

it. Unfortunately, it is my strong feeling that the various civil wars in Yugoslavia since the 15th century have been augmented by virtue of having foreign troops come into what is now Yugoslavia and enter into the civil war.

The current civil war there has been extended because foreign troops have come. Let us analogously consider our Civil War in the United States. There were not foreign troops involved, and it was settled. It was a bloody, gruesome war, but it was settled. Let us just imagine foreign troops had come to our Civil War. We probably would still be fighting it today.

What is happening in Yugoslavia is that they are on the border between East and West, between the Moslem world and Christian world, between all the empires of the East and West. Every time they have a civil war, foreign troops come and get involved, and we are part of that pattern. We are doing the same thing.

I do not believe our troops are going to be able to solve the problem there. I think they are going to be shields and hostages. I think, as occurred in Haiti, our best intentions will not result in our intended consequences. We are receiving reports that in Haiti, all the money our taxpayers spent, plus the presence of the U.S. troops, have been for nought, because now President Aristide is indicating he wants to stay on, or at least that has been the indication. There is rioting in the streets, and it does not seem we accomplished the objectives the taxpayers were asked to pursue.

So I know our President is acting in the best faith, but based on my personal experiences as a soldier in Vietnam, I believe this is a mistake. Some people have said to me, "Are you willing to support the President?" Of course, I want to support the President, but I have a great deal of difficulty because of my personal experiences. I served two tours of duty in Vietnam as a lieutenant and based on that experience, I am opposed to our troops going into Bosnia.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

INTERSTATE COMMERCE COMMISSION SUNSET ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3067 WITHDRAWN

Mr. ASHCROFT. Mr. President, I have conferred with individuals whose interest in the amendment which I had proposed has been expressed, and they have been very cordial in their willingness to work to try and accommodate

the objectives which I have expressed in filing the amendment, and because we have an opportunity to work toward those objectives together—and I would hope that we can do so effectively—I at this time withdraw my amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment. The amendment is withdrawn.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Missouri does have a real problem, and some of that language looked as if he had a good solution but in some instances could have gone too far. The truth of the matter is I am not positive about it, but I am delighted to work with the distinguished Senator and I hope we can get that problem solved for him. I appreciate it.

Mr. EXON. Mr. President, now that we are about where we were at 3 o'clock this afternoon, maybe we will be successful at this time. I think we are ready to pass this bill if the Chair would see fit to recognize the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I commend my colleague from Missouri for his leadership, and we look forward to him revisiting this issue again.

At this time, I ask that the bill be read the third time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2539, the House companion, and that the Senate immediately proceed to its consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, I ask further that all after the enacting clause be stricken and the text of S. 1396, as amended, be inserted in lieu thereof and that H.R. 2539 be read a third time, and the Senate then immediately vote on passage of H.R. 2539.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. We have no objection.

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

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 2539), as amended, was passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. EXON. I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. I finally ask unanimous consent that S. 1396 be placed back on the calendar.

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

Mr. PRESSLER. Finally, Mr. President, I want to take just a moment to thank some of the staff and individuals who worked so hard to make this legislation possible. They have been working for many months and deserve our thanks. First, let me thank Chris McLean of Senator EXON's staff and Clyde Hart and Carl Bentzel of the committee's minority staff. On the committee's majority staff, I want to thank Tom Hohenthaler and Mike King for their hard work in bringing us to this point. Each of these staff members demonstrated the kind of bipartisan initiative that epitomized the process and the professionalism that made the legislation possible. Finally, I wish to give the highest praise to Ann Begeman for her diligent work on this bill. She displayed great persistence and leadership and I want to especially recognize her efforts.

Let me also thank Linda Morgan, chairman of the ICC, for all her guidance and expertise. Her efforts are much appreciated. I also want to thank a staff member of the ICC, Ellen Hansen, who was generously detailed to the committee by the agency and who has worked very hard, and provided the technical expertise necessary to produce legislation that provides a reasonable and orderly transition. I very much appreciate the professional work done by all these dedicated individuals.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. PRESSLER. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

NOTICE OF PROPOSED
RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. This notice proposes rulemaking on the following statutes made applicable by the Congressional Accountability Act: the Fair Labor Standards Act, Family Medical Leave Act, Worker Adjustment and Retraining Notification Act, and Employee Polygraph Protection Act.

Section 304 requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

FAIR LABOR STANDARDS ACT

PROPOSED REGULATIONS RELATING TO THE
SENATE AND ITS EMPLOYING OFFICES
OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Fair Labor Standards Act of 1938 (Notices of Proposed Rulemaking with respect to Interns and Irregular Work Schedules were issued on October 11. The comment period closed on November 13. Final rules will be issued separately pursuant to Section 304 of the CAA.)

Notice of proposed rulemaking

Summary: The Board of Directors of the Office of Compliance is publishing proposed rules to implement section 203(c) of the Congressional Accountability Act of 1995 (P.L. 104-1, Stat. 10) ("CAA"). The proposed regulations, which are to be applied to the Senate and employees of the Senate, set forth the recommendations of the Executive Director for the Senate, Office of Compliance, as approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the CONGRESSIONAL RECORD.

Addresses: Submit written comments to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 252-3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Deputy Executive Director for the Senate, Office of Compliance at (202) 252-3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this Notice in an alternative format should be made to

Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

Supplementary information:

I. Background

A. Introduction

The Congressional Accountability Act of 1995 ("CAA"), PL 104-1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 203(a) of the CAA applies the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) and (d), 207, 212(c) ("FLSA")) to covered employees and employing offices. Section 203(c) of the CAA (2 U.S.C. Section 1313(c)) directs the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement the section. Section 203(c)(2) (2 U.S.C. Section 1313(c)(2)) further states that such regulations, with the exception of certain irregular work schedule regulations to be issued under section 203(a)(3), "shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

B. Advance notice of proposed rulemaking

On September 28, 1995, the Board of the Office of Compliance issued an Advance Notice of Proposed Rulemaking ("ANPRM") soliciting comments from interested parties in order to obtain participation and information early in the rulemaking process. 141 Cong. R. S14542 (daily ed., Sept. 28, 1995). In addition to inviting comment on specific questions arising under five of the statutes made applicable by the CAA in the ANPRM, the Board and the statutory appointees of the Office sought consultation with the Chair of the Administrative Conference of the United States, the Secretary of Labor and the Director of the Office of Personnel Management with regard to the development of these regulations in accordance with section 304(g) of the CAA. The Office has also consulted with interested parties to further its understanding of the need for and content of appropriate regulations. Based on the information gleaned from these consultations and the comments on the ANPRM, the Board of Directors of the Office of Compliance is publishing these proposed rules, pursuant to Section 203(c)(1) of the CAA (2 U.S.C. Section 1313(c)(1)).

1. *Modification of the regulations of the Department of Labor*

In the ANPRM, the Board asked the question, "Whether and to what extent should the Board modify the Secretary's Regulations?" The Board received 15 comments on the ANPRM: two from Senators, four from House Members (one from the leadership of the Committee with primary jurisdiction for the CAA and one from three of the sponsors of the CAA), one from the Secretary of the Senate and three from House offices (two from institutional offices and one from a Member's Chief of Staff), four from business coalitions or associations representing an array of private employers, and one from a labor organization.

Those commenters who expressed views on the ANPRM cited both the statute and the legislative history in taking the position that the CAA presumes that the regulations of the Department of Labor should not be

modified. Illustrative comments included the following:

"[Section 304 of the CAA] evidences clear legislative intent that the Board apply these rights and protections to Congressional employees in a manner comparable to and consistent with the rights and protections applicable to employees in the private sector under regulations adopted by the Secretary (DOL). . . . The [CAA] requires that the regulations issued by the Board be the same as those issued by DOL unless the Board determines that modification would more effectively implement the rights and protections of the laws made applicable under the [CAA]."

"[I]f a law is right for the private sector, it is right for Congress; . . . Consistent with [this] principle, we would urge the Office not to deviate (except in those few areas where expressly authorized by the CAA) from applying the laws in the same manner in which they are applied to the private sector.

* * * * *

[W]e have not identified any situations in which modifications [of the DOL regulations] would be appropriate."

"There are no circumstances that justify 'good cause' for adopting regulations that deviate from those currently applied to private sector employers."

"[Section 203(c)(2)] confers on the Office of Compliance only very limited authority to deviate from the present DOL regulations. The legislative history to the 'good cause' exception likewise makes clear that this authority is to be used by the Office of Compliance sparingly."

* * * * *

"The legislative history of the CAA demands that the Office of Compliance apply to Congress the same regulations as those imposed on the private sector."

"[W]e urge the Board to refrain from modifying regulations promulgated by the Department of Labor and other Executive agencies. Use of established regulations will provide the Board, employees and employing offices with a body of instructive case law and interpretive documents."

"While the Office serves an important implementation and enforcement role, it must not place itself in the position of shielding Congress from substantive requirements imposed on private businesses."

Based on the comments and the Board's understanding of the law and the institutions to which it is being made applicable, the Board is issuing the Secretary's regulations with only these limited modifications: Technical changes in the nomenclature and deletion of those sections clearly inapplicable to the legislative branch.

2. *Notice posting and recordkeeping*

The ANPRM also invited comment on whether the recordkeeping and notice posting requirements of the various laws made applicable by the CAA are incorporated as statutory requirements of the CAA. The ANPRM inquired whether, if such requirements were not incorporated, could and should the Board develop its own requirements pursuant to its "good cause" authority. The ANPRM also invited comment on proposing guidelines and models for recordkeeping and notice posting.

Commenters were in agreement that recordkeeping and notice posting are important to the effective implementation of several of the statutes incorporated in the CAA. However, opinions as to whether the Board should require notice posting and recordkeeping were widely divergent. Several commenters expressed the view that the Board lacks the statutory authority to adopt notice posting and recordkeeping requirements