glad she was able to. Private-sector workers need the benefit of being able to do those kinds of things.

Now, I do not understand how Senators can be for flextime and comptime for public-sector workers and not be for flextime and comptime for private-sector workers. S. 4 is just trying to give to people in the private sector the same benefit that these Senators have provided for their public-sector employees—the same choices.

I have not had a single Government worker come to me and say, ''Wow, these choices are terrible. I wish we didn't have choices like flexible scheduling. I sure wish I didn't have the capacity to bank an hour this week and take it off next week. I really wish I didn't have the opportunity to schedule so that I had every other Friday off. And, man, I hate this concept of being able myself to choose whether I wanted the money from overtime work or I wanted to take time and a half off with pay at some other time.''

I have been here now for—well, I am in my third year, and have not had the first Federal worker knock on my door and say, ''It's terrible to have this kind of flexibility,'' and I don't think I ever will. As a matter of fact, when people were interviewed in the system by the General Accounting Office, at a 10-to-1 ratio they said this was the best thing since sliced bread. This is what people need. This is a way for people to accommodate the demands of their families.

Incidentally, people all need to take time off. Everybody knows there are going to be demands that will require you to take some time off. The question is, are you going to be able to be paid for it? You know, most of the time when you have to take time off to be with your family, that is when you need the money.

Folks on the other side of the aisle say we should have more family and medical leave. That is leave without pay. I ask a simple question to my colleagues, and it should be easy—this is what we call a ''no brainer''—when you take your kid to the doctor, do you need more money or less money than if you are not taking your kid to the doctor?

In my experience, if I have to take my child to the doctor or to the dentist, I have a need for additional resources, not fewer resources. If all I get offered by Government is a plan that says you can take a pay cut if you want to take your kid to the doctor—wait a second, it relieves the tension I feel within me, I do need to be able to take my child to the doctor, but if I have to take a pay cut to do it, how am I going to pay the doctor?

We have a system that is in place where the benefits are available to the Federal worker, the benefits are available to the boardroom, the benefits are available to those who are salaried workers. We include this kind of flexibility, not taking pay cuts, but a capacity to meet the needs of your family without having your paycheck docked. I think it ought to be available to private workers.

You know, not one that I know of of the employees of the Federal Government have come to me or any other Senator saying ''It's a terrible system. We ought to abandon it.'' There are 56 Senators who are still in the U.S. Senate who supported flexible scheduling benefits for Federal workers, and they are refusing to give these benefits to the millions of sales clerks, secretaries, factory workers, the kind of hourly individuals, mechanics across our country. We have a lot of folks here in this Senate who gave it to the Government workers.

Now, not all the 56 are refusing. I should not say that. If I did, I misspoke and I need to be corrected, because there are a number of Senators on this side of the aisle who voted for that and who have said, yes, it was good for Government, and it would be good for the people in the private sector to have these choices. It is totally voluntary at the option of the worker and cannot be done unless it is also voluntary by the employer; otherwise, the same system stays in place that is in place right now.

But when employers and employees can agree, we ought to have these benefits for the people in the private sector just like this benefit is available to people in the public sector. There are 56 Senators still in this body who voted to give it to people in the public sector.

How can you be for bigger benefits for Federal workers, but fewer benefits for the people who work by the hour and who pay our salaries when they pay their taxes? It seems to me to be an irony which is strange indeed that we would say to those who pay our salaries, who hire us to represent them in this town to do what they need to have done—and we make second-class citizens of those whom we represent and those who pay us to be here. It is inconceivable.

Some people say, well, we need to protect the workers. We have built protections into this. Those who are saying that we need to protect the workers in the private sector, let us find out what kind of protections they put in when they voted for the workers to have this flexibility in the public sector. It is kind of interesting.

In the public sector, workers can be required to participate as a condition of employment. Participation is strictly voluntary, it cannot be required in comptime under our bill.

They say we have to protect the private-sector workers. They did not demand that protection when they issued this whole set of opportunities for public-sector people.

They say we have to protect workers from management. Did they say that when they put the public-sector program in place? Management can decide when a worker must use comptime. What we have put in our bill, workers cannot be coerced into using their comptime. Penalties are doubled for direct or indirect coercion.

It is hard for me to understand how people could say we need tougher penalties than this when they invented this program for the public sector and they authorized management to make the decision.

Here is another benefit.

Comptime paid in cash only when the worker leaves the job in the public sector. What have we done for private-sector workers to try to protect them? Comptime must be cashed out any time it is requested by the worker; must be cashed out at the end of the year if it has not been used.

Was that something that they felt was an important protection when they voted for the system in the public sector? Comptime paid in cash only when the worker leaves the job. The worker had to quit if he wanted the money.

I think what we have here is a clear situation where we need to give private-sector workers the same benefits which people in the public sector have been enjoying. I agree that we want to have them protected. But as Shakespeare, I think, said in one of the plays, ''I think he doth protest too much.''

They are asking for a full range of protections saying, ''I can't do that in the private sector because you don't have private-sector protections.'' Well, we have big enough protections in every case for the private worker in this bill than they demanded when they passed this for the public sector in the bill which now controls the public-sector effort.

It is pretty clear to me S. 4 would give private hourly workers real choices. They are real choices with protections. They are protections which are much stronger than anything that was written into the bill by those Senators who wrote in the public sector framework.

It is high time we stop having an approach which tries to discriminate against the private hourly workers. It is high time we said that the benefits that have been available in the public sector should be available to those in the private sector who work by the hour. The benefits that have been available to the vast majority of American workers, public sector, salaried workers, the boardroom folks, the managers, and the supervisors, those benefits need to be available to the individuals who, as a matter of fact, work by the hour in this country.

We should give them the opportunity to choose a set of benefits that have not been rejected when available to the private-sector workers. They have been embraced by public-sector workers.

We are for protecting workers. Senator KENNEDY has argued our bill does not protect workers. Senator KENNEDY was a cosponsor of the public-sector

bill. He was a conferee on the committee, and it did not provide the protections in the public sector which we have in the private sector. It did not give workers the same kind of choices. I think it is time for us to say, ''Let's be reasonable,'' and understand for private- and public-sector workers we have to provide the capacity for people to meet the needs of their families if we want America to be successful in the next century.

This debate can be talked about as if it is a debate about theory, about law, and about benefits. In fact, this is a debate about people. This is a debate about families. Are we going to give people the capacity to have families that are as successful as possible?

Let me just talk to you about a young woman named Kim Buchanan, from St. Louis, MO, a crisis clinician at the Meritz Behavioral Care facility in St. Louis, MO. Her husband is a Federal employee at the veterans hospital in St. Louis. Her husband enjoys the benefits of flextime. They have a son who is 3 years old. Like many American families, Kim Buchanan and her husband, Rocky, both work full time. Kim just landed a new job which requires her to work on shift hours through the week. She must also work weekends. She now needs to find a new day care provider for her children while she tries to keep up with her new work schedule. Fortunately, the Buchanans are getting some help from Rocky's new employer, the Federal Government. Yes, what the Federal Government provides is flexible working arrangements. He is allowed to work flexible schedules in order to keep up with some of the family's activities. That means Rocky can work a few more hours one week in order to take some time off, with pay, at a later date.

Now, here is a statement that Kim Buchanan made:

Rocky will pick up our son on Monday, Tuesday, and Wednesday. Those are the days I'm going to have him in day care. Rocky has flextime at his job. I would like to see that everyone has it. I don't work for the Federal Government, and it would be nice to have that kind of flexibility especially when you have children. It would be really nice to have that kind of flexibility instead of putting one parent in the bind.

I think Kim is right. Kim has a pretty dramatic situation. Her husband works for the Federal Government and is privileged to have flexible work arrangements. She works in private industry and it is illegal for her employer to cooperate with her. I wonder what her children think? Daddy works for the Government and gets special privileges, and Mommy works for the private sector and it is illegal for the private sector to help families the way the public sector does.

Virtually everything we do has some function of being a teacher and teaching us. I do not know what we are teaching kids when we tell them that it is illegal and wrong for private businesses to help families the way the Government does by giving flexible work arrangements. When you have Kim and her husband, Rocky, and one can be flexible and have good arrangements and offer choices because he works for the Government, and Kim, who works for the private sector, would be in violation of the law to participate in such a plan, it just does not make a lot of sense.

Let me talk about another individual. Here is Leslie Langford, a secretary in Massachusetts. Her husband is a printer. They have a son who is about to have his first birthday and a daughter who is 5 years old.

Listen to what Leslie says:

I've been an hourly employee for the past 14 years. As a full-time employee and a mother of two young children, including an 11-month-old, time is one of the most valuable commodities in my life, and I can't afford to waste any of it. Like many of you, I find it a challenge to juggle the needs of my employer and my family. Luckily I work for a boss in a company that makes this great balancing act a little easier to manage; I strongly support the Family Friendly Workplace Act. This legislation would give millions of workers the flexibility to be with their families when they are needed most. Family friendly legislation such as this is not only desperately needed but long overdue in this country to benefit working parents and their children.

I am sure if you were to ask Leslie Langford if she thought Government workers should have a range of benefits that private workers did not have, that there could be rules for Government workers that said it was OK to have choices about flextime and comptime, and to spend time with your family for Government workers, but it would be illegal to do that for the private sector, I suspect Leslie would say, how can that be? And the entirety of this country is saying how can that be? Why can we not allow hourly-paid workers in the private sector, who are a minority of the workers in this country, why can we not allow them some of the benefits enjoyed by public-sector workers and many of the salaried private workers across the country?

Here is an interesting letter that came to my office from a 25-year-old single mother of twin 2-year-old daughters. Listen to this letter from a single mother of twin 2-year-old daughters. She says,

Recently I heard of your Family Friendly Workplace Act. My employer does not allow a flexible work schedule or overtime. My understanding of this act is that I will be able to have flexibility in my work schedule giving me the opportunity to make up work hours lost because of illness in the family and doctor appointments.

Now her employer cannot offer flexible work schedules and overtime like we have in the public sector. It is illegal. That is not a hit on her employer, it is just that we said this benefit that you might want to be able to share with your employers—you cannot do that.

She goes on to say:

As a 25-year-old single mother of twin 2-year-old daughters—[she has her hands full]—the Family Friendly Workplace Act would be extremely beneficial to my situation. My children were born with a congenital heart disease and they need to attend checkup appointments on a 3-month basis, with a cardiologist. These appointments have to allow a full day, since our specialist is in Springfield, MO, and especially because both of my children attend the appointments. Also, since my children have a heart disease they need special attention if they are ill.

As a single mother, it is very difficult to lose any days financially. [I bet it is] The opportunity to make up any lost work days would be incredibly helpful. The Family Friendly Workplace Act would give me the opportunity to take time off from work, without the loss of pay because of those days my children are ill or need to attend a doctor's appointment.

Thank you for taking the time to read my letter and your consideration of the many working parents who would appreciate such an act. Please go forward with the Family Friendly Workplace Act.

''Please go forward.'' I think that means don't filibuster. I think it means get to a vote on this act. I think it means share the same benefits with those of us in the private sector who are needed desperately by our families as you already allow for people who work for the Federal Government, the boardroom already enjoys, as salaried employees already enjoy, as the majority of workers in America already enjoy, please address the needs of those of us who are in the minority here, the hourly-paid workers in the private sector.

Madam President, we have a great opportunity to serve the people of this country, to let them make choices. We have developed a framework for that choice, which is a solid framework that protects the worker. It protects the worker far more profoundly than the workers who are protected in the public system, and there are no complaints in the public system, virtually no complaints. I do not know if the Presiding Officer has ever had a Federal worker rush in and say, ''This is a terrible system which gives us flextime—abolish.'' I doubt, seriously, if that has been the case.

We have built more protections into this bill for the private sector than there are for the public sector, and the 56 Senators in this body, including many on the other side of the aisle, and the lead opponent on the other side of aisle against this measure is the Senator from Massachusetts. He was a cosponsor of the measure which provided benefits to public-sector workers and a cosponsor of that measure which does not provide nearly the same protections for workers. I think it is time for us to confess that if benefits are available to the public sector they ought to be available in the private sector.

My grandfather used to say ''God is no respecter of persons.'' People are the same, they have the same challenges. Public-sector workers have families and they need to be able to spend time with their families and they can with the special law that we have for them. Salaried workers need to, and

the law allows that. The boardroom boys need to do that for whatever they need to do when they leave early. But salaried workers and boardroom folks and Government workers are special citizens compared to hourly workers. I think just as God is no respecter of persons, we should not be a respecter of persons that says one category of American workers has the freedom to help their family, and for others it is illegal. I think that ought to cause us all to cringe, and I think the ones that ought to be cringing the most are the ones that have provided it, voted to provide it, even without protections to the public sector who are saying now we cannot provide that to the private sector until we make it so cumbersome it would not work.

Madam President, we have a great opportunity to help the families of America help each other. The success of this Nation is not going to be determined by what happens in Washington, DC. The success of this Nation will be determined around the kitchen table in American homes. That is where values are built. That is where we develop the kind of character that really determines the future of a country. We have to do what we can to make the homes as strong as possible, and we cannot have a group of American workers that are—they are a minority of the workers. It is clear the majority already have flexible work arrangements. We cannot have the 59 million American workers say, ''Your home is not important enough. You could not make this decision. You are not bright enough.'' The truth of the matter is they deserve the opportunity to have flexible working arrangements to choose compensatory time off instead of overtime if they want it, and then to change their mind if they want and to ask for the money instead.

I think the great opportunity we have is something we can capitalize on next week. I look forward to voting on it at that time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. Pursuant to the order of May 8, 1997 H.R. 1469, having been received from the House, the clerk will report.

The legislative clerk read as follows:

A bill, H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the language of S. 672 is inserted in lieu thereof.

Under the previous order, the bill is deemed read a third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1469) entitled ''An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE SUPPLEMENTALS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $306,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $7,900,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $300,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $29,100,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,312,900,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 POW PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the ''Reserve Mobilization Income Insurance Fund'', $72,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 101. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $100,000,000 of working capital funds of the Department of Defense and funds made available in Public Law 104–208 to the Department of Defense only for obligations incurred for United States participation in the Bosnia Stabilization Force (SFOR) and for the continuation of enforcing the no-fly zones in northern and southern Iraq (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That this transfer authority is in addition to transfer authority provided in section 8005 of Public Law 104–208 (110 Stat. 3009–88).

SEC. 102. None of the funds available to the Department of Defense shall be obligated or expended to transfer management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services until the contract for a Lead System Integrator for the National Missile Defense Program is awarded: Provided, That the Joint Requirements Oversight Council, with the advisement of the Joint Chiefs of Staff, is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Services with respect to the management, technical development, cost, schedule, and acquisition plan for the elements in the National Missile Defense Program and to certify that the Lead System Integrator contract will conform to these recommendations: Provided further, That the analysis and recommendations shall be submitted to the Congressional Defense Committees within 60 days of enactment of this Act.

SEC. 103. In addition to the amounts provided in Public Law 104–208, $50,000,000 is appropriated under the heading ''Overseas Humanitarian, Disaster and Civil Aid'': Provided, That, from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $50,000,000 to the American Red Cross for reimbursement for disaster relief and recovery expenditures.

(TRANSFER OF FUNDS)

SEC. 104. The Secretary of the Navy shall transfer up to $23,000,000 to ''Operation and Maintenance, Marine Corps'' from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps

facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

''Military Personnel, Marine Corps'', $4,000,000;

''Operation and Maintenance, Marine Corps'', $11,000,000;

''Procurement of Ammunition, Navy and Marine Corps, 1996/1998'', $4,000,000; and

''Procurement, Marine Corps, 1996/1998'', $4,000,000.

SEC. 105. For an additional amount for ''Family Housing, Navy and Marine Corps'' to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by Section 2854 of Title 10, United States Code.

SEC. 106. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.

(a) PROHIBITION ON USE OF FUNDS PENDING REPORT.—Notwithstanding any other provision of this Act or any other provision of law, no funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia 60 days after enactment unless the President submits to Congress the report described in subsection (b): Provided, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after June 30, 1998.

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 107. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

TITLE II—NATURAL DISASTERS AND OTHER EMERGENCIES

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the ''Agricultural Credit Insurance Fund Program Account'' for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $28,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $10,000,000 shall be available for subsidized guaranteed operating loans: Provided, That the entire amount shall be available only to the extent that an official budget request for $28,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for ''Emergency Conservation Program'' for expenses, including carcass removal, resulting from flooding and other natural disasters, $77,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,500,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters, of which $500,000 may be available through the Forestry Incentives Program for replanting of trees damaged by tornadoes in 1997: Provided, That the entire amount shall be available only to the extent that an official budget request of $9,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters subject to a Presidential or Secretarial declaration in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'' to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $171,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $171,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $20,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such cropland inundated by floods.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for ''Rural Housing Insurance Fund Program Account'', $250,000, for the cost of section 515 direct loans, including

the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, to remain available until September 30, 1998: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Any unobligated balances remaining in the Rural Housing Insurance Fund program account from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, and Section 515 loans to meet emergency needs resulting from natural disasters: Provided, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

RURAL HOUSING ASSISTANCE PROGRAM

For an additional amount for ''Rural Housing Assistance Program'', for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998, for very low-income housing repair grants and domestic farm labor grants: Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for ''Rural Utilities Assistance Program'', for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $6,500,000, to remain available until September 30, 1998: Provided, That the entire amount shall be available only to the extent that an official budget request for $6,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'' for emergency expenses from flooding and other natural disasters, $54,700,000, to remain available until expended, of which not more than $6,800,000 shall be used for planning and technical assistance grants, and not more than $2,900,000 shall be available for administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for ''Operations, Research and Facilities'' for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Aid Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: Provided, That the entire amount shall be available only to the extent that an official budget request for $7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for ''Construction'' for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for ''Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee'' for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended.

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for ''Operations and Maintenance, General'' for emergency expenses due to flooding and other natural disasters, $137,000,000, to remain available until expended: Provided, That of the total appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: Provided further, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the Federal Chena River Flood Control Facility: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'' due to flooding and other natural disasters, $390,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended: Provided further, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota to the Sheyenne River, at full Federal expense: Provided further, That, of the funds appropriated under this paragraph, $10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds, under the heading, ''Oregon and California Grant Lands,'' made available as supplemental appropriations in Public Law 104–134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for ''Oregon and California Grant Lands'' to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, ''Oregon and California Grant Lands,'' made available as supplemental appropriations in Public Law 104–134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', $8,350,000, of which $3,350,000, to remain available until September 30, 1998, is for fish replacement and for technical assistance made necessary by floods and other natural disasters and for restoration of public lands damaged by fire, and of which $5,000,000, to remain

available until September 30, 1999, is for payments to private landowners for the voluntary use of private land to store water in restored wetlands: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for ''Construction'', $91,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for ''Land Acquisition'', $5,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: Provided further, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: Provided further, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: Provided further, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: Provided further, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for ''Construction'' shall be rescinded.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $14,317,000, to remain available until September 30, 1998 for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for ''Construction'', $6,249,000, to remain available until expended, to make repairs caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for ''Reconstruction and Construction'' for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for ''Indian Health Services'' for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for ''Indian Health Facilities'' for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $374,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects relating to the December 1996 and 1997 flooding.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads damaged by the floods in September 1996, and in March and April 1997, $24,000,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: Provided, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by class I railroads, passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this section: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for emergency expenses resulting from the crash of TWA Flight 800, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, $14,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for ''Community development block grants fund'' as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, to remain available until September 30, 2000 for emergency expenses resulting from the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, so long as the emergency expenses are for those community development activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency: Provided, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: Provided further, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: Provided further, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', $3,100,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That of the funds made available under this heading, $2,100,000,000 shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: Provided further, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support research on environmental risk factors associated with breast cancer, $15,000,000, to remain available until expended: Provided, That the Secretary shall award such funds on a competitive basis: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—OTHER SUPPLEMENTALS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the ''Agricultural Credit Insurance Fund Program Account'' for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $12,600,000, to remain available until expended.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $58,000,000, to remain available through September 30, 1998: Provided, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $100,000,000, to remain available until expended, for payment of United States arrearages owed to the United Nations: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of United States arrearages to the United Nations may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

CHAPTER 3

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount to the District of Columbia for the fiscal year ending September 30, 1997, $31,150,000, to remain available until September 30, 1998, and which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That $22,350,000 shall be used to carry out a program of school facility emergency repair of public schools located in the District of Columbia, and $8,800,000 shall be used for pay raises within the Metropolitan Police Department.

DIVISION OF EXPENSES

PUBLIC SAFETY AND JUSTICE

For an additional amount for public safety, $8,800,000, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That $8,800,000 shall be used for pay raises within the Metropolitan Police Department.

CAPITAL OUTLAY

For an additional amount for capital outlay for the fiscal year ending September 30, 1997, $22,350,000, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That this amount shall be used to carry out a program of school facility emergency repair of public schools located in the District of Columbia.

GENERAL PROVISION

Funds provided under this chapter shall be deemed to be grants for the purposes of Section 141 of Public Law 104–194 (110 Stat. 2374), the District of Columbia Appropriations Act, 1997.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

CHAPTER 5

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the ''Office of the Secretary of the Senate'', to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading ''SENATE'', subject to the approval of the Committee on Appropriations.

CHAPTER 6

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $6,473,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for ''Retired Pay'', $4,200,000.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for ''Grants-in-aid for Airports'', $15,520,000: Provided, That, the President may make available funds for making grants to reimburse State and local agencies for unanticipated disaster costs associated with recovery, investigation, security, forensic and medical examination of evidence, air support, and logistical support efforts directly related to the 1996 TWA Flight 800 and ValuJet Flight 592 tragedies: Provided further, That not to exceed $12,420,000 shall be available under this provision for reimbursement to State and local agencies for the TWA Flight 800 tragedy: Provided further, That not to exceed $3,100,000 shall be available under this provision for reimbursement to State and local agencies for the ValuJet Flight 592 tragedy.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–50 and in Public Law 104–205 is increased by $933,193,000: Provided, That such additional authority shall remain available during fiscal year 1997: Provided further, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: Provided further, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996: Provided further, That $3,600,000 of the additional allocation for Utah shall be utilized on planning, preliminary engineering and design for projects critical to the 2002 Winter Olympics: Provided further, That $450,000 of the additional allocation for the State of New Mexico shall be provided to continue the Santa Teresa border technologies project: Provided further, That the additional amounts made available to the State of Alabama shall be utilized for right-of-way acquisition and construction of the Warrior Loop project: Provided further, That $12,600,000 of the additional allocation for the State of Kentucky shall be utilized to complete the William H. Natcher Bridge in Maceo, Kentucky: Provided further, That the additional amounts made available to the State of California may be provided for a project to repair or reconstruct any portion of a federal aid primary route in San Mateo, California, which was destroyed as a result of a combination of storms and a mountain slide in the winter of 1982–1983: Provided further, That the additional amounts made available in this paragraph for the State of South Carolina shall be provided for the Highway 17 Cooper River Bridges replacement project, Charleston, South Carolina: Provided further, That $100,000 of the additional allocation for the State of Iowa shall be provided for planning and environmental work on the 86th Street Highway Project in Polk County: Provided further, That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois.

CHAPTER 7

SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading ''Departmental Offices, Salaries and Expenses'', $1,950,000: Provided, That the Secretary of Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

CHAPTER 8

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and pensions'', for unanticipated costs incurred for the current fiscal year, $753,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For capacity building for community development and affordable housing, as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: Provided, That Habitat for Humanity and Youthbuild participate under this section: Provided further, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall make a grant of $1,500,000 to the National Academy of Public Administration no later than June 15, 1997 for an evaluation of the Department of Housing and Urban Development: Provided, That the $1,500,000 shall be from salaries and expenses designated for non-career Senior Executive Service and other non-career personnel.

CHAPTER 9

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading ''Health Education Assistance Loans Program'' is amended by inserting after ''$140,000,000'' the following: '': Provided further, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under Title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act''.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the '','' the following: ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled ''Children and Families Services Programs'' is amended by inserting after the reference to ''part B(1) of title IV'' the following: ''and Section 1110''.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $198,176,000, of which $153,253,000 shall be for Basic Grants and

$44,923,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that would otherwise receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: Provided, That the Secretary of Education shall use these additional funds to provide those States with the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data: Provided further, That the Secretary shall ratably reduce the allocations to states under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: Provided further, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): Provided further, That the funds appropriated under this paragraph shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–98: Provided further, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

Public Law 104–208, under the heading titled ''Education For the Disadvantaged'' is amended by striking ''$1,298,386,000'' and inserting ''$713,386,000'' in lieu thereof.

CHAPTER 10

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Of the funds currently contained within the ''Counterterrorism Fund'' of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

SEC. 304. Section 5803 of Public Law 104–208 (110 Stat. 3009–522) is hereby repealed.

SEC. 305. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.—The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328).

SEC. 306. Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words ''during the term of office of the President'' and inserting ''at the pleasure of the President''.

SEC. 307. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading ''Title III—General Provisions'' amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections ''104%'' and inserting in lieu thereof ''100%''; by striking in each of those sections ''1995'' and inserting in lieu thereof ''1994''; and by striking in each of those sections ''and thereafter annually adjusted upward by 4%,''.

SEC. 308. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading ''Administrative Provisions, Indian Health Service'' strike the seventh proviso and insert the following in lieu thereof: '': Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended''.

SEC. 309. No funds provided by this Act, an Act making Appropriations for the Department of Defense for Fiscal Year 1997 (Public Law 104–208), any other Act making appropriations for any agency of the Federal Government for Fiscal Year 1997, or any other Act hereafter enacted may be used by any agency of the Federal Government to promulgate or implement any rule, regulation, policy, statement, or directive issued after October 1, 1993 regarding the recognition, validity, or management of any right of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932).

SEC. 310. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

SEC. 311. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas are available to those recipients for obligation until September 30, 1998: Provided, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996 and 1997.

SEC. 312. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That such authority shall be in effect only for awards for award year 1997–1998.

SEC. 313. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 314. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f) is amended by adding at the end the following: ''The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.''.

SEC. 315. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 316. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading ''Federal Transit Administration—Discretionary Grants'' by striking ''$661,000,000'' and inserting ''$661,000''.

SEC. 317. Section 325 of Title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following ''Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.''.

SEC. 318. Section 410(j) of title 23, United States Code, is amended by striking the period after ''1997'' and inserting '', and an additional $500,000 for fiscal year 1997.''.

SEC. 319. Section 45301(a)(1) of title 49, United States Code, is amended by striking ''that neither take off from, nor land in, the United States.'' and inserting in lieu thereof: ''or general aviation aircraft that neither take off from, nor land in, the United States except that such fees shall not be imposed on overflights operated by citizens of a country contiguous to the United States if (A) both the origin and destination

of such flights are within that other contiguous country and (B) that same country exempts similar categories of flights operated by citizens of the United States.''.

SEC. 320. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 321. RESTRICTION ON FUNDS USED TO ENFORCE ELECTRONIC FUNDS TAX TRANSFER SYSTEM.—None of the funds made available by this Act or any other Act may be used to impose or collect any penalty under the Internal Revenue Code of 1986 which is imposed solely by reason of a failure to use the electronic fund transfer system established under section 6302(h) of such Code if such failure—

(1) is by a person which is first required to use such system by reason of clause (i)(IV) or (ii)(IV) of section 6302(h)(2)(C) of such Code, and

(2) occurs during the period beginning on July 1, 1997, and ending on December 31, 1997.

SEC. 322. Section 1555 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355, is repealed effective the date of the enactment of this Act.

SEC. 323. PUBLIC NOTICE OF CONTRACTING BY HUD.—The Secretary shall publish quarterly in the Federal Register a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the quarter by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract and the subject matter and responsibilities of the parties to the contract.

SEC. 324. SECTION 8 NOTICE PROVISION.—Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out ''Not less than one year prior to terminating any contract'' and inserting in lieu thereof the following: ''Not less than 120 days prior to terminating any contract''.

SEC. 325. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters for the fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

SEC. 326. The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

SEC. 327. After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the city of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

SEC. 328. None of the funds made available in the Foreign Operations, Export Financing, and Related Programs, 1997 (as contained in Public Law 104–208) may be made available for assistance to Uruguay unless the Secretary of State certifies to the Committees on Appropriations that all cases involving seizure of United States business assets have been resolved.

SEC. 329. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

SEC. 330. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

SEC. 331. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out ''on not more than 12,000 units during fiscal year 1996'' and inserting in lieu thereof: ''on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997''.

SEC. 332. Section 45301(b)(1)(A) of title 49, United States Code, is amended by inserting before the semicolon ''and at least $50,000,000 in fiscal year 1998 and every year thereafter''.

SEC. 333. MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

SEC. 334. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

''(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

''(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

''(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

''(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

''(4) such taking is reported to the Secretary within 48 hours.''.

SEC. 335. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, an ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to

child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

SEC. 336. RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the dam site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding losses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

TITLE IV—DEPARTMENT OF DEFENSE OFFSETS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $46,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $15,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $174,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $17,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

MISSILE PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $71,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $14,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $28,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $4,000,000 are rescinded.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $4,000,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $33,650,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $7,195,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $186,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $7,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $10,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $14,978,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $28,396,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $122,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $81,090,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $95,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $890,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $35,000,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 401. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

''Military Construction, Air Force Reserve'', $5,000,000;

''Military Construction, Defense-wide'', $41,000,000;

''Base Realignment and Closure Account, Part II'', $35,391,000;

''Base Realignment and Closure Account, Part III'', $75,638,000;

''Base Realignment and Closure Account, Part IV'', $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

''Military Construction, Army'', $1,000,000;

''Military Construction, Navy'', $2,000,000;

''Military Construction, Air Force'', $3,000,000;

''Military Construction, Defense-wide'', $49,000,000.

SEC. 402. Notwithstanding 31 U.S.C. 1502(a) and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading ''Weapons Procurement, Navy'', that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 403. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 404. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $76,900,000 during fiscal years 1994 and 1995, and in the amount of $61,300,000 during fiscal year 1996, pursuant to the ''Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission,'' signed September 8, 1994, and September 23, 1994, and Attachment A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal years 1994, 1995 and 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

(RESCISSION)

SEC. 405. Of the funds appropriated for ''Military Construction, Navy'' under Public Law 103–307, $6,480,000 is hereby rescinded.

TITLE V—OTHER OFFSETS

CHAPTER 1

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the available unobligated balances under this heading, $6,400,000 are rescinded.

CHAPTER 2

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

CHAPTER 3

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $778,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $10,600,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

CHAPTER 4

SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

CHAPTER 5

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: Provided, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: Provided further, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head ''Section 8 Reserve Preservation Account'' for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: Provided further, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine the amount of any and all program funds administered by the Department and report on this audit no later than May 1, 1998.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(RESCISSION)

Of the amounts of negative credit subsidy from the sale of mortgage notes provided for under the fourth proviso under this head in Public Law 104–134, $85,000,000 is rescinded.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–368, $5,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for Space flight, control, and data communications, $4,200,000 are rescinded.

CHAPTER 6

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of employees of the Department of Agriculture to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $50,000,000.

CHAPTER 7

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Of the amounts provided under this heading, including amounts provided to specific projects, in Public Law 104–206, and any other available balances under this heading, $30,000,000 are permanently canceled.

TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''the date which is 1 year after such date of enactment'' and inserting in lieu thereof ''September 30, 1997''; and

(B) in subclause (III), by striking ''the date of the redetermination with respect to such individual'' and inserting in lieu thereof ''September 30, 1997''.

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

TITLE VII—GOVERNMENT SHUTDOWN PREVENTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Government Shutdown Prevention Act''.

SEC. 702. CONTINUING FUNDING.

(a) IN GENERAL.—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) LEVEL OF FUNDING.—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 per cent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) PERIOD OF AVAILABILITY.—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

SEC. 703. TERMS AND CONDITIONS.

(a) IN GENERAL.—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) EXTENT AND MANNER.—Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 704. COVERAGE.

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

SEC. 705. EXPENDITURES.

Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

SEC. 706. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.

No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

SEC. 707. PROTECTION OF OTHER OBLIGATIONS.

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

SEC. 708. DEFINITION.

In this title, the term ''regular appropriation bill'' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

TITLE VIII—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 801. SHORT TITLE.

This title may be cited as the ''Depository Institution Disaster Relief Act of 1997''.

SEC. 802. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 180-day period beginning on the date of enactment

of this Act, the Board may make exceptions to the Truth in Lending Act (15 U.S.C. 1601 et seq.) for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) for depository institution offices located within any area referred to in subsection (a) if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of any determination referred to in subsection (a).

(d) PUBLICATION REQUIRED.—Not later than 60 days after the date of a determination under subsection (a), the Board shall publish in the Federal Register a statement that—

(1) describes the exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 803. DEPOSIT OF INSURANCE PROCEEDS.

The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o), an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o)) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

SEC. 804. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—During the 180-day period beginning on the date of enactment of this Act, a qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercise the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—Not later than 90 days after the date of an action under this section, a qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes the action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term ''qualifying regulatory agency'' means—

(1) the Board;

(2) the Office of the Comptroller of the Currency;

(3) the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Federal Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

SEC. 805. SENSE OF THE CONGRESS.

It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 806. OTHER AUTHORITY NOT AFFECTED.

Nothing in this title limits the authority of any department or agency under any other provision of law.

SEC. 807. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(3) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCY.—The term ''Federal financial institutions regulatory agency'' has the same meaning as in section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350).

(4) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(5) LEVERAGE LIMIT.—The term ''leverage limit'' has the same meaning as in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

(6) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term ''qualifying amount attributable to insurance proceeds'' means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in section 803(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

TITLE IX—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 901. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking ''June 30'' and inserting ''August 31''; and

(2) in subsection (e)(9), by striking ''August 30'' and inserting ''August 31''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 902. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking ''January 1, 1998'' and inserting ''January 1, 1999''.

SEC. 903. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997-1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 904. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).''.

SEC. 905. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''expenditure,'' after ''revenue,''; and

(B) by striking the semicolon and inserting a period;

(2) by striking ''the Secretary'' and all that follows through ''shall use'' and inserting ''the Secretary shall use''; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

TITLE X—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. 1001. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(1) inserting in subsection (a) after ''necessary, and'', ''except as provided in subsection (j)'', and

(2) inserting a new subsection (j) as follows:

''(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A State agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding section 3302(b) of title 31, United States Code, payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

''(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

''(3) A State agency shall not issue benefits under this subsection—

''(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

''(B) in any area of the State where an electronic benefit transfer system has been implemented.

''(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

''(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

''(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

''(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).''.

CONFORMING AMENDMENT

SEC. 1002. Section 17(b)(I)(B)(iv) of the Food Stamp Act of 1977 is amended by—

(1) striking ''or'' in subclause (V);

(2) striking the period at the end of subclause (VI) and inserting ''; or''; and

(3) inserting a new subclause (VII) as follows—

''(VII) waives a provision of section 7(j).''.

This Act may be cited as the ''Supplemental Appropriations and Rescissions Act of 1997''.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House and the Chair is authorized to appoint conferees.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. MURRAY, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that my legislative assistant, Annie Billings, be given privilege of the floor today, and during the pendency of the debate on the Family Friendly Workplace Act.

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

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

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

FAMILY FRIENDLY WORKPLACE ACT

Mr. MCCONNELL. Mr. President, the American workplace has changed drastically since the enactment of the Fair Labor Standards Act—nearly 60 years ago. In those days, for example, a small percentage of working mothers toiled in the fields, factories, and general stores. Today, nearly 70 percent of mothers with children under the age of 6 are now working.

The constant refrain of both mothers and fathers in the nineties is: ''There's just not enough hours in the day.''

Well, the U.S. Senate can't put more hours in a day, but we can give workers more choices on how to spend those hours each day.

The time has come to amend the Fair Labor Standards Act of 1938. I am proud to be a cosponsor of S. 4, the Family Friendly Workplace Act.

Taking a look at this bill that Senator ASHCROFT has so skillfully put together and advocated. I think that the Family Friendly Workplace Act is one of the best opportunities we've had in a long time to make a substantial contribution to America's working families. This bill is based on the comments and experiences of men and women who know the difficulty of balancing work and family.

Recently, a good friend of mine, Bill Stone, from Louisville, KY, my hometown, testified in support of S. 4 at a hearing before the Employment and Training Subcommittee of the Labor Committee upon which I serve. Bill runs the Louisville Plate Glass Co. Approximately three-fourths of this company's Louisville work force is paid on an hourly basis and would be directly impacted by S. 4.

As Bill explained to our subcommittee, he said, ''S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also,'' Bill stated, ''be a huge benefit to our employees who are pursuing training or educational activities.''

Now, let us take a look, Mr. President, at the compensatory time off provided for under the bill. If an employee at the Louisville Plate Glass Co. has to work overtime, then compensatory time off allows him to choose if he wants to be compensated with time-and-a-half pay or time-and-a-half time off.

A recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off than in hourly wages. And an astonishing 82 percent of people support legislation to allow workers to have this type of choice and flexibility.

The findings of this survey point to one conclusion, as explained by Ann Reilly Dowd of Money magazine. She put it this way. She said, ''People are considering time much more precious than money right now.'' And that is an enormous change in our society, Mr. President. Moreover, as Ms. Dowd concluded, ''it seems that people are working so hard and being so torn between the mounting demands of their job and their family life that they really, really want more free time and they, particularly, want more flexible schedules.''

The Senate has a responsibility to respond to this overwhelming national need for choice and flexibility in the workplace.

Passing comptime legislation is just the first step in our response. Unfortunately, comptime alone is not enough. A bill that only includes comptime provisions will only include a small percentage of workers who actually work overtime.

S. 4 also includes two important provisions for workers who typically do not get the opportunity to work overtime. In most cases these workers are women.

For example, nearly three out of four workers reporting overtime pay are

men. In order to accommodate working mothers, as well as other employees who do not regularly work overtime, S. 4 includes the biweekly work program and the flexible credit hours program.

If a working mother chooses to work 45 hours in week 1 so that she can work 35 hours the next week and have 5 hours to spend on a school field trip with her children, then the biweekly work program allows her to do that without sacrificing either pay or vacation time. Or if an employee chooses to work extra time in any one workweek, then flexible credit hours allows him or her to put those additional hours in the bank, so to speak, and take paid time off at a later date.

Compensatory time off, the biweekly work program and flexible credit hours have two things in common: choice and paid time off. Simply put, this bill just makes good sense. It is about nothing more than giving options to employees.

The Family Friendly Workplace Act gives employees the opportunity to get paid time off at virtually no cost to the employer. Everybody wins.

The opponents of the Family Friendly Workplace Act argue that our country's employees will not be able to handle this flexibility. The skeptics argue that the employees will be coerced.

First, let me say, Government employees have had comp and flextime privileges for years—Government employees have had that right—and there is virtually no hard evidence to support the potential horror stories conjured up by opponents of S. 4.

Second, our bill contains strong penalties for any employer who forces an employee to accept time over money.

Diane Buster, an hourly employee from my hometown of Louisville, KY, recently spoke very passionately to the need for S. 4. She explained that

> . . . for the last 15 years I have been in the full-time work force bound by an archaic law, the Fair Labor Standards Act, passed in 1938 when only about 20 percent of women worked . . . [Under this law], the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal Government.

Ms. Buster ultimately concluded that ''this seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order.''

The Paducah Sun in my State issued a similar statement a few weeks ago in an editorial that concluded that ''the comp time bill ought to be passed * * * The language guarantees the right of workers to take overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking.''

Finally, I would like to point out that in Government settings union leaders routinely demand that employers allow flexible scheduling provisions as part of a collective bargaining agreement. I must confess that it strikes me as a little bit odd that union leaders are now fighting to block all hourly employees from receiving the very benefit they seek for their own union employees.

In the words of The Courier-Journal, which is our largest State newspaper, ''[Comptime] looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate. What's Bill Clinton scared of?'' said the Courier-Journal.

The answer to that newspaper's question, sadly enough, may be that the President and the union bosses are simply playing politics at the expense of the American worker.

The presidents of the UAW, the Steelworkers, and the Machinists wrote a letter to President Clinton on April 28 of this year that sums up the politics which threaten to block S. 4. I would like to quote from that letter. This is what the union bosses had to say:

> Politically, any compromise with Senate Republicans on the comp time legislation . . . would undermine the Democratic Party's political base among working men and women, and jeopardize our ability to energize workers to achieve the goal of electing a Democratic House and Senate [in 1998].

That pretty well says it all, Mr. President. That pretty well says it all. You have to give them points for candor.

Mr. President, there may be some valid arguments out there for genuine debate on S. 4, but it is surely not those arguments. We should not block legislation that is good for the American worker and the American workplace simply because it may ''undermine the Democratic Party's political base'' and ''jeopardize [the] ability to energize [campaign] workers.''

Mr. President, I ask unanimous consent that the statements of Bill Stone and Diane Buster and the editorials of the Paducah Sunday and the Courier Journal be printed in the RECORD. ±

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

STATEMENT BY WILLIAM A. STONE BEFORE THE SUBCOMMITTEE ON EMPLOYMENT AND TRAINING, FEBRUARY 13, 1997

My name is William A. Stone, I am President of Louisville Plate Glass Company in Louisville, Kentucky. We are the majority stockholder in two Atlanta glass manufacturing firms, Tempered Glass, Inc. and Insulating Glass of Georgia. I am the Chief Executive Officer of both Atlanta companies. Louisville Plate Glass is a member of the U.S. Chamber of Commerce, the world's largest business federation representing an underlying membership of more than three million businesses and organizations of every size, sector, and region. I am a member and former Chairman of the Chamber's Labor Relations Committee. I also served on the Chamber's Small Business Council and Board of Directors for five years.

Our companies manufacture architectural glass products primarily for commercial buildings and employ about 116 people in three locations. I purchased the Louisville Plate Glass Company 25 years ago. We had only 19 employees at the time. Now, approximately 110 people are employed by these companies, with about 40 working in Louisville and the others in Atlanta. Approximately three-fourths of the Louisville workforce are paid on an hourly basis and record their work hours on a time clock. They are primarily production workers, truck drivers, and shipping personnel.

The average Louisville employee usually works about 10 overtime hours per week. The truck drivers usually work more overtime hours than the employees in the plant. Our hourly employees are scheduled to work five days per week and, when extra work is necessary, they prefer to work longer days during the week than to work on Saturday. However, sometimes it is necessary to schedule some employees to work on a Saturday. If an employee is unable to report for work, he or she must use accumulated vacation time or other paid time off, if any is available.

We have had few, employees ask to take time off without pay, and instead be scheduled or allowed to work extra hours during the same pay period as their absence in order to earn the pay they would have received had they not missed work. They do not even bother to ask for this arrangement because they know that in most cases, the necessary arrangements cannot be made within the well-known restrictions of the Fair Labor Standards Act (FLSA).

Today you are considering The Family Friendly Workplace Act (S. 4). This bill provides that hourly employees can, with their employers' agreement, earn time off instead of overtime pay so they can take time off to attend to personal or family business. I am here to tell you that passage of this bill will provide many employees, like those of Louisville Plate Glass, with what they perceive as a new and very valuable benefit. If this bill becomes law, my company will immediately make every effort to allow our employees to earn compensatory or ''comp'' time. I have no doubt at all that almost all, if not all, of our employees will ask to be able to earn time off instead of, or in addition to, overtime pay for the extra hours that they work. They will quickly see that with even modest amounts of accrued comp time, they will be able to attend to personal and family business without suffering a loss in pay because of their absence.

Of course, it would be not only unwise but essentially unworkable to allow employees with accrued comp time to use that accrued time whenever they pleased. Our production and shipping schedules, with our limited staff, will not permit extended or frequent worker absences without reasonable notice and arrangements. I am confidant that we will be able to make the necessary arrangements for most employees to use their accrued time off most of the time.

The comp time arrangement envisioned in S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also be a huge benefit to our employees who are pursuing training or education activities. In fact, with the FLSA changes embodied in S. 4, especially comp time, there would little or no need for most of the provisions of the Family and Medical Leave Act (FMLA). Few employees would opt for partially paid leave under the FMLA when they could use accumulated compt time and receive their normal paychecks even though they were absent.

Employees in the public sector have been able to use comp time for over ten years. I understand that federal government employees have had this benefit for even longer. There is absolutely no reason that private-sector workers, like those at Louisville Plate

Glass and other businesses large and small, should not have the comp time benefit that the government saw fit to provide to its own employees long ago. It's time that family-friendly employers in the private sector be permitted to have the flexibility to work with employees to meet not only their workforce needs but the needs of their employees as well.

In my years of involvement in public policy, I have always been able to see that, no matter how contentious the issue, the other side had legitimate points. However, in this case there does not seem to be any legitimate reason not to allow private-sector employees the same opportunity for flexibility that their brothers and sisters in the public sector enjoy.

Thank you for the privilege of allowing me to speak on behalf of the U.S. Chamber of Commerce on this important issue. I would be happy to answer any questions.

STATEMENT BY DIANE BUSTER

My name is Diane Buster, I reside in Louisville, Kentucky where I work as Administrative Assistant to the Executive Director of a small, local, not-for profit corporation. Why, you may wonder, would I get up at 4:00 a.m., take a day off without pay and travel here to speak on the issue of workplace flexibility? Why? Because I am passionate about the need for the passage of the Work and Family Integration Act.

As part of the labor force in this country for almost thirty years, always in position where I have been paid an hourly wage, I have lobbied in every position I have had for flexibility to manage my home, family and personal life. Always the price I paid for that flexibility was a lesser wage and less responsibility as I settled for part-time work to enable me to manage the demands of my responsibilities as homemaker and mother in addition to my work duties.

For the last 15 years I have been in the full-time work force bound by an archaic law, The Fair Labor Standard Act, passed in 1938 when only about 20% of women worked as compared to the almost 60% of women currently in the labor force. This act mandates that I may only work 40 hours per week and that, should I exceed that amount of hours in any seven contiguous days, my employer is required to pay me one and one half times my normal wage, even though I would prefer to be allowed time off in lieu of the overtime pay. This law, I'm told, applies to hourly workers whose duties are not self directed. Tell me I'm not self directed when I am the only one left in the office when the non-classified staff, privileged to direct their own schedule, has all left early to attend family functions, shop, play golf or indulge in some similar recreation!

As a working mother and grandmother, with family all residing out of state, helping out in emergency situations and caring for the needs of my immediate family members would be infinitely more possible with a bank of compensatory time to draw on to use for such emergency care needs. The meager budget of the small non-profit corporation where I work, whose staffing needs fluctuate, would quite obviously be better off not having to pay me overtime wages, permitting me compensatory time when the workload is less. In know I am not alone, but one of thousands of workers for whom the stress of balancing the demands of work, home, personal and family needs would be greatly alleviated by having more control over my work schedule. Small businesses, the backbone of our communities, who are being choked to death, forced to adhere to laws and restrictions which make no sense for their time and place in our economy today, would also be enormously helped by being able to predicate their work schedules on the specific demands of their particular business.

As the law currently stands, the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal government. This seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order.

Passage of the Work and Family Integration Act will, I believe, immensely help to alleviate stress for the working population and greatly assist small businesses.

[From the Paducah Sun, Feb. 7, 1997]

PASS COMP BILL

Opposition by some congressional Democrats and their supporters in organized labor to a plan to allow compensatory time off for hourly workers in lieu of overtime pay has an odd ring to it.

The bill pushed by the GOP Congress, and endorsed by President Clinton, would give employees the option of taking the time, at the rate of 1½ hours for each overtime hour, if the employer agrees. Workers would be able to bank time for personal use, as many obviously would prefer. Many companies also would rather give the employees time off instead of the extra money.

Unions have criticized the idea as an attack on the traditional 40-hour work week. The don't trust employers not to pressure their employees to take the time off rather than the overtime compensation.

But the real reason for the political opposition to the plan is revealed in this statement by Rep. Lynn Woolsey, Democrat of California: ''It will be flexible for the employer. We must ensure that the employee has 100 percent choice.'' Translation: The legislation is wrong because it doesn't force the employer to do anything. Never mind that the bill would give the worker a potential choice the existing law denies him completely.

The family leave issue, it is recalled, was enthusiastically embraced by Democrats as a great step forward for working families. The law gives workers the option of taking 12 weeks unpaid leave to deal with family needs. In other words, they voluntarily give up money in exchange for time off and flexibility, just as the comp time bill would do.

So what's the difference? It is the mandate issue. Under family leave, the company has no choice but to allow the absence. To liberals, providing an avenue where an employee and his boss can work out a mutually satisfactory arrangement is not good enough. In fact, the whole idea apparently is so obnoxious to them they would rather leave matters as they are and give the worker no legal option for a more flexible work schedule.

The comp time bill clearly ought to be passed. Salaried and government employees already have the privilege, so why not extend it to hourly workers? The language guarantees the right of workers to take the overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking.

The late Paul Tsongas once made a trenchant observation to the effect that too many of his fellow Democrats love jobs but hate employers. Rep. Woolsey and others have done their part in proving him right.

[From the Courier-Journal, Mar. 22, 1997]

IT'S ''COMPTIME'' TIME

What's so scary about ''comptime''?

In the debate leading up to its passage by the U.S. House of Representatives this week, a bill offering new flexibility on wages and working hours was denounced by some opponents as a threat to freedom, fairness and the American way.

And President Clinton has warned that he'll veto it in its present form. That's a formidable threat since the bill passed by only 12 votes in the House. (All five of Kentucky's Republican members voted for it. Democrat Scotty Baesler voted against.)

We're puzzled by Mr. Clinton's opposition. The bill doesn't endanger the 40-hour work week at the heart of the Fair Labor Standards Act of 1938. All it says is that, if workers and their employers agree, comptime can be substituted for overtime pay. An employee who works, say, 45 hours in a week would have the option of getting paid time-and-a-half for the five hours or of getting 7½ hours of comp time.

At the end of the year, any accrued comptime would be converted to overtime pay. And the total amount of comptime during a year couldn't exceed 160 hours.

Employers could choose not to participate in a compensatory time agreement or, if they were in one, could withdraw after 30 days notice. Workers could withdraw at any time by submitting a written request. (In unionized work places, work schedules and rules for overtime would be set by contract.)

This looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate.

What's Bill Clinton scared of?

Mr. McCONNELL. I challenge my colleagues to enact this simple, sensible legislation. The family friendly workplace is about nothing more than choice and paid time off. S. 4 is the Federal Government at its best—benefits for working families with no Federal mandates and no excessive costs for small businesses. I also particularly commend Senator ASHCROFT for his leadership in developing this important legislation.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized for up to 10 minutes by previous order.

Mr. COVERDELL. I thank the Chair.

COUNTERDRUG COOPERATION BETWEEN THE UNITED STATES AND MEXICO

Mr. COVERDELL. Mr. President, on May 14, 1997, I along with my colleague, Senator FEINSTEIN of California, received a communique from President Clinton that I would like to read at this point. It says:

DEAR SENATOR COVERDELL: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.

President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form

an Alliance Against Drugs, which commits our two governments to prepare a common counterdrug strategy this year to achieve 16 specific objectives.

These objectives, which reflect your own thoughtful contributions, include reducing demand through anti-drug information campaigns directed at our youth, bringing the leaders of criminal organizations to justice through strengthened law enforcement cooperation, attacking corruption, improving extradition (for example, by negotiating a protocol to the extradition treaty to allow trials in both countries prior to completion of sentences in either country), fully implementing laws to combat money laundering and increasing interdiction and eradication. Achieving all these objectives in the short term is unrealistic, but I believe we can make progress and that President Zedillo's effort to restructure Mexico's anti-drug forces is an essential starting point.

I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 National Drug Control Strategy and the U.S.-Mexico Alliance Against Drugs. ONDCP Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My Administration will also provide the Congress by September 1, 1997, a report covering each of the issues contained in the Senate resolution passed in March as elaborated in your recent letter and discussions with my Administration. In addition, we will provide reports, as you have requested, commenting on prospects for multilateral hemispheric cooperation and on the feasibility of enhancing truck inspections at the border.

I appreciate your continued efforts to work with my Administration to ensure that our children face a future free of drugs and the crime they breed.

Sincerely,

BILL CLINTON.

Mr. President, this letter is in direct response to the legislation offered by myself and Senator FEINSTEIN in March of this year, passed overwhelmingly by the Senate but which had not yet become law because of differences between the House and the Senate.

Because the President was going to be in Mexico and in Central America, that led to extensive discussions between myself and Senator FEINSTEIN and the administration, culminating with a discussion between myself and the National Security Adviser, Sandy Berger, during the trip to Mexico wherein the administration agreed to provide this letter of assurances to myself and Senator FEINSTEIN, and in spirit the Congress and the other Senators who worked so diligently to pass these legislative proposals.

From my point of view—and the Senator will speak for herself—it is a new platform. It is an acknowledgement of the issues that the Senator and I were trying to bring before the Congress, the Nation and the people of Mexico. I personally accept it in the spirit of cooperation and eagerly await the information to be provided to us in September. From my point of view, it is the acceptance of the point that was being made during the debate that the status quo was unacceptable for either country and that we had to move to a new era of more candor and more realism about the ravaging drug war and the damage it has done to both our countries and to the hemispheric democracy. So, I appreciate the National Security Adviser's conversation. I believe he and the administration fulfilled the discussion, at least to the level that I had it.

I appreciate, again, and want to acknowledge the work of the Senator from California on this issue. It has been very dedicated, very focused, and very meaningful. I have enjoyed working with her on this matter. I believe the drug war in our hemisphere could potentially destabilize the hemisphere. It is doing enormous damage to the youth of our country and is an issue that must receive far more attention than it has to date. I hope this communique is not the end, but the beginning of much more work to be done by the Members of the Senate and the Congress.

With that, Mr. President, I yield the floor. I see my colleague from California is prepared to talk on the subject, and I welcome her remarks.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, by previous order, is recognized for up to 10 minutes.

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the senior Senator from Georgia for his leadership in this matter. This has been a difficult area, I think, for both of us, because I believe we both respect Mexico. We know that Mexico is an ally, a friend, a neighbor, and we want to see relations become much better and much more fully developed. We do not want to see a rift continuing to develop, so, we have worked with that spirit in mind. Yet, one can want this equal partnership but also continue to point out the facts of what is happening in our States and our region, and particularly along the southwest border. So I thank the Senator from Georgia for his leadership. It has been, as he knows, a great pleasure for me to be able to work with him. It has been a wonderful experience. We will keep it going.

I also want to extend my thanks to the President and to the National Security Adviser, Sandy Berger. Both Senator COVERDELL, as he indicated, and I—we have met separately with the administration. We have both made the same request that this report, described by our Senate resolution, be rendered by the administration to this body.

Let me begin by saying the administration could easily have said no. There is no legislative vehicle that accompanies this request. But they did agree, in our negotiations, to honor this request, and they have kept that commitment and, in effect, will produce the report on September 1. I am heartened by that. As my colleague just spoke, we are heartened because we hope it will be a new day of cooperation between the executive and the legislative branches in what is rapidly becoming the soft underbelly of this Nation as well as the Mexican nation, and that of course is drugs.

As many know, I have a bill which is now in the Judiciary Committee's bill called the Gang Violence Act. What we have discovered is that drugs are fueling a new extension of gangs working across the States. One of the steps I am hopeful this body will be taking is passage of that bill and, in essence, applying to street gangs, who are organized and moving across State lines, the same racketeering statutes that we would apply to Mafia-type organized crime—expanding the Travel Act, putting in asset seizures and forfeitures, effectively doubling Federal penalties for Americans who participate in major drug trafficking, gun running, and other criminal activity, across State lines.

So, we will take major steps in this Nation to combat our problem, which is one of demand for drugs. The report that we have asked the administration to produce will deal with Mexico's progress in the following areas:

Efforts to combat drug cartels—four big Mexican drug cartels are operating with impunity beyond our border; bilateral law enforcement cooperation—we are very interested in a partnership between our Drug Enforcement Administration and Mexican drug authorities, but to have our agents in Mexico unable to arm themselves makes no sense, particularly with the record of assassination that the cartels have established; improved border enforcement—obvious; extradition of Mexican nationals wanted in the United States on drug charges; implementation of money-laundering laws; increased crop eradication; rooting out corruption; and improved air and maritime cooperation. All of these points are elucidated in our Senate resolution requesting this report, and the administration has agreed, unilaterally, to provide it. For that I am very thankful.

Let me talk about one area, and that area is extradition. This is an area which for me is a litmus test as to whether there is cooperation. I want to give one case that was just written up in the May 13, 1997 Los Angeles Times by Anne-Marie O'Connor. It is not a traditional case, in terms of names like Amado Carillo-Fuentes—well-known cartel names. This case deals with a family by the name of Reynoso: Antonio Reynoso and two brothers, Jose and Jesus Reynoso. They were indicted among 22 alleged members of a vast ring that transported cocaine from Mexico to Los Angeles to Chicago and to New Jersey, using Lear jets, boilers, and canned vegetables. They are named in an extradition request presented by this country to the Mexican Government. Last September, Jose Reynoso pled guilty on a drug-smuggling charge. Both Antonio and Jesus are under indictment for conspiracy to import and possess cocaine with intent to distribute, as well as for money laundering. In the last 2 years, they have built a magnificent home within a

stone's throw of the border between San Diego and Tijuana. There is a small picture in the Los Angeles Times, which shows the border fence and then this drug lord's home right across the border fence. I want to describe it to you for a moment. I am quoting from the Los Angeles Times.

To their profound annoyance, Justice Department officials say, Reynoso, 53, is putting the finishing touches on an ostentatious walled residence that backs right up to the U.S. border. If he wanted to, he could hit a tennis ball into San Diego County.

The article goes on to describe the mansion:

Encircled by a forbidding wall that ascends 35 feet, chateau Reynoso rises like a ship over San Diego County, not far from a binational gulch called ''Smuggler's Canyon.'' [Where I have been.] With its turret, a glass pool atrium and a dazzling green roof worthy of Oz, it is so conspicuous that Border Patrol agents sometimes point it out to visitors.

U.S. law enforcement officers note its fortress architecture and its protected position at the end of a narrow cul-de-sac. So close to the United States, they complain, yet so far from a San Diego courtroom.

''I wish we could just tunnel back and grab him,'' a Justice Department attorney said.

Then it goes on to say:

. . . Reynoso's name has appeared on lists of traffickers given to Mexican authorities by United States Attorney General Janet Reno. But no discernible action has been taken. U.S. officials have no indications that Reynoso is even a wanted man in Mexico.

This same family was the mastermind behind a huge tunnel, 60 feet below the ground, between Otay Mesa and San Diego. This tunnel had electricity, it had air conditioning, and it was used by this family to smuggle drugs under the border into the United States. It was one of the most sophisticated tunnels, really, ever known. This family spent $1.1 million buying the lot in Otay Mesa where the passage's exit was to be located.

This is a clear indication, I believe, of what Senator COVERDELL and I will be looking for in terms of actions taken by the Mexican Government. We will have another round on certification. It is important to both of us, as well as, I believe, to a majority of this body, that there be actions taken in this equal partnership between the United States and Mexico. Let me just summarize.

The response from a good friend, a neighbor, and an ally that drugs are exclusively a U.S. problem is simply not adequate. We admit that we have a demand problem. We have taken steps to strengthen our laws, to allocate funds for prevention programs. Still, we know we must do more and we are willing to say we will and do it.

But when Mexican nationals run meth labs throughout California—and over 700 meth labs have been seized by the State Bureau of Narcotic Enforcement in California alone in the last year, 700 of them—and Mexico refuses to enforce its border, the drug problem is not our problem alone.

The PRESIDING OFFICER. The Chair advises the Senator her 10 minutes have expired.

Mrs. FEINSTEIN. May I ask for 1 minute to wrap up, please?

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

Mrs. FEINSTEIN. When drug cartels are brazen enough to kill Government officials and church leaders in cold blood, the drug problem is not our problem alone. When the cartels are operating with such impunity that they do not hesitate to bribe officials on both sides of the border and, as ''Nightline'' has just pointed out, to buy up businesses along the border, the drug problem is not our problem alone. So the drug problem is a problem for both sides. What we need is a cooperative effort of both nations acting as full partners. Neither the United States nor Mexico can win this battle alone.

The report that the President has now committed to provide to the Congress on September 1 will be an important indicator of whether or not Mexico has taken the decision to approach this terrible problem in a cooperative partnership and in a fully committed way. Unless the report can cite significant and demonstrable progress in cooperation, the answer, very sadly, will be that Mexico has not yet taken such a decision. I hope that is not the case on September 1.

To me, this report is very meaningful. The point I want to make is that I believe the expectation of a majority of this body is that there be tangible and substantial steps taken that are visible, discernible, and real to combat the cartels and to stop the corruption, the bribing, and the sort of total disregard for law which is now characteristic of the situation.

I, for one, will watch the extradition picture especially carefully.

Mr. President, I ask unanimous consent that the May 14 letter from the President be printed in the RECORD, I thank the Presiding Officer for his forbearance, and I yield the floor.

THE WHITE HOUSE,
Washington, DC, May 14, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR DIANNE: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.

President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment Report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form an Alliance Against Drugs, which commits our two governments to prepare a common counterdrug strategy this year to achieve 16 specific objectives.

These objectives, which reflect your own thoughtful contributions, include reducing demand through anti-drug information campaigns directed at our youth, bringing the leaders of criminal organizations to justice through strengthened law enforcement cooperation, attacking corruption, fully implementing laws to combat money laundering and increasing interdiction and eradication. Achieving all these objectives in the short term is unrealistic, but I believe we can make progress and that President Zedillo's effort to restructure Mexico's anti-drug forces is an essential starting point.

I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 National Drug Control Strategy and the U.S.-Mexico Alliance Against Drugs. ONDCP Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My Administration will also provide the Congress by September 1, 1997, a report covering each of the issues contained in the Senate resolution passed in March as elaborated in your recent letter and discussions with my Administration. In addition, we will provide reports, as you have requested, commenting on prospects for multilateral hemispheric cooperation and on the feasibility of enhancing truck inspections at the border.

I appreciate your continued efforts to work with my Administration to ensure that our children face a future free of drugs and the crime they breed.

Sincerely,

BILL CLINTON.

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

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection to the order for the quorum call being rescinded? Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to section 711(b)(2) of Public Law 104–293, appoints the Senator from Pennsylvania [Mr. SPECTER] as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

The Chair, in his capacity as a Senator from the State of Kansas, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FAMILY FRIENDLY WORKPLACE ACT

Mr. WELLSTONE. Mr. President, I was working in my office on some other matters, and it came to my attention that several of my colleagues, I

think Senator ASHCROFT and perhaps Senator MCCONNELL of Kentucky, came down to speak about the comptime-flextime bill that Senator ASHCROFT introduced, S. 4. I want to respond to some of what they had to say because I think it is important that people in the country understand this debate and how it affects their lives.

Mr. President, one of the arguments that was made was that Democrats—it was a curious argument—by coming out on the floor, and I was one that did so, and Senator KENNEDY was out here and there were others, that by speaking in opposition to S. 4, we did not want to debate. The legislation was stopped. There were not enough votes to proceed. So somehow we did not want to debate the bill.

Mr. President, we should be clear about the difference between trying to get some legislation passed that will lead to an improvement in the quality of lives of people, as opposed to bringing out legislation which you know will never become law.

At the top of the issues I care most about is campaign finance reform. I keep being told we do not have time to do it on the floor of the Senate. We have core issues to debate. Mr. President, I disagree sharply with my colleagues. I make the point that when you bring a bill to the floor of the Senate which the President has already said he would veto, when you bring a bill to the floor of the Senate, S. 4 in the form it was brought to the floor, knowing full well that you will have a significant number of Senators, certainly well over 40, in opposition, this is hardly the way to pass legislation. You can score political points. You can come to the floor today and try and score political points, but that is not a substitute for a substantive argument and debate.

Now, Mr. President, we should be clear about what we oppose because I do not think it is a question of what I oppose, as the Senator from Minnesota. I think it is a question of how people in the country may view this.

S. 4 is an overreach. It did not go anywhere on the floor of the Senate. It was to be vetoed by the President. It will never become the law of the land because it is an overreach. It takes the Fair Labor Standards Act—we are talking about 50 years of people's history, if you will, with the idea being that when you work overtime you get compensated at time and a half—and it turns it on its head. It goes to an 80-hour work period so that an employee could end up working 60 hours one week, 20 hours the next week with no overtime pay.

Now, if you think in theory all employees will have the power to say to employers, ''No, we do not want to work under these conditions,'' if you are naive enough to believe that, believe it. If you do not know much about the world of the workplace, believe it. But that is why we have some protections for working people. We are not about to stand and watch the 40-hour workweek overturned. We are not about to see fair labor standards that have been so important to working families, so important to their wage levels, so important to people being treated with dignity and respect, overturned.

It is, as they say, a nonstarter. That is why that legislation, when it came to the floor was a nonstarter. We had debate. I heard colleagues say we did not want to debate. We had debate.

The second point, both the 80-hour 2-week framework and flextime at hour for hour, where you get an hour off for an hour of overtime, but no time and a half, these are, essentially, cuts in pay. So, get real.

We should talk about the purported goal of the bill that was introduced and what should be our goal, which is to give employees more flexibility. If, in fact, a woman or a man wants to bank time—now I am talking about comptime—by working overtime 1 week and then saying, ''Look, I would like to take that as time off rather than getting paid cash time and a half. Rather than getting an hour and a half in pay for the hour I worked overtime, I would like to have an hour and a half in paid time off. I could do some things with my family that would be important to my family.'' Great. But make sure that is what the legislation is. That is not the legislation that was on the floor of the Senate. Two out of the three options, the flextime proposal and the 80-hour 2-week proposal, represent cuts in pay for people.

It represented an all-out assault on the Fair Labor Standards Act, an all-out assault on the idea of decent jobs, overtime pay for overtime work. So, now let's talk about where there could be common ground.

Before I do that, Mr. President, let me deal with a couple of other arguments that were made that I think are really quite important. Mr. President, one of the arguments that was made was that people do not have, and I cannot believe my colleagues made this argument, that, right now, because of the Fair Labor Standards Act and the laws we live under, there is no way to have flexibility.

I am the ranking minority member of the subcommittee which has considered this topic, with Senator DEWINE, who has been an excellent chair, by the way. We had people come in and testify about the existing flexibility. There are people in the country who work four 10-hour days and then they do not work on a Friday. There are people who work four 9-hour days and then they work half a day on Friday or Monday. There are people that come in at 7 o'clock and work to until 3 o'clock or come in and 10 o'clock and work until 6 o'clock, whatever the case might be. There are all sorts of ways in which there can be flexibility right now. The sad thing is a lot of companies do not provide that to their employees, but we should not confuse the issue. That has nothing to do with the Fair Labor Standards Act. That cannot be used as a pretext for overturning the Fair Labor Standards Act. We are not going to let that happen. To argue there is no flexibility or no way that current law allows it is just simply not the case.

Now, Mr. President, the Senator from Missouri also claims that his bill simply makes available to private-sector workers the same benefits that Federal employees have. He is wrong. The Federal employee program gives employees the right to choose whether to have flexible schedules. S. 4 does not do that. The Senator also overlooks the many and substantial job protections that Federal employees enjoy that do not apply to the private sector workers.

By the way, when it comes to health care benefits and pension benefits and much larger percentage of Federal employees being unionized and having bargaining powers, I would be pleased to join with my colleagues to achieve parity for people in the private sector. Mr. President, first and foremost, Federal workers are covered by civil service rules requiring good cause for discharge or discipline. That is, Federal employees cannot be suspended, discharged, or disciplined without notice of the charges and an opportunity to respond in a hearing. Private employees, by contrast, are typically ''at will'' employees. An employer can discharge or discipline those employees for any reason. It is completely different. People in the private sector do not have the protection Federal employees have. Private employees can be fired because the employer does not like the color of their hair. They can be suspended because the employer does not like their political beliefs. These workers have no redress. They cannot complain to anyone. They have no right to a hearing, and they certainly do not have the right to get their jobs back. Only if private employees are covered by a collective bargaining agreement do they have the right to a hearing before they can be fired, and only about 15 percent of the private work force in this country is covered by such a contract.

Mr. President, these are critical differences between public and private employees. They underscore how careful we must be before we blindly apply Federal programs to the private sector. The possibility for exploitation of private-sector employees is far greater than in the public sector.

Let me give an example of something that happened in the Labor Committee. We will see what happens when the bill returns to the floor. I had an amendment that says we should give the employees real flexibility. Now, if Mary Jones has banked 20 hours that she earned by working overtime and she now wants to take that time off and she asks for the hour and a half paid time off for each of those overtime hours worked, if she wants to do it for reasons that are laid out in the Family and Medical Leave Act, because a family member is ill, or a new child has

been born, she should be able to do it. She should not have to have that approved. Those are her hours she banked, her earned compensation. Give her the flexibility. Do not just leave it in the hand of the employer to ultimately decide to sign off on everything. That amendment was defeated. Mr. President, if we want to make sure that private employees have flexibility, then we must have such a provision.

Mr. President, there are no sweatshops, my colleague mentioned, in the Federal sector. The Department of Labor found that 50 percent of garment shops failed to comply with minimum wage, overtime, or child labor laws—50 percent. Yet the Republican bill would give employers in the garment industry one more tool to abuse their employees. I had an amendment that said we should exclude people that work in some of these sectors of the work force that are already exploited because otherwise you are giving employers another way of not paying people overtime. That amendment was defeated. I repeat on the floor of the Senate, that amendment was defeated. Very revealing. We offered an amendment in the Labor Committee to exclude garment workers and other especially vulnerable employees of the bill. It was defeated on a party-line vote.

The Senator from Missouri quoted a song very familiar to me on the floor this week. I said, ''I know that song, Florence Reese wrote that.'' I know that because my wife's family is from Appalachia and this was about the coal mining struggles. Florence Reese was from Harlan County, KY.

Mr. President, I think the vote to deny an exemption to garment workers and other vulnerable employees shows pretty clearly which side the Republicans are on in this debate. I think the vote not to provide an exemption for those employees, who we already know are exploited—the evidence is irrefutable and irreducible—shows clearly which side too many of my Republican colleagues are on. And by the way, not the side that Florence Reese was singing about, which is the side of working people.

Mr. President, another important difference between the public and private sector is that the Federal agencies do not go bankrupt. Contrast this with private businesses. In 1995, 52,000 American businesses filed for bankruptcy. The rate of business failures in the garment industry is twice the national average. In construction, the rate of bankruptcy is much higher than the national average. If an employer goes bankrupt when an employee has comptime banked, the worker loses all his or her time and money. Mr. President, under S. 4 comptime hours do not count as wages in a bankruptcy proceeding, so the worker who accepted comptime instead of paid overtime would be out of luck. We had an amendment ready in the Labor Committee markup to fix this problem but, it is not in the bill.

Mr. President, I see my colleague on the floor and I do not want to take up so much time that he does not have an opportunity to speak but let me make one of many other points I could make by way of correcting the RECORD.

Mr. President, my colleague from Missouri said Democrats have not read the bill. I read the bill. I can say, and I do no damage to the truth, that this bill violates the 40-hour week and sets up an 80-hour 2-week framework, and people can work 50 hours or 60 hours one week and they get no overtime pay if the employer decides the arrangement should be such that the employee can choose to get some time off the next week, but they do not get time and a half compensation as either cash or time. I can safely say that there is no effort here to really providing employees the flexibility to choose when to use comp time.

Mr. President, under the Ashcroft bill, flexible credit hours are defined as hours that the employer and the employee jointly designate for the employee to work so as to ''reduce the hours worked'' at a later time. This is on page 19, lines 14 through 18 of the bill.

My colleague from Missouri claimed that the opponents of S. 4 would support the legislation, if only we would read the bill. Mr. President, I respectfully suggest that my colleague needs to take another look at this legislation. It doesn't do what the proponents claim. The language shows that.

Federal law defines ''credit hours'' as hours which the employee elects to work. Let me repeat that. Federal law defines ''credit hours'' as hours which the employee elects to work so as to vary the length of the workweek or workday. Under the Ashcroft bill, you have to have the employer and the employee together designating this. If the employer doesn't want to go along with this—and the employers quite often have the power—the employee doesn't get to make that decision.

So let's not say that this bill is going to give employees in the private sector what employees in the Federal sector have. It is right there in the bill on page 19, lines 14 to 18.

Mr. President, I think I have made my case. We have had some time to debate this bill. The bill went nowhere because the bill, as opposed to providing employees flexibility, ends up being a way in which too many employers all across the country can basically cut the pay for workers. It amounts to a paycheck cut for workers.

We are not going to let that happen. The President wouldn't let that happen.

So I suggest that my colleagues, next time we have the debate, do not come out on the floor and say that we have not read the bill. We read the bill. That is why I oppose it. Don't come out on the floor and say that we are going to give the private-sector employees the same opportunities as the Federal-sector employees have. That is not the case. Don't come out on the floor and say that this will provide flexibility for employees. It doesn't.

Don't come out on the floor and pretend that you have not done damage to the very cherished idea of a 40-hour workweek, and, that, by golly, people should get the functional equivalent of overtime pay, paid time off at time and a half, because this bill doesn't really provide real guarantees that it will happen.

And don't come out here on the floor of the Senate and say that all these great things are going to happen in the work force when we have clear examples of people who work, such as in the garment industry, who are already being exploited, and you don't want to provide them any kind of exemption or any kind of special protection. The arguments just simply don't carry the day.

Mr. President, I would suggest to my colleagues that I came out on the floor to correct the Record, that there is a good reason why the bill went nowhere, there is a good reason why the President is going to veto it. I hope we will see some serious work that we will do together to make some major corrections and have a really strong piece of legislation that will provide working women and men with the flexibility they need, and which will be family friendly.

And, by the way, I think Senator MURRAY has an excellent idea to expand the Family Medical Leave Act for some additional hours off for a family. There are a lot of things that we can do to really make this a piece of legislation that is family friendly, that is worker friendly. And that is what I think we will do.

Mr. DORGAN. Mr. President, will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I actually have to leave the floor in a moment. I would be pleased to yield.

Mr. DORGAN. Mr. President, I have listened with interest to the description of the bill by my colleague from Minnesota. I think it is safe to say there is no one in the Chamber who really doesn't subscribe to the notion that there ought to be greater flexibility in the workplace, and that there is merit to giving an employee the opportunity to decide whether they want comptime as opposed to overtime. I don't think there is much disagreement about that issue.

But I ask the Senator from Minnesota, is it the case that, when we talk about overtime pay for American workers, 80 percent of the workers in this country that are getting overtime pay are workers earning less than $28,000 a year? Then therefore, by definition, these are workers somewhere toward the lower end of the economic scale who get less than $28,000 a year, and many of them rely on overtime pay. They need it. It is very important to them.

To the extent that anybody opposes a bill that says let's provide flexibility in

the workplace in a manner that might threaten the opportunity for those who want and need the overtime pay, especially those at the bottom of the pay scale, boy, that is not moving in the right direction in terms of providing flexibility.

Is it the case that the preponderance of people getting overtime in the workplace are people below $28,000 a year?

Mr. WELLSTONE. Mr. President, my colleague from North Dakota is absolutely correct. That is why I said earlier that I would want to point to the critical distinction between coming out here on the floor with a piece of legislation that you know threatens the labor standards of working people, that you know doesn't provide the flexibility, that you know is not going to get the votes to pass, that you know the President is going to veto, and doing what should be done, if, in fact, we care about working people and children, which is to come out with a piece of legislation that really does provide the comptime, the flexibility, without threatening people who really rely on that overtime pay.

Mr. DORGAN. Isn't it the case that the bill that was brought to the floor says to you, if you are an employer and you have somebody working for you making $14,000 a year, working hard, working two 40-hour weeks, ''By the way, we will give you some flexibility; you can tell that worker next week that they are going to work 60 hours, and that you can let them work fewer hours the week after, so as long as it adds up to 80 hours, whatever the requirement of work for the first time?''

Mr. WELLSTONE. Absolutely. It takes the Fair Labor Standards Act, which, as I said the other day, is based on a lot of sweat and tears of a lot of working families, and turns the whole idea of fairness on its head. That is absolutely right.

That is why that piece of legislation went nowhere on the floor of the Senate, nor should it.

That is absolutely correct.

Mr. DORGAN. One additional question: There is a way to do what people have said needs doing, and what, I think, needs doing; that is, honestly provide greater flexibility. If people want to take comptime instead of overtime, there certainly is a way to do that without potentially hurting people at the lower end of the economic ladder. Isn't that the case?

Mr. WELLSTONE. I would say to my colleague that he is correct. I think the key issues are, when you have proposals in here, first, what you do, if you are serious about passing a piece of legislation that is going to help working families, is you take the extreme and harsh parts out, like overturning the 40-hour week.

Second of all, you make sure you don't have a lot of coercion at the workplace, and that employees really do have a choice, whether it be a woman or a man. And, if so, they get either that at time-and-a-half pay or they get that time-and-a-half off when they want and need to take it.

If you can make sure that happens, if you make sure that you have the important provisions to make sure that happens, and if you make sure there isn't exploitation, then it is absolutely the right direction to go.

That would be, I hope, the common ground.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask to be recognized to use the time reserved for the leader.

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

Mr. DORGAN. Mr. President, I came to the floor, and was interested in the comments offered by my colleague from Minnesota. I agree with his comments. That has been the issue on the floor of the Senate for the last couple of weeks. I expect we will have more debate on it. But I came to talk about several other issues, and I would like to take the time to make some points to my colleagues that are important to me, to my home State of North Dakota, and to others.

So let me begin talking about the first of the three issues.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. DORGAN. Mr. President, first is the disaster appropriations bill.

Last week the Senate passed an appropriations bill to provide supplemental appropriations for the disasters that have occurred in our country, and it is especially important to me and to our region.

This bill would provide substantial amounts of resources and money for people who have been victims of the disaster in North Dakota, South Dakota, and Minnesota.

I am enormously impressed that the House of Representatives last evening passed a disaster bill that contains almost identical amounts of money for the disaster relief that we put in here in the Senate. We added $500 million to the bill—$100 million that the President requested be added, and $400 million above that for what is called community development block grants. That represents the most flexible of Federal spending that goes to State and local governments. It provides great flexibility for them. It is packaged in a way that helps them resolve their problems and help their people who are victims of the disaster.

While I am very pleased of the actions of the House last evening, we now go to conference. I will be a conferee because I am on the Senate Appropriations Committee. But we go to conference with a bill that has awfully good news in it for victims of the disaster in our region of the country. But the bill also contains a very controversial amendment that has nothing to do with this bill. This is an amendment that has to do with ending Government shutdowns at the end of the fiscal year if the appropriations bills are not passed on time. They are called continuing resolutions. CR's, they are called.

This disaster appropriations bill contains an amendment, dealing with the continuing resolution which is very controversial. The President said long ago would this amendment require him to veto the bill, if it is in the bill. And, nonetheless, the Senate has passed the bill and the House has passed a bill that constrains this very controversial amendment.

I hope very much that this weekend, and in the early days of next week, as we work through this conference, that we can convince all of the people who are interested in this bill that the best interest of the people of the region who are victims of the disaster will be served by removing from this bill these amendments that have nothing to do with the disaster appropriations bill.

We should not in any way attempt to delay or derail a disaster bill with extraneous amendments. It just shouldn't be done. I have not done it in the past. I have voted for disaster funds to help people who have been victims of floods, fires, tornadoes, blizzards, earthquakes, and I have been pleased to vote for those because I think it is important for people all over this country to extend a helping hand to those who are victims of a disaster. But I don't think it is appropriate for Members of Congress to decide this is a bill which is critical and important, that provides needed help to victims, and, therefore, because it is a bill that the President somehow must sign, they should put a controversial amendment on it that has nothing to do with the bill. That is exactly what has happened.

I ask, with great respect to all of those involved in that effort to decide to do something different, to withdraw that amendment from this bill. Let's pass this bill out of conference, send it back to the House and to the Senate, and then to the President in a manner so that he can sign it.

Why on Earth would the Congress include something in a bill that they know the President is going to veto, and thereby just create a delay in the aid to victims?

There are thousands of North Dakotans and Minnesotans who woke up this morning not in their own beds and not in their own homes. They are homeless. It has been weeks since this flood of a 500-year level hit the Red River and evacuated 95 percent of the people in the city of 50,000, Grand Forks, ND. On the other side of the river, 100 percent of the city of East Grand Forks, MN, some 9,000 people were evacuated from their homes.

In Grand Forks, ND, alone, somewhere between 600 and 800 homes are destroyed. No one will move back into those homes. They are destroyed. Another perhaps 1,000 homes are severely

damaged. Where are those families today? They are not home today. They are victims living with relatives, some in shelters, many in other towns struggling to try to figure out what they do and how they put together the pieces. Many people live paycheck to paycheck, struggling to try to figure out how they pay the bills.

Many businesses are not open in Grand Forks and East Grand Forks because much of the town is still uninhabited. People do not have jobs. People do not know how they are going to pay their bills. Yes, FEMA is helping. FEMA is writing checks and helping people with their immediate needs. But these are victims of a disaster. They need help, and they don't need people to play a game with a disaster appropriations bill by adding an extraneous amendment that has nothing to do with the bill in a way that will delay and jeopardize the bill.

I ask all of those who are involved in that, don't do that. Bring your proposal up next week or the week after. It doesn't matter to me. Let's debate it. You have every right to bring any idea to the floor of the Senate and have a debate on it. But don't delay or jeopardize the disaster bill. It is fundamentally unfair to people this morning who still woke up without a home and without a job wondering what their future holds and looking to us for some hope.

I have shown the pictures before. But I think it is important to do it again. Let me explain how we got where we are so that you understand the dimensions of it.

We had 3 years' worth of snow in 3 months in my State. This is a snowbank. This happens to be flat ground. There is a farmer in front of a snowbank. It gives you a little idea of how high those snowbanks became in the middle of our blizzards in North Dakota. That is about an 18-foot snowbank.

There were anywhere from six to nine serious blizzards, most of which closed down most of the roads in North Dakota. Some of them closed down every road in North Dakota. We had whiteout conditions. You could not see your hand in front of your face. The last blizzard, incidentally, was anywhere from 18 to 24 inches of snow dumped in about 48 hours on top of the record snowfall we had previously. So we had about 9 to 10 feet of snow in North Dakota during this winter. Then what we had was a rapid spring melt in which all of this snowpack melted down. The Red River on the eastern side of our State is one of the few rivers that runs north. This river ran right into an ice pack up in Canada. We had this massive melt that created not a river but created a lake out of the Red River. And, this lake was 150 miles long by about 20 to 30 miles wide.

The result was that a massive quantity of water became a giant, coursing stream through Wahpeton, Breckenridge, Fargo, Moorhead, Grand Forks, and East Grand Forks. They were fighting floods in 80 locations in our region. The head of the Corps of Engineers said that he has never seen that kind of effort by local people to fight a flood. It was the most extraordinary effort he had ever seen.

Down in Wahpeton and Breckenridge, they won some and lost some battles. Up in Fargo, they largely won the battle after very tense nights and days. In Grand Forks, the flood prediction was set at 49 feet, the highest flood in the history of the Red River in Grand Forks. But the flood that came was 54 feet. It broke the dike and inundated the town.

I traveled throughout Grand Forks. I viewed Main Street, downtown Grand Forks, and all of the neighborhoods in a Coast Guard boat.

Take a look at the farms in the Red River Valley. This is a picture of a farm. It does not look like it. It looks like a building surrounded by a lake but it is farmland. We had 1.7 million acres under water.

Then there were dead cattle. We lost somewhere around 150,000 head of cattle. A fellow who had just come from North Dakota told me yesterday. He was in town the day before and visiting with a fellow rancher, and the rancher said he had to go home and shoot some more calves. These young calves were born during calving season. Now their hooves were falling off. Their feet were falling off because they had been frozen. Farmers and ranchers lost some 150,000 head of cattle that were killed as a result of these storms.

We had farmers calling radio stations saying they had lost their entire herd of cattle. They asked if anybody had seen their herd of cattle. There were dairy cows with udders frozen. In the last storm, which was the worst storm in 50 years, came in the middle of calving season. The Senator from Kansas knows very well about weather problems during calving season.

So that is what people were confronted with. When the flood came, it inundated Grand Forks and East Grand Forks, and the towns were evacuated. In the midst of the flood, the downtown section of Grand Forks caught on fire. We had fire fighters in Grand Forks, as you can see from this picture, waist deep in ice cold water, some suffering hypothermia, fighting a fire. In the early stages they were fighting with fire extinguishers because they could not get pumper trucks in because of the flood. These are heroes. These folks who fought that fire are true heroes. We lost parts of three blocks of downtown Grand Forks, including 11 of the wonderful old historic buildings. That part of the historic city of Grand Forks burned to the ground.

That is what was faced in this set of disasters. These are the victims up and down the Red River Valley who today wait for a message of hope from the Congress. They wait for the disaster bill that both the House and the Senate have now enacted that will go to conference. They wait for the President's signature on a bill that provides much-needed help to these victims.

It is critically important that those who have now added an amendment, which has nothing to do with this bill and that is very controversial, decide to withdraw it.

Mr. President, all of us are proud of our States, all of us are proud of where we come from. I am enormously proud to be a North Dakotan, and I feel privileged every day I get up and come to work to represent North Dakota in the Senate. The most important thing I have done in my life, I guess, is representing North Dakotans in the Senate. It will undoubtedly be one of the most wonderful privileges I will have had in my lifetime when my service here is through.

I do not, and have not in my years in both the House and Senate come to the Chambers of Congress asking for special help for our region. But, if ever a region needed help, our region does now. It is almost unprecedented that major communities in our country had to be evacuated. Now weeks after the evacuation, the communities are still not very functional. People are still homeless. People are still jobless.

None of us quite knows the menu of exactly how you put all this back together. How do you restart an economy that was stopped dead still? How do you give hope to men and women who had a small business somewhere and have now lost all their inventory, and lost their building? Their business is gone and they have no money. How do you restore their hopes and dreams?

How about a rancher or a farmer whose land is totally under water and who lost their entire herd of cows and calves? They wonder what will they do next? This is a case where our region needs help.

We are a generous people in North Dakota, and we have always been the first to help. Just as America is a generous nation, and been the first almost anywhere in the world to offer help to people who need help. We have done the same in North Dakota to offer help to victims of hurricanes and earthquakes and floods elsewhere.

This is a time that I am proud of Members of Congress for standing up in the Senate and in the House saying that we want to offer a package of help that in the bill passed by the Senate totaled somewhere close to $1.2–$1.3 billion of help for that region. It included $500 million of community development block grants which are the most flexible kind of resources available. I am enormously proud that Members of the House and Senate have done that. Now if we can do one more thing that will make me proud, it will be for those who have offered the controversial amendment that will attract a veto to this bill to decide it is not the right thing to do. This is not the right bill to do it on. It is not fair for the people of this region to do it now. It is time for them to decide to withdraw this amendment. Then we can have the conference, and get a bill we can send to

the President and have the President sign it. Then this critically needed assistance can flow to people of our region. It will be, I think, a very proud moment for all of Congress. I hope that will be the case in the coming days.

FAST-TRACK TRADE AUTHORITY

Mr. DORGAN. Mr. President, I want to mention quickly two other subjects. The first is a letter that I have sent to the President with my colleague from Maine, Senator OLYMPIA SNOWE, about the issue of fast-track trade authority, and then, second, I would like to offer a comment about the budget agreement.

First, on the issue of fast-track trade authority, Mr. President, Senator OLYMPIA SNOWE and I have sent a letter to President Clinton indicating to him that we do not believe it is appropriate to extend fast-track trade authority and that we would oppose the extension of fast-track trade authority.

This may not mean much to a lot of folks. Fast-track trade authority is a kind of inside baseball term, I suppose, for Members of Congress. What is fast-track authority? Fast track is a trade procedure by which the Congress says to an administration, any administration, you go out and negotiate a trade agreement with some other country or group of countries, and then the trade agreement is brought back to the Senate or the House and must be considered on something called fast track. This means the Senate and House must vote on it up or down with no opportunity to amend it. Fast track means no opportunity to amend it. You bring it to the Senate. The Senate votes yes or no, and that is the end of it.

We do not use fast-track authority on the arms control agreements. We did not have fast-track authority on the chemical weapons treaty that this Senate passed a couple of weeks ago. Only on trade agreements do we have what is called fast track. It is fundamentally undemocratic, in my judgment.

The reason I do not support fast track and the extension of fast-track authority is fast track has been the wrong track for this country. I urge my colleagues to take a look at our trade deficit. We talk about eliminating the budget deficit, and there is great merit in that, and I am going to be supportive of that.

What about the other deficit? What about the trade deficit, which is the largest merchandise trade deficit in the history of this country right now? This is the largest merchandise trade deficit in the history of this country, and you do not hear a word about it, not a word. We have had trade agreement after trade agreement, and guess what. After every trade agreement, we have greater hemorrhaging of red ink and greater trade deficits.

This is a chart that shows those trade deficits. We had the Tokyo round in 1981. That year we had a $28 billion merchandise trade deficit. Then we went out and we added the United States-Canada Free-Trade Agreement, and that year we had a $115 billion trade deficit. Then there was NAFTA. Then it was the Uruguay round. Every time we have a new trade agreement, our trade deficit increases.

I would like to get the names and pictures of those folks who are negotiating these things and ask them, by what standard do you view success? Is it successful to have successive trade agreements that mean this country goes deeper into merchandise trade debt? I do not think so. That is not how I would define success.

This is a chart which shows what has happened with our two neighbors. First we had the United States-Canada Free-Trade Agreement. Then we had the North American Free-Trade Agreement, called NAFTA, with Canada and Mexico, and the Mexico Free Trade Agreement.

Guess what has happened. Before we had the trade agreement with our neighbors, we had a trade surplus with Mexico. Then we go off and negotiate a trade agreement with the Mexicans and the Canadians. Now we have a combined deficit that totals nearly $40 billion.

Look what has happened to the trade deficit with Mexico and Canada. We had a $2 billion surplus with Mexico in 1993. Now we have a $16 billion deficit. We had all these economists who said, if we would just do this, we would get 250,000 new jobs. Well, guess what. In fact, the major economist who pledged the 250,000 new jobs said, ''Whoops, I was wrong. I guess there are no 250,000 new jobs; there is more trade debt.''

Harry Truman once said: I want to get a one-armed economist. I am getting tired of economists saying ''on this hand'' and ''on the other hand.'' We do not need economists who give us this kind of advice.

What about the trade deficit? Where is this trade deficit? Well, 92 percent of the trade deficit is with six countries. First there is Japan. Then there is China, and this one is growing to beat the band, by the way. Then we have Canada and Mexico where the deficits have been growing substantially. Finally, there are Germany and Taiwan.

I want to remind those who want to extend fast track about the Constitution. The Constitution of the United States, article I, section 8, says ''The Congress shall have the power to regulate commerce with foreign nations.'' It does not say anything about fast track. It does not say anything about handcuffs or straitjackets. It does not say anything about having some nameless negotiator run off to foreign shores someplace and negotiate a bad agreement and then come back to the Congress and say, by the way, vote on this, and you have no opportunity to amend it.

I wonder how many in this Chamber know what kind of tariff exists on a T-bone steak you send to Tokyo. I bet not many. Not too many years ago we negotiated with Japan, with whom we have a very large, abiding continual trade deficit. We negotiated a beef agreement. We wanted to get more United States beef into Japan. So our negotiators went out on behalf of our beef producers and others and negotiated with Japan.

All of a sudden one day in the newspapers we see in a big headline that we have reached agreement with Japan on a beef agreement. They were having a day of feasting and rejoicing. You would have thought all these negotiators just won the gold medal in the Olympics. Then we find out that, yes, we have a new agreement with Japan and, yes, we are getting more American beef into Japan. But, guess what? Try sending a T-bone steak to Tokyo. What is the tariff to get T-bone into Tokyo? It's up to a 50-percent tariff on beef to Japan.

Would that be considered successful in any area of the world in international trade? No. That would be defined as a colossal failure in every set of circumstances except when our negotiators are negotiating an agreement with Japan. They define that as success. They line up to get their blue ribbons.

It's like they had a steer at the county fair and had just won blue ribbons and want to get congratulated for it. Yes, we got more beef in Japan. Just think what we take into our marketplace from Japan in exchange for that. And we hit a 50-percent tariff.

I could talk about potatoes from Mexico, I could talk about Durum wheat flooding our markets from Canada. I could talk forever about these trade problems. I don't want to do that today. I only want to say this to the President, to the administration, and to the Members of Congress: Don't talk about fast track until we have straightened out the trade agreements that we have had in recent years that have put our producers and our workers at a disadvantage. Don't talk about fast track until you have negotiated the problems dealing with Canada and grain.

I was in a little orange truck going up to the Canadian border one day with 200 bushels of Durum wheat. That little orange truck couldn't get over the border into Canada. Do you know why? They stopped us at the border and said you couldn't take Durum wheat into Canada. All the way up to the border we found truck after truck, semi-loads, dozens of them, hauling Canadian grain south, but we couldn't get a harmless little orange truck north.

In fact, one North Dakotan couldn't get a grocery sack of wheat into Canada. She married a Canadian and was back home visiting, and wanted to take a grocery sack of wheat into Canada to grind it and make whole wheat bread, and guess what, they wouldn't let her take a grocery sack of wheat north. All the while, hundreds of semi-trucks full of Canadian wheat come south.

That is just one example. I say, Mr. President, and others, if you want fast-track authority? Then straighten out the trade problems that now exist. Yes, straighten out the problems with Canada and Mexico and Japan and others and I will be the first to line up and say let's talk about new trade authority. But until we solve the vexing and difficult problems of trade agreements that have now resulted in the largest trade deficit in the history of this country, we ought not be moving towards fast-track trade authority.

Before I finish that subject, let me put in a word about Charlene Barshefsky, our new Trade Ambassador. I like Charlene Barshefsky. She has some spunk and she has some life. She is out there, trying to say to our trading partners that we expect reciprocal trading policies. If we open our market to your goods you have a responsibility to open your market to ours. She has been in Canada, telling the Canadians what you are doing with Canadian grain is wrong and it abrogates the treaty.

In fact—just one more point about the Canadian grain—when the United States-Canada Free-Trade Agreement passed the House Ways and Means Committee, and I was on the committee, the vote was 34 to 1. That ''1'' was me. I said at the time I felt that treaty was going to result in a serious problem for us. And it has.

Clayton Yeutter, the Trade Ambassador at that point, said, ''No, no, no. Your concerns about an avalanche of Canadian grain flooding the United States market and undercutting American farmers, that is nonsense. That will not happen.''

I'll tell you what he said. Mr. Yeutter said, ''I'll tell you what, I will give it to you in writing. I will make the promise in writing.'' And he wrote it down. He said that his agreement with the Canadians was with the understanding that good faith would be subscribed to by both sides by not dramatically changing the quantity of grain coming across the border. That was his agreement. So he wrote it down. That was good faith. That was his understanding. That is what he negotiated. However, it was not worth the paper it was written on.

The second the ink was dry and the minute the treaty was done, what we saw was an avalanche of grain come south. At the same time you couldn't take a grocery sack full north. It undercut our markets in Durum wheat especially, and cost our farmers massive amounts of lost income.

So, why am I a little sore about some of those things? I am angry because we have negotiated trade agreements that have undercut our producers and we ought not do that. I am for free trade. I am for expanded trade. But I am for fair trade. If it is not fair, than the agreement is not right.

Charlene Barshefsky is a breath of fresh air and she is trying. She can only do what any administration allows her to do. I urge the President and others to understand that in order to have trade negotiating authority of anything resembling fast track, they first must address the serious problems in the previous agreements that have been negotiated. Until that happens, at least a number of us, including Senator SNOWE and I, based on the letter we have sent to the President, do not support the extension of fast track for all the reasons I have mentioned previously.

THE BALANCED BUDGET AGREEMENT

Mr. DORGAN. Mr. President, I would like to talk about one other topic today. It is a subject that is in the paper this morning—the balanced budget agreement.

Mr. President, I do not know all of the details of the agreement. I know the outline and the skeleton of the balanced budget agreement that has been reached through a substantial amount of negotiation. I expect, were I to negotiate a balanced budget agreement, it might be different than that which was negotiated and that which I read about this morning. I have been party to many briefings, including the most substantial briefing yet on what has been negotiated, but I confess, like most Members of the Senate who have not been in the room during all the negotiations, I may not know all the provisions of this agreement.

However, I have said repeatedly during the debates that we have had on a constitutional amendment to balance the budget, and in many other circumstances, that I support balancing the budget. I think there is merit in fiscal discipline. I think we should balance the budget. And I think we should work together to do that.

In 1993 I voted for a deficit reduction act that was a very controversial piece of legislation. And we passed that by one vote. It happened to be the Vice President's vote. My party voted for it, the other party didn't. I am not going to make judgments about that today. I suppose that's the time for a political discussion.

We paid, in my party, a significant price for that vote in 1993, because it was not popular. I said at the time, and I have said repeatedly since, I am glad I voted the way I did. It wasn't easy. It cut some spending. It raised some taxes. It wasn't a very easy vote, but I am glad I voted the way I did because I believe that it was the first significant step in deciding we are going to do the tough thing to reduce the budget deficit.

What happened since that time? We have had year after year of declining budget deficits. The unified deficit has come down, way down—not just down a bit, but way down, by 75 percent. But the job is not yet done. And that is why there have been negotiations between the President and Members of Congress about how to finish the job.

I think we will find that the agreement that has been negotiated will receive fairly substantial support in the Senate and the House. I want to vote to finish the job. I voted to start the job and I want to vote to finish it. I think we ought to tell the American people there is fiscal discipline in this place. There is merit in a balanced budget. And there is no difference in desire on either side of the aisle about wanting to live within our means. That is not a political question between the two parties. I think that is demonstrated by what we did in 1993. I hope it will be demonstrated by what we all do this year.

Now, is part of this agreement smoke? I think so. I mean, I can describe certain areas of it where I think it is a fair amount of smoke, or fog.

But is some of it real? Is it moving us in a bipartisan way in the right direction? I think so. Importantly, it does it the right way. What we have said for a long time is there is a right way to do things and a wrong way to do things. I have said on the floor there is a big difference between deciding to invest in star wars or star schools. I am not saying one is all right and one is all wrong, but I am saying they are very different. Because it suggests one believes education is critically important and the other says no, the priority is over here in defense.

My point is what we have done, I think, in these negotiations is to decide, yes, let us balance the budget, but let us preserve the priorities that are important. Let us as a nation decide that education is still at top of the national agenda and there is not anything much more important in our country than making sure all our kids in this country, every young boy, every young girl, have the opportunity to be everything they can be. And that we will invest in their lives, starting, yes, at Head Start, and going all the way through college. We will invest in their lives, to decide that all of our children should become whatever their talents will allow them to become; whatever hard work and opportunity will allow them to be, as Americans. A major part of that is our decision to make a significant investment and attachment to education as a priority. And this budget agreement does that.

This President said I will not be a part of the budget agreement and I won't sign a budget bill unless it retains the priority of education. And this budget agreement contains room for new investments in education, which is critically important.

The agreement also has room for new investments in health care. It says that 5 million kids, about half of the population of kids without health care, 5 million can be insured. There is room here so we can insure you, provide insurance for health care for 5 million kids.

There is room here to continue to make progress on issues in the environment. The President said, ''I won't sign

a bill unless it meets these priorities.'' And he negotiated and negotiated, and we negotiated, and we have a piece of legislation that is going to balance the budget but does preserve those priorities.

On the environment, just as an aside, I'll bet there is not a person serving in the Congress today who, 20 years ago, would have said this: We can double the use of energy in America in the next 20 years and we will end up with cleaner air and cleaner water. I'll bet there is not one person who would have predicted that, because all the experts predicted we would increase dramatically our use of energy and have dirtier air and dirtier water as a result.

But it did not happen. We doubled our use of energy as a nation, and our air is cleaner and our water is cleaner. Why? Because the Government said those who continue to pollute our air and water are going to be penalized. Congress said it will no longer be business as usual. The environment is important. We are going to insist that those who are polluters in our country are going to stop polluting.

We don't have a perfect situation, but I am saying we are moving in the right direction, we have cleaner air and cleaner water, even as we have doubled the use of energy.

So, what the President was saying is, on education, on health care, on the environment, there are certain things that must be in this legislation. Even as we balance the budget we must make room to invest and continue to make progress in those areas. This piece of legislation does that.

I know there are some who have heartburn because it does it. But I think it is the right impulse, for us to decide what is important for all of us, Republicans and Democrats, to do in this country to advance the interests of America.

One of them is to help to invest in our future by investing in our kids' education.

One of those is to say to those in this country who do not have the opportunity and do not have the resources to have health care coverage, especially for kids, that we want to help get health care coverage. This agreement will provide it for 5 million kids.

And one of those is to say the environment is important. We should not back up or retreat on the environment. What we should do is continue to move forward and make progress to clean up our Earth and clean our water and say to polluters it is not appropriate to pollute this country. Part of the cost of production is to clean up as you produce. Fortunately, that is not so controversial anymore, because we have made so much progress and the American people so value living in a clean environment that now, most all politicians, I think, understand the value of that.

But I wanted to simply come today to say that we have made a lot of progress. In 1993 we took the first flight of stairs, and I am pleased I made that vote. It was a long flight of stairs. It was a tough vote to make. Now we are climbing the second flight of stairs. I think this is going to be a bipartisan effort and I am pleased that is the case.

No, this bill is probably not perfect. But I would say this. We are moving in the right direction in this country. The fact is, our economy is better than it was. Unemployment is down. Inflation is down. More people are working. We are moving in the right direction, largely because, I think, going from a period when we had Federal deficits of $300 billion a year, everyone in this country now sees that the President is serious and the Congress is serious about getting our fiscal house in order. That gives people more confidence about the future.

If people, yes, even the market—especially the market, I suppose—if they have confidence about the future and about the fiscal discipline that can come from a President and a Congress working together, we will see them making the investments in the future because they have more confidence in the future. That is what this is all about.

So, I wanted to say, when I got up this morning and read the newspaper, I was pleased to see that we are taking another step toward agreement.

I don't happen to view bipartisanship as something that is bad for this country. I think it is something that is good for this country. There are some, incidentally, who think being bipartisan is inherently bad, because both sides ought to fight like the devil for whatever it is they believe and whatever is the outcome is the outcome.

I do not believe that. That is not the way we did most things in this country. We have an interstate highway that goes from Fargo, ND, to Beach, ND. It was not one group of people out there who said, ''Let's have a big fight about an interstate highway.'' It was a bipartisan approach in the 1950's, to say, ''Let's create an interstate highway in this country.''

The interesting part about it is I don't suppose, when Dwight Eisenhower, then President, and Sam Rayburn, Speaker of the House, sat down at the White House and reminisced about what they were going to do here, I don't suppose they actually stopped to think how do we justify to the American people the cost of building a 4-lane interstate highway from Beach, ND, to Fargo, ND, where 600,000 people live?

I suppose Citizens Against Government Waste and the National Taxpayers Union, or some other group these days—if someone were to try to do that—would say, ''What on Earth are you doing?'' How on Earth can you justify that expenditure, going across sparsely populated states?

Of course we now know it was one of the great achievements in the middle of this century, building an interstate highway system that opened up vistas of commerce and opportunity.

My point is, I think bipartisanship is a wonderful thing. I think there ought to be more opportunities for us to work together. And I hope, if this budget agreement is as we are to understand it to be and is a bipartisan effort, that in the coming weeks, we can demonstrate to the American people we do care about fiscal responsibility, we do want to abolish the Federal budget deficit, and we do want to provide greater hope and opportunity to the American people by doing so.

With that, Mr. President, I yield the floor and 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. COVERDELL. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

FAMILY FRIENDLY WORKPLACE ACT

Mr. KENNEDY. Mr. President, I would like to respond to a few points made on the floor this morning concerning the so-called Family Friendly Workplace Act. My colleagues from Georgia and Missouri said this morning that Democrats were filibustering this bill. They complained that working Americans are crying out for flexibility, and that Democrats are arbitrarily standing in the way of progress.

I would like to set the record straight. We began debate on this bill Tuesday morning, May 13, and spent just over 2 hours discussing the legislation. Then the Republican leadership filed a petition to cut off debate. There was no filibuster. There were no Senators on the floor reading from irrelevant materials in an effort to thwart the will of the majority.

We had no more discussion on the bill on Tuesday afternoon, or on Wednesday the 14th. Yesterday morning, May 15, we had 45 minutes of debate, followed immediately by a vote on the cloture petition. By a vote of 53 to 47, the Senate refused to cut off debate on the bill.

I do not think that 3 hours of debate is enough. This bill would fundamentally alter the Fair Labor Standards Act, a law that has been on the books for almost 60 years. Three hours of debate simply is not enough time for adequate discussion on changes in so basic a protection for the Nation's workers. This is not a filibuster, Mr. President. We simply want full and fair consideration of this fundamental change in labor standards.

My colleagues from Missouri and Kentucky also said this morning that the Fair Labor Standards Act forbids flexible work schedules for hourly employees. This, too, is false. If employers

genuinely want to provide family-friendly arrangements, they are free to do so under current law. The key is the 40-hour week. Employers can schedule workers for four 10-hour days a week with the fifth day off, and pay them the regular hourly rate for each hour. No overtime pay is required.

Employers can also arrange a work schedule of four 9-hour days plus a 4-hour day on the fifth day—again, without paying a dime of overtime. Under current law, some employees can even vary their hours enough to have a 3-day weekend every other week.

Employers also can offer genuine flex time. This allows employers to schedule an 8-hour day around core hours of 10 a.m. to 3 p.m., and let employees decide whether they want to work 7 a.m. to 3 p.m. or 10 a.m. to 6 p.m. This, too, costs employers not a penny more.

But only a tiny fraction of employers use these or the many other flexible arrangements available under current law. The Bureau of Labor Statistics found in 1991 that only 10 percent of hourly employees are offered flexible schedules.

Current law permits a host of family friendly, flexible schedules, but virtually no employers provide them. S. 4 has a different purpose. It would cut workers' wages. That is why employer groups support it unanimously. Obviously it is not just small businesses that wish to cut pay and substitute some less expensive benefit instead.

My colleagues made another point that cries out for response. They contend that S. 4 gives employees the choice when to use accumulated compensatory hours. Once again, this is incorrect. Under S. 4, the employer could deny a worker's request to take comptime and the employee would have no redress. Even if the employer failed to comply with the bill's stated standards governing the use of compensatory time, the employee would have no right to protest, and no remedy for any protest that was lodged nonetheless.

Contrary to my colleagues' contentions, the Democratic alternative that was offered on May 14 by Senators BAUCUS, KERREY, and LANDRIEU actually gives the employee the choice of when to use accrued compensatory time. My colleagues' statements to the contrary notwithstanding, it is not the Government that would make that decision under our alternative, nor is it the Secretary of Labor.

Instead, the Baucus-Kerrey-Landrieu amendment gives the worker the choice. If an employee wants to use compensatory time for any reason that would qualify for leave under the Family and Medical Leave Act, the employee has an absolute right to do so. This simply gives employees the ability to be paid for leave that they already have a right to take on an unpaid basis. Thus, an employee could in fact use comptime to care for a seriously ill child, or deal with a newborn or newly adopted child. Supporters of S. 4 claim this is what they want their bill to accomplish. The Democratic alternative actually achieves that goal.

Under the Baucus-Kerrey-Landrieu amendment, if an employee gives more than 2 weeks' notice, the employee can use comptime for any reason as long as it does not cause substantial and grievous injury to the employer's operations. Thus, if a worker wants to use comptime 3 weeks from today to attend the school play, he or she can do so unless the business would suffer this acute level of disruption. Again, the proponents of S.4 allege that they want to give employees the ability to do this. But only the Democratic alternative actually gives employees the choice.

If an employee gives less than 2 weeks notice of a request to use comptime, under the Democratic alternative the employer must grant the request unless it would substantially disrupt the business. Once again, this supplies real choice to employees while protecting employers' ability to run their businesses. Flexibility in the workplace must run in both directions. The Republican bill gives all the flexibility to the employer, and gives the employee nothing but a pay cut.

One final point requires a response. My colleague from Missouri contends that S. 4 simply gives hourly employees the same benefits that State and local government workers have enjoyed since 1985. He argues that Democratic support for that earlier legislation is inconsistent with our opposition to S. 4.

But the facts belie this contention. As the Senator from Missouri well knows, the Fair Labor Standards Act was amended in 1985 to allow public sector comptime principally to allow State and local governments to avoid the costs of overtime pay. The Senator from Missouri was Governor of that State in 1985, and he testified in support of the changes before the Senate Labor Subcommittee.

Historically, State and local governments had not been subject to the overtime provisions of the Fair Labor Standards Act. When that was reversed by a Supreme Court decision, those governments were faced with substantial new costs. They immediately sought relief from Congress so that they could avoid the costs of overtime pay.

For example, the National League of Cities claimed that, without relief, ''the cost of complying with the overtime provisions of the FLSA * * * will be in excess of $1 billion for local governments.'' The National Association of Counties reported that ''It will cost States and localities in the billions of dollars to maintain current service levels under this ruling. * * * We need flexibility to use compensatory time and volunteers as alternatives to meeting the public's demand for increased services when we are faced with budget shortfalls.''

Such estimates, along with similar dire warnings from other States, led to the enactment of comptime legislation for State and local government employees in 1985. As Senator HATCH put it, that legislation was meant ''to prevent the taxpayers in every single city in America from suffering reduced services and higher taxes.''

Deny it as they will, supporters of S. 4 have precisely the same motive. Saving money is precisely what the supporters of S. 4 want to accomplish. A representative of the National Federation of Independent Businesses testified before the Labor Committee in February that small businesses support S. 4 because they ''cannot afford to pay their employees overtime.'' Cutting workers' wages is unacceptable to those on this side of the aisle. That is why we oppose S. 4.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 15, 1997, the Federal debt stood at $5,344,063,176,240.27. (Five trillion, three hundred forty-four billion, sixty-three million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents)

One year ago, May 15, 1996, the Federal debt stood at $5,115,694,000,000. (Five trillion, one hundred fifteen billion, six hundred ninety-four million)

Five years ago, May 15, 1992, the Federal debt stood at $3,918,654,000,000. (Three trillion, nine hundred eighteen billion, six hundred fifty-four million)

Ten years ago, May 15, 1987, the Federal debt stood at $2,290,946,000,000. (Two trillion, two hundred ninety billion, nine hundred forty-six million)

Twenty-five years ago, May 15, 1972, the Federal debt stood at $427,283,000,000 (Four hundred twenty-seven billion, two hundred eighty-three million) which reflects a debt increase of nearly $5 trillion—$4,916,780,176,240.27 (Four trillion, nine hundred sixteen billion, seven hundred eighty million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mr.. Hays, one of its reading clerks, announced that the House has passed the following bill, in which requests the concurrence of the Senate:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 16, 1997, during the adjournment of the Senate, received a message from the House of

Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters; and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIVINGSTON, Mr. MCDADE, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. MURTHA, Mr. SABO, Mr. FAZIO, Mr. HOYER, Mr. MOLLOHAN, Ms. KAPTUR, and Ms. PELOSI, as the managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members of the House to the Mexico-United States Interparliamentary Group: Mr. GILMAN, Vice Chairman, Mr. DREIER, Mr. BARTON of Texas, Mr. CAMPBELL, Mr. MANZULLO, Mr. GEJDENSON, Mr. LANTOS, Mr. FILNER, Mr. UNDERWOOD, and Mr. REYES.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 757. A bill to amend the Employee Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 758. A bill to make certain technical corrections to the Lobbying Disclosure Act of 1995; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 759. A bill to provide for an annual report to Congress concerning diplomatic immunity; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 760. A bill to ensure the continuation of gender-integrated training in the Armed Forces; to the Committee on Armed Services.

By Mr. DODD (for himself and Mr. HARKIN):

S. 761. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 762. A bill to amend title 10, United States Code, to provide for the investigation of complaints of sexual harassment and other sexual offenses in the Armed Forces; to the Committee on Armed Services.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 757. A bill to amend the Employee Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic national summits on retirement savings; to the Committee on Labor and Human Resources.

THE SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. GRASSLEY. Mr. President, today I am pleased to introduce legislation to address a problem of critical importance to this country: The dismal level of individual retirement savings. This measure would encourage retirement savings by initiating an education project and creating a national summit on retirement savings.

Before I go any further let me read you some statistics:

Our national net savings fell from 7.1 to 1.8 percent from the 1970's to the 1990's. On an individual level, this means that individuals may not be able to retire when they desire with the lifestyle that they desire.

In a 1994 survey by the Employee Benefits Research Institute [EBRI]: 14 percent of workers who were saving for their retirement did not know much they had saved, and 13 percent saved less than $1,000.

In another survey by Merrill Lynch of workers in their forties and early fifties, savings levels had dropped by 6 percent from 1988 to 1994.

According to the 1996 Retirement Confidence Survey released earlier this year by the EBRI: Only one-third of American workers have calculated how much money they will need to have saved by retirement in order to live comfortably; of the workers that have tried to determine how much money they should be saving, only one-third felt very confident that they had determined an accurate figure; when asked how much they calculated that they would need to save, 42 percent could not give an amount; and less than 20 percent had a specific number with which to work.

So, the problem is twofold: There is a lack of adequate retirement savings, and Americans workers do not understand the importance of determining how much money they should be saving in order to retire comfortably. The Special Committee on Aging, which I chair, held its first hearing on meeting the challenges of the retiring baby boom generation. At that hearing, witness after witness stressed the need to start a national public education campaign. This downward trend in savings couldn't be happending at a worse time, given the retirement of the first wave of baby boomers is in just over 10 years. When baby boomers retire we will be unable to sustain, as presently structured, the programs on which the elderly rely for their health and income security. Educating the public about the necessity to save for their retirement is vital. That is why I am introducing the Savings Are Vital to Everyone's Retirement, or SAVER, Act of 1997.

The SAVER Act would direct the Department of Labor to maintain an ongoing retirement savings education program. This program would include public service announcements, public meetings, the creation and dissemination of educational materials, and establish a site on the Internet. This project will give the American people the information they need, in terms they can understand, to develop retirement savings goals and a plan to achieve those goals. The information will include the tools necessary for individuals to cacluate how much an individual will need to save. Just a important, this educational effort will also focus on how employers can establish different retirement savings arrangements for their employees.

My legislation will also convene a national summit on retirement savings. The summit will bring together in one forum experts in the field of employee benefits and retirement savings, leaders of Government, and interested parties from the private sector and the general public. By bringing these delegates together we hope to advance the public's knowledge and understanding of the need to put money away for retirement, urge American workers to set aside adequate funds, and identify the impediments for small employers in setting up retirement savings arrangements for their employees.

I want to commend Congressmen HARRIS FAWELL and DONALD PAYNE, chairman and ranking member of the Subcommittee on Employee-Employer Relations of the Education and Workforce Committee, for their leadership. The House legislation, H.R. 1377, has bipartisan support with over 30 cosponsors across the political spectrum. In addition the bill is endorsed by the several organizations including the U.S. Chamber of Commerce, and the American Association of Retired Persons.

Today's workers need to have confidence and feel good about their retirement and quality of life. One of the most important things Government can do is encourage individuals to acquire the knowledge that will help them achieve a secure retirement. The SAVER Act is by no means a solution to the problem of inadequate retirement savings, but it is a critical first step to facing the future demographic tidalwave.

By Mr. LEVIN:

S. 758. A bill to make certain technical corrections to the Lobbying Disclosure Act of 1995; to the Committee on Governmental Affairs.

THE LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

Mr. LEVIN. Mr. President, I introduce the Lobbying Disclosure Technical Amendments Act of 1997. Last

year, Congressmen CHARLES CANADY and BARNEY FRANK sponsored a similar piece of legislation and moved it through the House of Representatives. Unfortunately, a last minute dispute over one of the provisions precluded the Senate from passing the bill and sending it to the President for signature. The bill I am introducing today contains all but one of the key elements of the bill passed by the House last year; the provision that was problematic to some Members of the Senate has been omitted. I hope that the Senate will act expeditiously to pass this revised bill, so that we can clear up the technical issues identified by our colleagues on the House side in the last Congress.

Mr. President, just 2 years ago, Congress enacted the Lobbying Disclosure Act [LDA], the first substantive reform in the laws governing lobbying disclosure in 50 years. The LDA was designed to overhaul our lobbying disclosure statutes and plug the glaring loopholes in those laws. Lobbying of congressional staff is no longer exempt; lobbying of executive branch officials is no longer exempt; lobbying on nonlegislative issues is no longer exempt; and the much-abused primary purpose test has been eliminated. For the first time ever, all paid, professional lobbyists are required to disclose who is paying them how much to lobby Congress and the executive branch on what issues.

At the same time, the 1995 Lobbying Disclosure Act made the lobbying disclosure laws more understandable and easier to comply with by providing clear, sensible disclosure rules; establishing sensible de minimis requirements; eliminating duplicative and overlapping disclosure requirements; replacing quarterly reports with semiannual reports; authorizing the development of computer-filing systems; requiring a single registration by each organization whose employees lobby instead of separate registrations by each employee-lobbyist; requiring good-faith estimates of total, bottomline lobbying expenditures; and allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code to use data collected for the IRS for disclosure purposes as well. Detailed guidance provided by the Secretary of the Senate and the Clerk of the House of Representatives have also helped provide clear lines as to who is required to register and what must be disclosed. I would like to commend the Secretary of the Senate and the Clerk of the House of Representatives for the tremendous job that they have done in developing guidance, communicating with the public, and handling huge quantities of new information, with almost no lead time to prepare.

There is already substantial evidence that this reform is working. Preliminary reports indicate that the number of organizations and individuals registered under the new law in the first year was almost triple the number of organizations and individuals registered a year earlier, under the old law. Reporting of lobbying expenditures appears to have increased to an even greater degree and may now be as much as a billion dollars a year. The new lobbying disclosure forms not only contain more accurate information than the old forms, they also convey it in a manner that is far more readable and easier to understand. As a result, the public is getting a far more accurate picture than ever before of what issues are being lobbied, who is lobbying them, and how much is being spent.

I remain disappointed that the Lobbying Disclosure Act does not cover paid efforts by professional lobbyists to stimulate grassroots lobbying—so-called astroturf lobbying—and I would like to see faster progress in the development of computer filing systems and automated data bases to make filing easier and lobbying information more accessible. But already, in just 1 year, we have made huge progress in shining the light of public disclosure on the lobbying industry.

The legislation now before us would make minor adjustments to the LDA, to ensure that the law continues to operate as intended. In particular, the bill would:

Clarify the definition of a ''covered executive branch official'' under the LDA;

Clarify that any communication compelled by a federal contract, grant, loan, permit or license is not considered to be a lobbying contact;

Clarify that the official representatives of international groups such as NATO and the United Nations are public officials who are not required to register as lobbyists;

Clarify how estimates of lobbying income and expenditures may be made on the basis of the tax reporting system;

Clarify that organizations lobbying on behalf of foreign commercial entities should register under the Lobbying Disclosure Act, even if they engage in only de minimis lobbying; and

Make a conforming change to the terminology of the Foreign Agents Registration Act which was inadvertently omitted in the LDA.

Mr. President, the most significant provision of this bill addresses the coordination of IRS and LDA reporting requirements for companies and organizations that are required to report to the IRS in accordance with the Internal Revenue Code [IRC]. The IRC's definition of ''lobbying'' is different that the one contained in the LDA.

The IRC's definition of lobbying encompasses the local, State and Federal levels. The LDA's definition is limited to the Federal level.

The IRC's definition covers lobbying only on legislative issues. The LDA's definition includes non-legislative lobbying as well.

Because Congress did not want to require entities that lobby to keep two sets of books on their lobbying activities, the Lobbying Disclosure Act permits entities that are subject to IRS lobbying requirements to use the IRS definitions in lieu of the LDA definitions in regard to several LDA reporting requirements: the dollar amounts spent on lobbying activities, whether there has been a contact that triggers reporting, and the 20-percent test for determining who is a lobbyist. As for the requirement to report who was lobbied and the issues that were the subject of the lobbying, the Secretary of the Senate and the Clerk of the House have interpreted the Lobbying Disclosure Act to require that reporting be done in accordance with the LDA definition of lobbying.

The LDA provisions authorizing entities to use, for LDA purposes, the same information they submit to the IRS make sense, as far as they apply to the reporting of dollar amounts. However, the application of these provisions to other aspects of lobbying leads to confusing results—most notably in connection with the triggering contacts and calculating whether an individual has crossed the 20-percent line and therefore is required to register as a lobbyist. When registrants are allowed to use IRS definitions in these situations, they may be required to list their State and local government lobbyists—since the IRS definition includes State and local lobbying—but not all of their Federal Government lobbyists, since the IRS definition excludes lobbying Congress on nonlegislative matters. In other words, we get both too much information and too little. The intent of the Lobbying Disclosure Act is to provide a full picture of lobbying on the Federal level without being overly burdensome. That means we don't need to know about State and local lobbyists, but we do need to know about lobbying of Congress on legislative and nonlegislative matters.

This bill would continue to allow registrants subject to the IRS lobbying requirements to apply the IRS definition of lobbying activities to the requirement under the LDA for reporting the amount of money spent on lobbying activities. At the same time, it would address the problem caused by applying IRS definitions for other purposes. In particular, the bill would:

First, require the application of the LDA definition with respect to legislative branch lobbying for the determination of contacts, the application of the 20 percent test, and the reporting of who was lobbied and on what issues.

Second, allow such registrants to use the IRS definition with respect to executive branch lobbying for these same reporting requirements. This approach would produce more useful information, while reducing the problem of tracking lobbying to two different definitions by allowing lobbyists to follow IRS definitions in regard to executive branch lobbying.

Mr. President, when we passed the Lobbying Disclosure Act 2 years ago, we had a clear goal in mind: We wanted

to get a full overview of Federal level lobbying. The bill I am introducing today is designed to ensure that the act achieves that goal in the most effective manner without imposing an undue burden on the registrants. The Lobbying Disclosure Act has already proved its worth. This technical amendments bill will, through a few commonsense corrections, make the LDA even more useful.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Lobbying Disclosure Technical Amendments Act of 1997''.

(b) REFERENCE.Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking ''7511(b)(2)'' and inserting ''7511(b)(2)(B)''.

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following:'', including any communication compelled by a Federal contract grant, loan, permit, or license''.

(b) DEFINITION OF ''PUBLIC OFFICIAL''.—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting '', or a group of governments acting together as an international organization'' before the period.

SEC. 4. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1610(a)) is amended—

(1) by striking ''A registrant'' and inserting ''A person, other than a lobbying firm,''; and

(2) by amending paragraph (2) to read as follows:

''(2) for all other purposes consider as lobbying contacts and lobbying activities only—

''(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

''(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.''.

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking ''A registrant that is subject to'' and inserting ''A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to''; and

(2) by amending paragraph (2) to read as follows:

''(2) for all other purposes consider as lobbying contacts and lobbying activities only—

''(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

''(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.''.

(c) SECTION 5(c).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking ''is required to register and does register'' and inserting ''has engaged in lobbying activities and has registered''.

By Mr. DODD (for himself and Mr. HARKIN):

S. 761. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

THE FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY DISABILITY COMPLIANCE ACT OF 1997

Mr. DODD. Mr. President, I introduce the Federal Electronic and Information Technology Disability Compliance Act of 1997. In an effort to make it easier for persons with disabilities to work, this legislation will allow the Federal Government to take the lead in providing Federal employees who have disabilities with critical access to technological tools in the workplace.

The Federal Electronic and Information Technology Accessibility Compliance Act of 1997 strengthens Federal requirements that electronic tools and information technology purchased by Federal agencies be made accessible to their employees. Additionally, it would require States that receive Federal resources toward disability programs to meet accessibility guidelines when they purchase technology. Section 508 of the Rehabilitation Act of 1973 requires such compliance, but currently there is no enforcement mechanism to assure that this is done. The House of Representatives today passed similar legislation introduced by Representative ANNA ESHOO.

Barriers to information and technology must be broken down. By giving Federal employees with disabilities the opportunity to utilize technological advancements, we provide them hope and encourage self-sufficiency.

Additionally, I believe these new efforts will encourage the private sector to adopt similar procedures. Let the Federal Government provide a good example to the private sector in its efforts.

Concrete examples of technological advancements that have aided persons with disabilities include: Telephones and fax machines with voice features for the visually impaired; voice mail that is converted for the deaf or hearing impaired; and CD–ROM or network-based information systems that can be equipped with audio descriptions of visual elements.

Nationally, there are 49 million Americans who have disabilities. It is critical, Mr. President, that given the rapid introduction of new technologies, persons with disabilities not be allowed to fall behind. The more we can do to promote their equality, independence, and dignity, the better.

I want to commend Mr. William Paul of United Technologies Corp., in my state of Connecticut, for first bringing this matter to my attention. Mr. Paul has identified a critical need among members of our society. His civic-minded actions deserve to be commended not only by people with disabilities, but by all Americans.

Mr. President, I believe this a modest measure, that will improve the lives of the millions of Americans who have disabilities across this country and benefit our society as a whole. I hope to have my colleagues support.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 75

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 202

At the request of Mr. LOTT, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

SENATE JOINT RESOLUTION 24

At the request of Mr. KENNEDY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Mississippi

[Mr. COCHRAN] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

ADDITIONAL STATEMENTS

EMPLOYEE EDUCATIONAL ASSISTANCE ACT

● Mr. BURNS. Mr. President, I recently added my name to the list of 37 cosponsors of S. 127 on behalf of those hard-working folks who are trying to get ahead in their jobs by going back to school while they work. The Employee Educational Assistance Act will make permanent the tax exclusion for employer-provided educational assistance under section 127 of the Internal Revenue Code. By doing so, it will remove the penalty part-time students face in the form of higher taxes when their employers provide educational assistance.

Mr. President, this bill's sponsor, Senator MOYNIHAN, said it well: This is a very effective program which requires no bureaucracy and which administers itself. Employers and employees arrange for the educational assistance, and the Government's role is to stay out of the way. For example, MSE Technologies Inc. in Butte, MT, provides assistance to its employees who are working on undergraduate or graduate degrees. For MSE this is a wise investment in its employees and helps to keep the company competitive. With section 127 in place, employees can receive up to $5,250 annually in tuition reimbursements from their employer without paying additional taxes. Without section 127, employees are taxed on the educational assistance they receive. This tax is exactly the wrong message to send to businesses and their employees trying to stay ahead.

Section 127, which first went into effect in 1979, will expire in 3 months. The provision has been extended numerous times, and it has widespread support. But the uncertainty of the provision's future has been disruptive to workers and made planning ahead difficult. The full potential of its benefits to workers and employers is not being met, and it won't be until we make it permanent. Let's make helping American workers stay competitive a top priority.●

ABORTION

● Mr. GLENN. Mr. President, I agree with a May 10, 1997, New York Times editorial regarding legislation to ban so-called partial-birth abortions and the alternatives to it which we are considering today in the Senate. The editorial states,

These proposed bills, while well intentioned, still interfere in judgments best left to doctors and their patients. Some of the 40 states that have passed or are considering bans on 'partial-birth' abortions have fallen into the same trap. Whether at the state or the Federal level, these political intrusions into medical practice and attempts to limit women's access to abortions deserve to be defeated.

I am opposed to the Government making medical decisions that should be handled by qualified physicians on a case-by-case basis. During my 22 years in the Senate, I have voted to uphold the Supreme Court's 1973 Roe versus Wade decision that a woman's right to choose whether to have an abortion is protected, within specified limits, under the constitutional right to privacy. This means that a woman can make her own choice, based on her moral and religious beliefs and in consultation with her family, her physician, her priest, rabbi, minister, or whomever she chooses. I respect the heartfelt views of those who are opposed to abortion, but I do not believe they should be imposed on those who hold a different but equally firm conviction.

Having said that, I did support Senator FEINSTEIN's amendment as a substitute to the partial-birth abortion ban. Senator FEINSTEIN's amendment would have banned postviability abortions, but like Roe versus Wade, it includes exceptions for cases where the attending physician makes a medical decision that the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences. As you know, under the provisions of Roe, States can pass such laws now. If this amendment had passed, I believe late-term abortions would remain available to women who need them for serious medical reasons.

I opposed Senator DASCHLE's amendment because I believe its health exception could provide roadblocks to a woman seeking a late-term abortion for serious medical reasons. I have concerns about the constitutionality of the health exceptions in this amendment because they are more restrictive than those in Roe versus Wade.

Mr. President, the American people overwhelmingly support the right of a woman to choose regarding abortion. This does not mean they are pro-abortion, it means they are pro-choice as I am. I urge my colleagues to oppose the partial-birth abortion ban, which is clearly unconstitutional, and to allow women and their physicians to make the best decisions based on each individual case.●

RAINN DAY

● Mr. D'AMATO. Mr. President, in 1995, there were over 350,000 victims of rape or sexual assault. The Uniform Crime Reports indicate that means that there is one forcible rape every 5 minutes. The most startling aspect of sex crimes is that they go unreported. There are estimates that only 37 percent of all rapes are reported to the police.

Victims of rape and sexual assault need a place to turn to and RAINN's national toll-free hotline for survivors of sexual assault reaches them. The hotline provides callers access to counseling 24 hours a day, from anywhere in the country.

RAINN is an acronym for rape, abuse, and incest national network. When a survivor calls the 800 number, a computer identifies the caller's location by reading the area code and the first three digits of the phone number. The call is routed to the rape crisis center nearest the caller. If the line is busy, the call will be routed to the next closest center.

RAINN networks with 628 crisis centers across the Nation, responding to victim's immediate needs. Since its inception in 1994, this organization has helped more than 140,000 victims of sexual assault.

I am bringing attention to the tremendous work of RAINN because at noon today, on May 16, radio stations across the United States will interrupt their regular programming to play a song from a rape survivor, Tori Amos. This is a nationwide call to action—a way to raise public awareness to what is happening to those victimized by rapists.

I am proud to be an honorary cochair of RAINN and commend all those involved in working on this national hotline, one of the most valuable resources for the survivor of rape or sexual abuse.

RAINN was founded in July 1994 with grants from the Atlantic Group and Warner Music Group. Support is also provided by Westwood One, MCI, the Jacobs Family Foundation, the Ryka Rose Foundation, and the National Academy of Recording Arts and Sciences.●

ORDERS FOR MONDAY, MAY 19, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 p.m. on Monday, May 19. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business with Senators recognized to speak up to 5 minutes, with the following exceptions: Senator HELMS, 20 minutes; Senator DASCHLE or his designee, 45 minutes; and Senator ASHCROFT or his designee from the hour of 1:30 to 2:15.

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

ORDER FOR RECORD TO REMAIN OPEN

Mr. COVERDELL. Mr. President, I ask unanimous consent that the RECORD stay open until the hour of 3 p.m. today to allow Senators to submit statements for the RECORD.

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

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, on Monday the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. The Senate may also begin floor discussions on the first concurrent budget resolution. As previously announced, any votes ordered on the budget resolution will be set aside to occur not before 5 p.m. on Monday. It is the intention of the majority leader that the Senate complete work on that very important matter prior to the Memorial Day recess.

On Tuesday, the Senate may resume consideration of H.R. 1122, the partial-birth abortion ban bill, with the intention of a vote on final passage occurring early next week.

In addition, if the committee completes work on the budget resolution on Monday, the Senate will resume consideration of the budget resolution on Tuesday. As always, the majority leader will notify Members as soon as any time agreements are reached on these matters.

In addition, the majority leader wants to stress that next week is the last week prior to the Memorial Day recess. Therefore, Senators can expect a very busy week, with votes into the evening to complete action on the budget resolution, the supplemental appropriations bill, and any other legislative or executive business cleared for floor action.

ADJOURNMENT UNTIL MONDAY, MAY 19, 1997

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:04 p.m., adjourned until Monday, May 19, 1997, at 12 noon.