United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, JUNE 3, 1997 No. 74

Senate

The Senate met at 9:30 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:

Almighty God, Sovereign of this Nation and Lord of our lives, in each period of our history, You have blessed us with great leaders who have exemplified love for You and dedication to our country. Today we celebrate such a man. Thank You for STROM THURMOND. By Your grace he has become a legend in his own time, not just for the quantity, but also for the quality of years of service here in the Senate. On May 25, we all were moved by the fact that this distinguished Senator became the longest serving Senator in the Nation's history. Today we join with all Americans in gratitude for 41 years, 10 months of faithful leadership. You have blessed him to be a blessing to his beloved South Carolina and to the Nation as a whole through the decades. We cherish our friendship with him and admire his patriotism. And Lord, he's pressing on with the drumbeat of Your spirit beating out the cadences of his indefatigable commitment to the American dream.

Father, we thank You for Senator THURMOND's intellect, keen grasp of issues, courage to speak his convictions, and untiring loyalty to his Senate assignments. We marvel at his health, vigor, resiliency, and stamina. But most of all, we praise You for the personal ways he has inspired each of us. He's an affirmer who spurs us on by his words of encouragement. Your spirit of caring and concern for individuals shines through this remarkable man.

Gracious God, may the love and esteem we express this morning spur on the Senator in his leadership for years to come. Through Christ our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning, until the hour of 12:30 p.m., the Senate will honor the service of our President pro tempore, Senator THURMOND, as the longest serving Member of the Senate. By previous consent, from 12:30 to 2:15 p.m., the Senate will be in recess to allow for the weekly policy luncheons to meet, and, at 2:15 p.m., the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act, with amendments being offered throughout the day to that legislation.

Therefore, Senators can expect rollcall votes throughout today's session of the Senate as we make progress on this most important legislation.

I want to commend the Senator from Missouri for the time that he has spent on this legislation, and I look forward to further debate and amendments that may be offered.

A cloture motion was filed yesterday on the pending amendments to S. 4. So Members can anticipate a cloture vote on Wednesday morning.

As always, Members will be notified accordingly as any votes are ordered with respect to this legislation, or other legislation.

Also, under the provisions of rule XXII, Senators have until the hour of 12:30 p.m. today in order to file first-degree amendments to the substitute amendment to S. 4.

It is my hope also that the Senate will conclude action on the concurrent budget resolution and the supplemental appropriations conference report this week. We do not have an exact time yet for those two but we expect that they would come up Wednesday and Thursday, one or the other, as soon as they are available, with the budget resolution conference report being one that we will take up first—hopefully tomorrow.

I appreciate all Senators' cooperation in this.

ORDER FOR PRINTING OF SENATE DOCUMENT

Mr. LOTT. Mr. President, I ask unanimous consent that tributes to Senator THURMOND be printed as a Senate document.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 867

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 867) to promote the adoption of children in foster care.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

TRIBUTE TO SENATOR STROM THURMOND

Mr. LOTT. Mr. President, I would like to take this opportunity to pay tribute to the distinguished senior Senator from South Carolina.

This is a very special occasion for the Senate, as we take this time to honor the longest serving Member of this body in history.

Senator THURMOND is an institution within this institution. Among the

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

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American people, he is probably one of the best known—and most recognized—Members of the Senate, every morning opening the Senate dutifully here; almost every day when we open. On rare occasions he is not in the chair. And within this congressional family, he holds a place of respect that is truly unique. I have been honored to serve with him, privileged to learn from him, and proud to call him my friend.

If the Senate had a Mount Rushmore, STROM would be on it.

As my colleagues know, Senator THURMOND's stature in the Senate is not just a matter of longevity. It is a matter of accomplishment.

He was first elected to this body on November 2, 1954, as a write-in candidate, and remains to this day the only person elected to the Senate in that manner.

He has served here on both sides of the aisle, and in both the majority and the minority. But he will quickly tell you that the majority is better.

He has chaired both the Armed Services Committee and the Judiciary Committee, and he thereby has made an enduring contribution to both our Nation's security and our system of justice.

He has stood for causes that were popular and causes that were less so. He has been fearless in defending his views, and what may be more important, equally unafraid to change those views when convinced of the rightness of change.

I can remember some of his speeches here in the Senate. He holds the record for the longest speech in the history of the Senate. But I remember as a brand-new Senator, he was standing in this aisle here and giving the most vigorous speech in behalf of the need for a criminal law reform that I believe I have ever heard. It was magnificent.

When STROM THURMOND came to the Senate almost 42 years ago, he brought with him enough accomplishments already for a lifetime.

He had already been a State senator and circuit judge in his native beloved South Carolina. He had been Governor of the Palmetto State and had been the States Rights candidate for the Presidency in 1948.

Most telling of all, he had landed in Normandy on D-day with the 82d Airborne. Senator THURMOND has much to be proud of in his Senate career. But I doubt that any honors bestowed on him in the course of that career can rival the decorations he won in the Normandy landing: The Legion of Merit with oak leaf cluster and the Bronze Star for Valor.

All of this, of course, is a matter of public record. But what the public generally does not know, however, is the personality and the fantastic character that Senator THURMOND brings to his work in the Senate.

I often wish I had his unfailing good humor, which, come to think of it, probably has something to do with his length of service here. He always comes in ready to go to work with a smile on his face, as he did this very morning.

We all know firsthand how strongly he can argue his point, how fiercely he can defend his values, and how firmly he can put down an opponent who does not have the facts on his side.

But we also know how courteous he is when the debate is over, how generous he is even to those who do not reciprocate that conduct sometimes, and how respectful he has always been to this institution—and to every Member of this institution.

He has been a master of the Senate's rules, for he has always understood that those rules—frustrating and bothersome as they may often seem—are what sets the Senate apart as the most extraordinary legislative body in the world.

He has given so much to his country, in so many different ways, and yet he would resist any attempt on our part to thank him for his lifetime of dedication. For in this regard, Senator THURMOND is truly of the old school: He would rather thank his country for the chance to repay the honor of being an American. After all his years, after all those decades, that is the one appellation that best describes him. Though he has been a Democrat, a Dixiecrat, and a Republican, he has ever been and always will be, most of all, STROM THURMOND, proud American.

Thank you, Senator THURMOND for what you have done for your State, for your country, and for all of us as individuals.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. for continued tributes to the distinguished President pro tempore of the Senate.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

TRIBUTE TO SENATOR STROM THURMOND

SOUTH CAROLINA'S MARBLE MAN

Mr. ASHCROFT. Mr. President, I rise to participate in this opportunity to celebrate the service of STROM THURMOND.

When Abraham Lincoln stood on the battlefield at Gettysburg to memorialize the outstanding service of those who had died there, he put it succinctly: ''The world will little note, nor long remember what we say here, but it can never forget what they did here.''

I do not suggest by my own remarks here this morning that my remarks are long to be remembered. But the service of STROM THURMOND is unforgettable, and is indelibly marked, not only in the history of the Senate but in the States of this great Nation as a part of the development of the character of the United States of America.

''A nation reveals itself,'' said John Kennedy, ''not only by the men it produces but also by the men it honors, the men it remembers.'' And so it is fitting that we should honor the service of STROM THURMOND. For long after his time in the Senate has ended—and the new millennium has begun—STROM will be remembered; not just for the elections that he won, but for the principles upon which he stood, the State he helped to transform, the party he helped to build.

For STROM, winning elections became a habit. From the time he ran his first campaign for Edgefield County superintendent to his most recent reelection, his record of electoral accomplishment is unparalleled in our time. The punditry and political operatives have been left to search for the secret to STROM's success. The answer is really quite simple. At its most basic, it is this: His word is his bond.

Whether giving up his seat in 1956 to run for reelection without the benefit of incumbency, or switching parties in 1964 to support Barry Goldwater, STROM has been true to himself and to the people he represents. He embodies the very essence of what it means to be a leader, ''decid[ing] where he wants to go, figur[ing] out how to get there, and then do[ing] it.''

But STROM has done more than just win the voters' hearts. He, along with Carroll Campbell, Governor Beasley, BOB INGLIS, and others, have helped take a State of low-country planters and usher them into the information age. Today, South Carolina stands as one of America's great success stories, part of the booming South Atlantic seaboard; its factories, office buildings, and airports are at the forefront of the Nation's economic growth. And through it all, STROM has been there.

Politically, this new South Carolina has also been moving—more than any other southern State—toward the Republican Party. And if ours is a movement of many mansions, then South Carolina is the house that STROM built. Under his watchful eye, the GOP has controlled the governorship since 1986 and wrested four of the State's six House seats from Democratic rule.

Until Senator THURMOND, most would have scoffed at the suggestion that a Republican could win statewide office. But then STROM joined the GOP, and the impossible became the possible. And so today, there are elephants in the cottonfields, and we have Senator THURMOND to thank more than any other.

Mr. President, in his lifetime Senator THURMOND has seen tragedy and triumph, known both midnight and high noon. At times, he has been a solitary figure seemingly at odds with the world. More often, however, he has stood for the national interest and the Nation has stood with him. And as South Carolina has flourished, so too,

has he grown, coming to see fully the diversity and richness of the American dream.

His secret is not what he gets, not what he gives, not what he consumes, but how he serves. In the end, what Douglas Southall Freeman said of Robert Lee four decades ago might also be said of Senator THURMOND today. ''He [is] one of a small company of great men in whom there is no inconsistency to be explained, no enigma to be solved.'' What he appears, he is. Not merely a man of great faith, but a great and faithful friend.

A final thought. I often hear the pundits and the national press bemoaning what they call an absence of leadership. Where, they ask, are the Thomas Hart Bentons, the Calhouns, and the Clays? Well, let me suggest that they look to the United States Senate; and there, just beyond the camera's eye, you will find them. They go by HELMS, GRAMM, MOYNIHAN. And perhaps most of all, STROM THURMOND—the Palmetto State's marble man—a ''figure lost to flesh and blood and bones, frozen into a legend out of life.''

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in 1950 when William Faulkner accepted the Nobel prize for literature, he said that man would not only endure, he would prevail.

I recalled of those words this morning when I was coming to the Chamber to describe my impression of Senator STROM THURMOND. He has not only survived and set a record because of his endurance but he has prevailed and set an example that all of us can study with profit. His character, his integrity, his commitment, his energy, his enthusiasm for his work and for the Senate, his respect for our Government and our country and its people, and his devotion to duty all set him apart. So it is not just because of his tenure that I praise him this morning but it is more importantly for all of these other qualities that have made him so special and so much appreciated as a Senator.

I have felt it to be a real honor to serve in the Senate with STROM THURMOND of South Carolina. He truly is one of the most outstanding Senators who has ever served. And he has been easy to get to know and easy to like, easy to work with because of his cordiality, his warmth, and his willingness to be helpful. He can also give you good advice and be persuasive in a way that makes you want to do what he wants you to do.

I recall going to the well of the Senate to vote when he was chairman of the Judiciary Committee, and I had planned to vote against his position on an amendment. He grabbed me by the arm and began holding it with his famous firm grip, and he said, ''Now, you ought to do what's right on this'' and started talking to me. And in that little while I realized I was going to vote with him and not the way I had thought I was going to vote when I went to the well of the Senate. I later told somebody that I had been ''Thurmonized.'' That's when you are talked to in a fashion that is very persuasive, very courtly and charming, very distinctively like STROM THURMOND can talk to you.

We have worked closely on agriculture matters. We have worked to ensure that the farmers of South Carolina and those involved in their specialty crops, such as the peach orchard owners, have the kind of investment in research that is necessary to maintain our technological edge, and our productivity, so that we can be competitive in the global markets. He is the farmer's friend. He has said on a number of occasions, and I have heard him say it, ''We have to be sure we do right by the farmers; they're very important to this country.''

He has the same kind of attitude towards those who serve in the military, and as chairman of the Armed Services Committee he has done as much as anyone, more than most, to help ensure that we have a military which is well equipped, well trained, and is second to none in the world. By reason of his own personal experiences, he knows what it takes in a time of crisis to prevail. He has been a wonderful example in so many ways. He has been devoted to his family. I can recall his talking to the then majority leader, Senator BYRD, about getting out early one night so we could go trick or treating with our children. And he was, of course, in his seventies at that time. But he wanted to be sure that family time was made available, and we got out early that night, I recall, because of the insistence of Senator THURMOND that we have time to spend with our families on Halloween night.

There are many other things that come to mind, personal recollections. I never will forget being invited by him when I was a brand new Senator, to come to Charleston, SC to address the annual dinner of the Hibernian Society. He told me all about what to expect. He said, ''The main thing to remember is don't talk long.'' He said, ''They don't want a long speech.''

Well, I took that to heart. I didn't talk long. And what I really came to realize when he was introducing me was that the people there were interested in his introduction a lot more than they would be in my speech. He brought the house down. They were there to hear vintage STROM THURMOND, and he was terrific. He started describing me as he introduced me. He said, ''He is the first person to ever win statewide office in the State of Mississippi on the Republican ticket.'' Well, they cheered. And he said, ''And he thinks just like we do. He believes in balancing the budget.'' And they cheered and hollered. And then he said, ''And he believes in a strong national defense.'' And they jumped up and hollered again. And after a while, I realized my speech following this was not going to be worth giving; they were being entertained, but they were also showing their respect, their love for their Senator, STROM THURMOND. I was delighted to be invited and honored to be the speaker, and I did not talk long. It was a very successful experience because of that.

It was a great pleasure working with Senator THURMOND on the Judiciary Committee during my first 2 years in the Senate, which was a very interesting time of transition. Another part of the genius of STROM THURMOND is to manage transition. The President talks about making change our friend. STROM THURMOND has been doing that for so long it is second nature. And the fact is he has been able to not only manage transitions and help ease the pain of transition for this country in so many different areas that he has been a true leader of our country in that respect. He is a wonderful example and a wonderful man, and it is a great privilege for me to be able to speak today in his honor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I literally cannot remember life without STROM THURMOND. My first awareness of STROM THURMOND was one of the first things I remember in my entire life. I was 6 years old. I was in the first grade at Athens Elementary in Athens, AL. It was 1948. One weekend we were on the porch at my grandfather's house, and I was sitting there listening to my dad and to my grandfather talk about the Presidential election of 1948.

Now, I must confess at age 6 that was not a big item in my life, but that was the first time I heard the name STROM THURMOND. My dad and my granddad talked about the election for a little while, and all I remember for sure is that they said STROM THURMOND was a fine man, they were going to vote for him for President of the United States.

The second time I remember hearing of STROM THURMOND, my family had moved from Alabama to Augusta, GA. My dad was a civilian employee for the Army after having served in World War II in the European theater, as did our fellow Senator whom we honor today. My father was working at the Savannah River plant in Aiken, SC, in 1954.

And again, at age 12, obviously politics was not something I was thinking about very often. It seems to me baseball was most in my interest at that time. But that was the year our colleague whom we honor today got elected to the United States Senate on a write-in in South Carolina. The only time that has been done in history, Mr. President—a remarkable accomplishment.

The next time I remember thinking about Senator THURMOND's distinguished career I was 22, and it was 1964 and we had moved to Kentucky by that point. I had begun to think of myself as a Republican and taken an interest in

politics, and I remember the excitement, having been a son of the Deep South, when Senator THURMOND decided to become a Republican. In those days, as the occupant of the Chair certainly knows, too, there were not any Republicans in the Deep South.

I remember the story my dad told me about his father, my grandfather, sitting him down at an early age and explaining to him politics. He said, ''Now, son, this won't take long, just a minute.'' He said, ''The Republican Party is the party of the North and the Democratic Party is the party of the South.'' And that was the end of it. So imagine my excitement as a 22-year-old college senior to see Senator THURMOND from the Deep South, as deep as it gets, South Carolina, saying, I'm going to be a Republican as a matter of conviction. Now, that was a pretty courageous thing to do in 1964 in South Carolina even if you were a pretty established figure, as Senator THURMOND obviously already was. He didn't have to do that. It would have been easy for him to continue to be a Democrat. That was certainly what everybody was in the South in those days. But, as a matter of conviction, Senator THURMOND said, ''I can't be a Democrat anymore. This party doesn't reflect my beliefs and I am going to change.'' That was the beginning, in every real sense, of the growth of the Republican Party in the South—which I want to say the occupant of the Chair and myself have been substantial beneficiaries of on down in subsequent years.

The next time STROM THURMOND impacted my life was in 1969. I was a legislative assistant to a newly elected Senator from Kentucky who got assigned to the Judiciary Committee. And there was Senator THURMOND. I observed him as a staffer for the 2 years that I was here. He was invariably courteous to those who were beneath him in rank. I oftentimes think that the true test of people's worth is how they treat those people who are not on the same level of influence as they. Senator THURMOND was a favorite of the staff that worked at the Judiciary Committee because he was unfailingly courteous to all of us, and we respected him greatly.

Obviously, the next time Senator THURMOND's life and mine intersected was in 1985 when I was sworn into the Senate and became a member of the Judiciary Committee myself and Senator THURMOND was our chairman.

So, when I say I can't remember life without STROM THURMOND I do not exaggerate. He has been somebody I have heard about, observed and admired all of my life. And, as other speakers have said this morning, and I'm sure others will in the course of the morning, it is an honor for all of us to be associated with this great American. He is truly a legend in our time and a legend that goes beyond simply his longevity, his tenure. Certainly that is a remarkable record. I remember many of us were there at his 90th birthday, when Senator THURMOND looked out at the audience and said, ''Now, if you'll eat right and exercise and take care of yourself, you may be here for my 100th birthday party.'' Obviously, that kind of optimism, the looking forward, planning ahead, thinking about what you want to achieve, that kind of uplifting optimism has been an inspiration to all of us who have had the opportunity to know and to learn from the senior Senator from South Carolina.

But, beyond the legend of tenure, there is also the question of accomplishment. There isn't anybody in the U.S. Senate who knows more about the issues that the Senate Judiciary Committee deals with than STROM THURMOND. And when it comes to national security matters, not only has STROM THURMOND been a hero on the battlefield himself, having ridden on one of those gliders in behind the lines at Normandy in 1944, not only was he a hero himself, but when it comes to the question of securing and standing up for the solid national defense of the United States, STROM THURMOND has no peer. He has been there for 40 years in the U.S. Senate seeing to it that America had a strong national defense in order to protect this country and our way of life and our interests around the world.

So, Mr. President, let me say again, the life of STROM THURMOND—which continues; he is just getting started—has been an inspiration to all of us who have had the opportunity to know him and to love him over the years.

Mr. President, I yield the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I wanted to stop on the Senate floor today on a mission to compliment my distinguished colleague and friend, Senator STROM THURMOND. He has achieved quite a remarkable record here in the U.S. Senate. I didn't know Senator THURMOND very well except by reputation before I came to the U.S. Senate. But, as I have come to know him and his service to our country, I wanted this morning to join all of my colleagues who will come this morning and tell him thank you for his service to our country.

Senator THURMOND is serving in the U.S. Senate in 1997. He was born in the year 1902. That means that Senator THURMOND has spent a great deal of time in public service. He is a remarkable person by any measure.

When I read a piece about Senator STROM THURMOND about 4 years ago, I went up to him on the floor of Senate, after I read the piece, and told him that I learned a great deal about him I did not know.

One of the things that impressed me so much was to have read about his record in the Second World War. Senator THURMOND volunteered for service in the Second World War, I believe, when he was near 40 years of age. And when I read about what he did in the Second World War, I was really truly astounded. He received five battle stars and 18 decorations: the Legion of Merit with oak leaf cluster, the Bronze Star for valor, the Purple Heart, the Cross of Order of Crown Belgium, and so on.

But what I read about Senator THURMOND was that somewhere near the age of 40, he volunteered to go into service in the Second World War and then further volunteered on a mission, a dangerous mission, to go aloft in a glider and crash-land behind enemy lines at night during the D-day invasion.

I asked Senator THURMOND on the floor, having read about that, ''Weren't you terribly afraid that evening as you boarded a glider to be sent aloft?'' And we had a little visit about that. He said, no, he was not. He is a man of enormous courage. If you evaluate the record, not only his record during the Second World War, volunteering for dangerous missions and having received so many decorations for valor as a result of that, but also his record in public service following that, you cannot be anything but admiring of this remarkable and wonderful individual.

We spend our time in the Senate here, and I suppose over the couple hundred years that the Senate has been in existence, debating each other and having the give-and-take of the competition of ideas, and sometimes I suppose there might be those who watch these proceedings who think that, gee, this is quite a vigorous debate and we do not have the greatest of respect for each other. I would say to those who watch and get that misimpression that, in almost all cases in this body, those of us who come here have enormous respect for others who have been here and who have come under other circumstances.

Senator THURMOND came to the U.S. Senate, I believe, in 1954, and he has served here with great distinction and great honor. There might be times where he and I would disagree on an issue, but when we disagree we do that without being disagreeable. There have been other times when Senator THURMOND and I have worked together on amendments on the floor of the Senate, and I have been honored to do so.

No matter the circumstance, I feel privileged to have been able to serve at a time in this Senate when someone with as distinguished a record as Senator THURMOND has compiled has been here. I have said on other occasions, for example, that same feeling exists with Senator BYRD of West Virginia, who, I am sure Senator THURMOND would agree, is one of the great Senators of all times.

I, as a young boy, watching and listening and paying some attention to

American politics, read about and heard about and studied the works of U.S. Senators. Most of those who I knew about when I was going to school I never had the opportunity to meet and certainly did not have the opportunity to serve with. But because of longevity and because of the length of public service given this country by the likes of Senator BYRD, and especially Senator THURMOND, I feel pleased that I have come to the Senate and had the opportunity to serve during my term with some really wonderful Senators who have contributed a great deal to this country and left this a richer place because of their public service.

Today, I simply wanted to come and say to Senator THURMOND on behalf of the constituents I represent in North Dakota, thank you for your service to this country. This is a better country and a better place because you have served.

Mr. President, I yield the floor.

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

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

Mr. COATS. Mr. President, I am more than honored to come to the floor today to pay tribute to our senior Senator, Senator THURMOND, who has achieved such an outstanding milestone.

Last September 6, I had the privilege of being at Oriole stadium in Baltimore to watch Cal Ripken break the consecutive game record held by Lou Gehrig. It was one of the most moving tributes in sports events that I have ever witnessed or ever heard about. And yet, when I watched a replay of that just the other day and understood the significance of an individual who had, through sickness and injury and personal concerns, established that probably never-to-be-broken record, I could not help but think of a similar individual who I have had the privilege of serving with in the U.S. Senate who has established his own record. And I think that the sacrifice and the commitment and the perseverance and the dedication of Senator THURMOND really can only be compared with that of Cal Ripken—two extraordinary individuals who have set their mind to a task and not allowed anything to come in the way of performing that task and achieving the goal that they have achieved.

Of course, serving in the House of Representatives, all you really know about Senator THURMOND is the legend. You know he is a legendary figure who has provided extraordinary service to his country and serves as a distinguished Member of the U.S. Senate. So when you come to the Senate and have the opportunity to serve with Senator THURMOND, you bring with you a sense of awe, a sense of, how does this individual do this? But you also bring the perceptions that you read about in the press, ''Oh, Senator THURMOND's remarkable service, but you know he's getting older and he perhaps doesn't have the stamina and the energy that he once had.'' Well, it does not take you long here in the U.S. Senate to realize that that perception is wrong.

The first thing you do is you meet Senator THURMOND and you have to shake his hand. And after you shake his hand, you have to take some aspirin because your hand is going to be sore for the next couple days, because Senator THURMOND has maintained a grip that few in the Senate half his age have. So my advice to any new, incoming freshmen or anybody who happens to run into Senator THURMOND in the hall or meet Senator THURMOND is, have a bottle of aspirin in your pocket because, after you shake his hand, your hand is going to be sore for a couple days.

The second thing you find out about Senator THURMOND is that, as Senator Dole says, you watch very carefully what he eats because you want to eat whatever STROM THURMOND is eating if you want to stay healthy. And so we jockey to sit near him at lunch to see what is the secret of this man's success, his longevity, his contribution.

And then, if you are like me and you are someone that enjoys going down to our small, little workout facility down in the Russell Building, you run into Senator THURMOND down there and you ask him, ''Senator, how do you get to be the age you are and maintain such good physical health? How is it possible?'' And he looks at you and says, ''Well, I get up every morning and I do my stretching, do 20 minutes of stretching, and then I do 20 minutes on the bicycle, and then I'll do some calisthenics, and then I swim every week half a mile at a time.''

Then he looks at you and says, ''If you want to stay limber and you want to stay strong, you've got to pay the price.'' And I wonder how many of us have the will to pay the price at half his age that he pays at the age of 94.

I could go on and on with these stories. I had the privilege of coaching youth basketball here in northern Virginia, and I had the privilege of having on my team young Paul Thurmond. And so here I am in my forties—my son is on the team along with Paul Thurmond—and Paul Thurmond's father is considerably older than I am, and yet there he is in the stands right behind where I am coaching, watching those games and cheering his son on, who is a remarkable athlete, now a nationally ranked tennis player, I think, at Vanderbilt.

We won the championship of that league, and in no small part due to the terrific contributions of young Paul Thurmond, who is now quite a young man. But I think what is remarkable to me—it was not Paul's athletic prowess—is the fact that Paul's father, Senator THURMOND, was right there cheering him on and with the parents of the kids that won that championship.

I have gotten to meet the rest of his family, and I have gotten to see how Senator THURMOND handles a very, very complex and difficult job and yet cares so deeply for his children and for his family.

I know that Senator THURMOND went through probably the most difficult thing that any parent can go through, and that is the loss of a child. I know how much he grieved the loss of his daughter in that tragic accident that took place. And yet, lesser people would have been broken by that. Lesser people would not have been able to recover from that. Senator THURMOND, I think due in large part to his faith, due to his strength of will, and due to his belief that despite the tragedies in our lives, life must go on, and did go on, and did it in a spirit that is commendable to all of us, because we know how deeply that tragedy struck him.

So there are so many aspects of this extraordinary man that have left such a deep imprint on the lives of all of us here in the Senate and clearly the lives of the people he represents in South Carolina and to many people throughout the world. The impressions I have, the stories I have, the admiration I have for the remarkable person that STROM THURMOND is is really difficult to put into words.

Initially, I was going to sit down and write a speech, but I really wanted this to be from the heart. I really wanted to come over here and say to my colleagues and say to Senator THURMOND, in my lifetime, I do not know that I have ever met someone like you. I do not know if I ever met someone who showed the courage and showed the compassion and showed the loyalty and showed the commitment to the people that he knows and loves and to the people around him and to the people of this Nation.

I bet you could go back 40 years and look up the pages that have served in the Senate, and I will bet you every one of them would say the person that went out of his way to speak to me, to make me feel welcome, was Senator THURMOND. I bet you could go back and talk to staffers from over the last 40 years, or interns, who have worked for Senator THURMOND and hear such remarkable praise from them about the privilege they had of serving and working for him in the Senate. You could talk to any of us who have served with him and we talk about STROM almost in awe. How does this man keep doing it? How are we possibly going to have the energy and passion for the job when we become the age, or we hope to become the age, that Senator THURMOND has become—a unique person, a remarkable record, something that I do not think will ever be broken.

I just want to say to him today what a great privilege it has been for me to

serve with STROM THURMOND, what a great example he has provided to me and to my family, how much I admire him, and how much I want to congratulate him for his remarkable service.

Now, the standing story here, and said with all seriousness, is when is STROM going to start preparing for the next election? We just had an election, but no one is about to say that STROM THURMOND is serving in his last term. This man of such a remarkable constitution continues to give fine representation to the people that he has represented for so long.

Mr. President, I have another dozen stories illustrating the impact of this fine southern gentleman on this institution, but others will recount many of those. I just want him to know he has made a lasting and deep impression on me and it has been one of the highest honors and deepest privileges of my time in the Congress to be a friend and associated with and to work with the Senator from South Carolina, Senator THURMOND.

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

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

Mr. HAGEL. Mr. President, I rise this morning to be one of many to pay tribute to our distinguished senior Senator from South Carolina.

Mr. President, I, like all of Senator THURMOND's colleagues, feel it is a privilege to serve with the distinguished Senator, the man whom the Almanac of American Politics calls ''the most enduring figure in American politics.''

As you and I both know, Mr. President, because you and I are both new Members of this body, we are quickly learning what it means to serve in the U.S. Senate. So it is with genuine respect that I reflect upon STROM THURMOND's many, many, many years of service here in this body, the votes he has cast, the issues he has debated and the people he has known, and the history that Senator THURMOND has helped shape.

STROM THURMOND was serving America for more than a decade before, you, Mr. President, were born, or before I was born. He landed at Normandy on D-Day. Many people do not know that Senator THURMOND was a legitimate hero of World War II. He was jumping out of planes not at the age of 21, but far beyond those tender young ages. He landed at Normandy on D-day. He was a State legislator, a Governor, and a candidate for President of the United States, all before he came to the U.S. Senate.

However, it has been his service in the U.S. Senate that has made STROM THURMOND's boldest and most enduring mark, service that began when I was in grade school in the sand hills of Nebraska. STROM THURMOND came to this body when there were only 48 stars on the American flag. He has served with nine Presidents of both political parties, and his leadership has spanned five decades with tremendous change in American culture, society, and government. STROM THURMOND is part of American history.

This freshman, 6-month-old, humble Senator from Nebraska, wishes to thank Senator THURMOND for the opportunity to learn from his experiences and his leadership. I wish to add my commendation to Senator THURMOND for his dedication, his commitment to our Nation. I admire the strong example he has set for all of us, especially our young people. Mr. President, in a day when we do not have enough strong role models in this country, Senator THURMOND is one. He is an example of a life well lived. He is a true American role model, an American hero.

Senator THURMOND is the highest ranking 95-year-old in the Nation, as far as I know, Mr. President. My only request is that I hope that during my time in the Senate I may conduct myself in such a way that Senator THURMOND will remember me as his colleague and friend long after I have departed this body and Senator THURMOND is still presiding.

Mr. President, I thank you for your time. I once again commend my colleague and my friend, the distinguished chairman of the Armed Services Committee and a most distinguished American.

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

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, I would not be surprised if Senator THURMOND did not even know my name, and there is no reason that he should. He had served in this body and had run for President before I was ever born, and I want him to know that I was uncomfortable in presiding here in seeing time pass by with too few people rising to pay tribute to his name and the heritage of political service he leads to this country.

I, as a little boy, moved with my father and mother from Pendleton, OR, to Washington, DC. My dad worked for Dwight Eisenhower, and as a little boy I became interested in political affairs and public life, and for all of the memory of my life I remember hearing the name of STROM THURMOND. I remember him as a Democrat. I remember him as a Republican. I remember him always following the dictates of his conscience in pursuing issues as he saw them to be right.

I, therefore, join with all who pay tribute to STROM THURMOND. I thank him for his service to our country. I thank him for his repeated reminders to us and the Republican conference of the first constitutional responsibility that we have—to provide for the common defense. As the chairman of the Senate Armed Services Committee he does that ably, and I, for one, hear his message and am anxious to support him in providing a strong national defense.

I just had occasion to travel with the President of the United States to Europe where we witnessed the signing of the Russia-NATO agreement. I also participated in the ceremonies for the 50th anniversary of the Marshall plan. These are great contributions that America is making to world affairs and to peace. It occurs to me that none of this would have been possible absent a strong national defense. Indeed, providing for an American role in leadership, because we as Americans understand our international responsibility and understand that the world looks to us. Indeed, it looks to leaders like STROM THURMOND to support our military services in making sure that we are the leaders of peacefulness throughout this very hostile and difficult world.

Senator THURMOND, I come to the Senate today to say thank you. I never served in the military and I suppose every man would like one day to have his grandson ask him, ''What did you do in the war, Grandpa,'' and I will not be able to say I served in battle like you did, but in a sense here in the U.S. Senate we go to war every day, but nobody dies, because we have found a way in this country, in this deliberative body, to fight without bloodshed. It will be my great pleasure that when my grandson sits on my knee and asks what did I do to contribute to the public life of this country, one of the things I will say is I served with Senator STROM THURMOND.

Thank you, sir. I salute you and I commend you and I want to say publicly it is a high honor and a great privilege to serve as your colleague in this body of the U.S. Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMPSON. Mr. President, I rise today to offer a few words of congratulations and tribute to a great man.

When the history of American politics is written, somebody needs to put in a pretty good chapter just about Senator STROM THURMOND. This gentleman has seen and lived history as very few people have. He fought on the beaches of Normandy at the age of 41.

His grandfather fought in the Civil War. And his long and dedicated service in the U.S. Senate deserves our honor today. He is both the oldest living and the longest serving Senator in U.S. history.

Like many of my colleagues, he has made a run for the Presidency. That is not so uncommon. But Senator STROM THURMOND ran against President Harry S Truman. That is a little bit different.

Senator THURMOND's life has been spent in public service. He has known every President since Franklin Roosevelt. He has been a county superintendent of education, State senator, Governor, circuit judge. He has been a schoolteacher, a coach. He has worked on a farm, and has even been a motorcycle rider, like my friend Senator CAMPBELL.

Senator THURMOND is one of South Carolina's most successful exports, and clearly their favorite son.

I think it is worth noting that as times have changed, so has Senator THURMOND. When you look back on his life, you see a pretty good reflection of the way he lives. The views of many Americans have changed in this century. I think it is a good thing to know Senator THURMOND, because his example shows us how someone who serves the public can adapt to the times while still living by his core principles.

STROM is a fair man, a kind man, who steadfastly believes in what he says. He believes in the rights of the people he represents to conduct their lives as they see fit. He has fought for that for years, and I think that is extremely noteworthy. It is among the highest obligations that elected officials can uphold.

But aside from all the history, I think what Senator THURMOND most wants to be noted for today is what he sought to do throughout his life; and that is, there is no denying that this man is unendingly thoughtful and is faithful to his friends and family and the people around him.

There aren't too many folks in South Carolina who do not have a firsthand story of Senator THURMOND picking up the phone to offer congratulations or to offer condolences, and getting a note in the mail where he expresses his concern or his interest in something that has happened in the life of a family.

I think that is the mark of the best kind of public service. You don't forget that at the end of the day what matters is the people you can count as friends. And people remember their friends. They respect a true leader who sticks by his guns. Regardless of your politics, that is the kind of respect any public servant strives for, and it is the mark of a true statesman and a true gentleman, and, in this case, a true Southern gentleman.

I have read that my colleague wants to be remembered as a man who is honest, patriotic, and helpful. I am here to tell you that he is all three.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, today it is a great honor for me to join in this tribute to a remarkable man who has established a remarkable career, Senator STROM THURMOND.

Senator THURMOND has served America as a teacher, as an athletic coach, an attorney, a judge, an Army officer, a war hero, a State senator, a Governor, a Presidential candidate, a U.S. Senator, and, perhaps most importantly, a father and husband.

What an honor it is to serve with Senator THURMOND in the U.S. Senate.

I mentioned his role as father and husband. Mr. President, I am sure you have seen also, on those occasions when we are all together with our family members, the wonderful pride that you see in the eyes of STROM THURMOND when he introduces his children to us, when he talks about some of the great accomplishments of his children, and the twinkle in his eye when he talks about his family.

While serving, Mr. President, in a variety of these capacities, it was as a circuit judge when war with Germany broke out. As a judge, Mr. President, he was exempt from military service. But STROM THURMOND, as soon as war was declared with Germany, traded in that robe for the uniform of the U.S. military.

Recently, we celebrated the 50th anniversary of World War II. We think about all that that meant. And, for many of us, we had not even been born at that point—World War II. One of the key, key events of World War II was D-day, the invasion. And it was on that day that this former circuit court judge joined in the invasion of the occupied territory, and, in a glider, went behind enemy lines and fought for his country. Because of that, Senator THURMOND received 5 battle stars and 18 decorations, including the Purple Heart and the Bronze Star for valor. And we see that valor every day here in the U.S. Senate.

Senator THURMOND set a record for longevity of service in the U.S. Senate. But it is his record of accomplishment, not just the length of service, that makes his career legendary.

It is my distinct pleasure and honor to serve with STROM as my chairman on the Senate Armed Services Committee.

As chairman of the Senate Armed Services Committee, Senator THURMOND is a tireless advocate of a strong defense, a strong America, and the men and women who volunteer to wear the uniform of the United States, and with his distinguished, distinguished service in the military here is a man who every man and woman in uniform can look to with great pride knowing how much he cares for them and the duty that they are called upon to carry out.

My colleagues know the strength of Senator THURMOND's convictions which can be measured directly by his grip on your arm as he discusses those issues with you. Senator THURMOND has never been afraid to stand up for his principles and what he believes in, no matter how the political winds may be blowing.

In recognition of his career and his character, the people of South Carolina have elected STROM THURMOND seven times to represent them as their Senator, including the first time in 1954 as a write-in candidate.

Mr. President, when we think about this remarkable life of Senator STROM THURMOND, who was born in the year 1902, think of all of the changes that have taken place in this country of ours, all of the advances in technology, all of the changes in the progress, the achievements of this Nation, of the world, here is a man who has seen it all. Here is a man, though, who has absolutely remained current. I hope that as I continue my life I can continue to be contemporary. When STROM THURMOND goes back to the wonderful State of South Carolina, it is the young people who identify with him as well. Here is someone they admire and look to. Here is a man who because of his inquisitive mind, because of his wonderful sense of humor, his energy for life, and his unending love for his country, people of all ages admire.

We need the STROM THURMONDs of this country because it is the STROM THURMONDs of this country who are the role models for the rest of us. At some point when I conclude my career in the Senate, one of the things I will be able to look back on is that I had the great honor of serving with Senator STROM THURMOND.

Senator THURMOND, as a citizen, I thank you for all that you mean to the United States of America and God bless you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I thank you for presiding at this very important morning of celebration. We are here to talk about someone who is truly remarkable—our distinguished colleague, the President pro tempore of the Senate, the Senator from South Carolina, STROM THURMOND.

Pablo Picasso once said it takes a long time to grow young. This is one

point on which STROM and Picasso would agree. Picasso was still a painter at the age of 92, and of course, we all know what STROM THURMOND is doing today. He is leading our Nation.

STROM often reminds me that Col. William Barrett Travis, the commander at the Alamo, was from STROM's home county in South Carolina. Although STROM missed the Battle of the Alamo by a few years, he has displayed the spirit of the Alamo time and time again—the sense of duty and commitment to freedom that made Colonel Travis such a hero at the Alamo.

He was commissioned in the Army in 1924, and though he didn't need to, he volunteered for service in World War II at the age of 40. He wanted to. He served in both the Pacific and the European theaters and landed in a glider on the beach at Normandy on D-day. He earned 18 decorations, including the Legion of Merit, the Purple Heart, and the Bronze Star for Valor. He remained in the Army Reserve. He retired at the rank of major general, following 36 years of active and reserve military service, nearly 40 years ago.

I remember something that made such an impression on me in 1994 when I was a new Member of the Senate. We were celebrating the 50th anniversary of the landing at Normandy in 1944. I remember hearing—in absolute awe—that one current Member of Congress who landed at Normandy, STROM THURMOND, was to be honored. He missed the anniversary, and I remember thinking to myself how extraordinary his reason was. STROM THURMOND, who volunteered at the age of 40, and who landed on a glider at D-day, missed the 50th anniversary because he had a son graduating from high school. This is an extraordinary man. He has served as a State senator, a circuit court judge, a Governor, a soldier in time of war, a Presidential candidate, and now is the oldest and longest serving Senator in our Nation's history.

It was my pleasure to serve with STROM THURMOND on the Armed Services Committee, and I can say as one who was there, he worked for only one purpose: To ensure our country's national defense remained strong. During his last campaign, Senator THURMOND asked the people of South Carolina one simple question: Who can do more to help steer the future of America toward the conservative principles we believe in? Who can best continue to diligently and effectively help all the people of South Carolina? The people of South Carolina spoke resoundingly that the person was STROM THURMOND and returned him to the U.S. Senate. We are here today to honor their choice and their confidence in this gentleman.

STROM has announced that it is, after all, a man's prerogative to change his mind. He has announced that he will no longer support continual service without term limits. So, now that he has embraced term limits, in a magnanimous gesture he has announced that he will not run for reelection in 2002. We think that really is magnanimous because there are few South Carolina politicians who would have the energy to take on the man that we have affectionately dubbed ''The Thurmonater.''

He began his career in public service as a coach in 1923, and 74 years later he remains a coach and teacher to all of us.

Senator THURMOND, it is a pleasure and an honor to work beside you, and I wish you continued success in a long and healthy life that I know you will have.

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

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

Mr. LUGAR. Mr. President, the celebration of the life and recordbreaking Senate career of Senator STROM THURMOND gives each of us an opportunity to underline strengths of our friend and our colleague which we should emulate. Senator THURMOND is the oldest of our colleagues, but my most vivid memories of him have often involved his interaction with young people.

During a trip to military installations early in my Senate career, I learned much about successful constituent relationships from STROM. Even while on the road, STROM THURMOND was receiving the names of South Carolinians who had recently died, were married, or enjoyed personal honors such as graduation or academic recognition. With the assistance of his able staff, STROM obtained daily lists of names and placed telephone calls, through his Washington office, to at least 2 dozen of these persons, according to my observations, leaving appropriate messages when necessary. He displayed the greatest excitement over students and could often identify their parents and their grandparents as he shared pride in the accomplishments of the entire family.

Upon arrival at one naval base that shall remain nameless, STROM demonstrated another attribute, which has been partly responsible for his longevity of Senatorial service. We were greeted by the naval captain who commanded the base and, after just a few words of conversation, STROM indicated that it was 4:30 in the afternoon, he had been traveling for hours, and he wanted to jog around the base. He invited the astonished commanding officer to join him for the run and strongly insisted that this would be an excellent opportunity. As negotiations on the running assignment proceeded, the captain successfully pled the press of urgent duties and encouraged a young ensign to suit up for running duty with Senator THURMOND. I saw this episode repeated on another occasion.

I noticed a remarkable excitement which young people enjoyed when running with STROM THURMOND. This excitement is not restricted to miscellaneous strangers that STROM met across the country. Last summer, I found that STROM's son, Paul, was a member of my fraternity, Beta Theta Pi, and that several of his fraternity brothers were interns in Senator THURMOND's office. I invited them to lunch in the Senate dining room where, midway through our meal, STROM entered with constituents from South Carolina. I was deeply touched while watching Paul greet his dad and the constituents and indicate to all the importance of the reelection campaign in which the entire family was heavily involved. Paul critiqued STROM's early morning TV appearance and the current stress of various activities, giving his dad advice. Then Paul and his fraternity brothers shared with me great stories about their experiences with STROM, including his intense interest in their daily activities.

All of us know from our daily visits with STROM THURMOND on the floor of the Senate that he greets each of us warmly. He is excited by these encounters, almost as if it were the first time in a long while that he has seen us. In visiting with these young men who were interns in his office, and later with my own son, David Lugar, who had a wonderful conversation with STROM at a fundraising reception, I found a common theme.

STROM, obviously, is invigorated by his meetings with young people, and he has much to say to them about successful patterns of living. His political instruction is surely world class, and I suspect that all of us recognize the power of a truly disciplined life that has been lived with the setting of important goals and the sustained activity necessary to achieve them.

Very fortunately, STROM has not only set a record for longevity of service in the Senate, he is still among us, giving encouragement each day and inspiring the best of our efforts. I am very grateful for the privilege of serving with him.

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

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

Mr. HATCH. Mr. President, I rise today to join in honoring a legend, a legend not just in the Senate but also throughout the United States of America.

I have been privileged to serve with Senator THURMOND for 21 of the last nearly 42 years that he has represented the State of South Carolina as one of the premier U.S. Senators in this body.

When I first arrived in January 1977, Senator THURMOND was my special mentor. As my senior on the Senate Judiciary Committee, he gave me my first lessons of the committee's processes. Ever since then, he has been a personal and very special friend to me.

I have admired Senator THURMOND's strong commitment to federalism and his steadfast support of the prerogatives of both State and local governments. I have admired his toughness in the matters of criminal justice. I have admired his objectivity and fairness when it comes to matters concerning the judiciary. There can be no question that Senator THURMOND has left his mark on the Senate Judiciary Committee and the laws created by it.

Nearly 42 years of distinguished service in the U.S. Senate would be a lifetime accomplishment for anybody—certainly for most people. But Senator THURMOND was just warming up when he arrived here for the first time in 1955. Before that he was county superintendent of schools, county attorney, circuit judge, D-day hero with the 82d Airborne, Governor of South Carolina, and Presidential candidate in 1948.

The problem with using the word ''legend'' is that many times the exploits ascribed to a legendary figure are exaggerated or apocryphal. But it is entirely safe to say that Senator THURMOND is a legend. His accomplishments and contributions both for his beloved home State and his country are very well documented. And a lot of us are very familiar with them.

I will never forget his trip to Utah in 1991 to keynote my Utah Seniors Conference. About 1,000 seniors from all over the State of Utah and the intermountain West gathered in Salt Lake City for a day of workshops and speakers on everything from retirement finances to travel bargains. Senator THURMOND is quite a role model. His enthusiasm for his work, his family, for his country, and for life itself was genuine and infectious. Our people in Utah were so impressed, that he gave them so much to live for, so much to strive for, so much to try to be, that I will never forget that appearance out there in Utah.

We have been together on so many occasions and we have done so many things together that I think I am in a special position to say how much I care for this wonderful human being and how proud I am that he has reached this milestone in the U.S. Senate. I am not sure that it will ever be broken.

Senator THURMOND is one who will leave a legacy not only of achievement but of honor and integrity to the Senate and the people of South Carolina. But, of course, it is premature to think that the latest milestone is the last milestone. I do not believe STROM THURMOND is finished yet.

I have a lot of friends in the Senate, and I care for all of them. This is a wonderful body. It is a collegial body. It is an important body, the most important legislative body in the world today. But I have no greater friend than my good friend from South Carolina, STROM THURMOND.

He has been my mentor. He has been my friend. He has been my supporter. He has been a person who has taken time to help me to know the ropes here. And he is a human being who you cannot help but respect.

I am proud that he has not lost a step. This man is as effective today as when I got here in 1977, in fact, in some ways maybe even more effective because of the additional 21 years of experience that he has been able to accumulate.

Senator THURMOND has been good to his staff. He is good to the people around the Senate. I have seen him shake hands with almost everybody who comes his way. He takes time with young people, children, older people, whoever. He stops and says hello and always has a cheery salutation for people as he serves in the Senate.

I also know that there is nobody in the Senate who knows more about his State and the people therein than STROM THURMOND. I have seen him make phone calls to his State. I have seen him worry about funerals, about deaths, about graduations, about education, about so many things that really have been important for people in his State. I think it is probably true that he has basically touched the lives and the hearts of virtually everybody in the State of South Carolina. But it is also true that he has touched the hearts of many of us throughout the rest of the country.

And I for one am a better person because of my relationship and the friendship and brotherhood that I have with STROM THURMOND of South Carolina.

He is a great man. He is a legend. And I believe that he is going to make these next number of years the most important years of his life. And if anybody can do it, it is my buddy, my friend, my mentor, STROM THURMOND.

So I would have felt badly if I had not gotten over here and at least said a few of the things that are on my mind. I could go on for hours. But this is a great man, one of the greatest that has ever lived in this country. He is a great patriot, somebody who really loves this country and has given blood for it.

I want you to know, Senator THURMOND, I appreciate you. And I know I am not supposed to refer to you in the first person on the floor, but I am going to today. I appreciate you and appreciate the kindness and the friendship you have shown me all these years. And we are going to be friends forevermore. So I am grateful to you and I am happy to see you achieve this honor. And I wish you many, many more years in the U.S. Senate. And I know that as long as you will be here, that you will give it everything you have.

Thank you, Mr. President.

I yield the floor.

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

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

Mr. DASCHLE. Mr. President, in his thought-provoking book, ''The Faith We Have Not Kept,'' Senator STROM THURMOND writes:

> The nation that ceases to expand its consciousness begins to die at that very moment. Once a nation loses its conviction of truth, doubts, and self-doubts rob it of its will and its strength.

During his 41 years and 10 months in the U.S. Senate, Senator STROM THURMOND has certainly helped ensure that this great Nation continues to expand its consciousness and to ensure that we never lose the conviction of truth. In so doing, he has helped our Nation continue to thrive and prosper and build its will and its strength.

For these reasons, we admire as well as honor the man who this past Sunday, on May 25, became the longest serving Senator in the history of the United States.

From the start, I want to make it clear I have not always agreed with the senior Senator from South Carolina. In fact, we probably disagreed more than we have agreed.

But I also want to make clear that my disagreements with him have never once diminished my admiration for him as a man, as a lawmaker, and as an American. Never once have our differences reduced my respect for his tenacious fights for the causes in which he believes and his adherence to what he has called the bedrock for all our expectations, the Constitution of the United States.

This historic achievement is another important milestone in the life and career of a man who has become a political icon of the South—a life and a career that has included:

Being the first and only person to be elected to the U.S. Senate on a write-in ballot;

Delivering the longest speech in the history of the Senate, 24 hours, and 18 minutes; and,

Being the oldest person to have ever served here in the Senate.

One might be inclined to think that being a Federal lawmaker is all that STROM THURMOND has ever done. Actually, he has done a few other things. He has been a farmer, a lawyer, a teacher, a coach, an education administrator, a judge, a Governor, a State senator, and an author. He is a soldier—a distinguished veteran of World War II who participated in the D-day invasion and has been awarded 5 military stars and 18 decorations. He has been a Democrat, a Dixiecrat, and a Republican.

What a life.

What a career.

In addition to the skill and intellect, the doggedness and drive, and the other

attributes that make for an outstanding senatorial career, Senator THURMOND's historic achievement marks the career of someone:

Born before the birth of aviation—the year before the Wright brothers took off in their plane at Kitty Hawk;

Elected to his first political office while Calvin Coolidge was President;

Who began serving in the Senate before some of its current Members, including this one, were born; and

Who has served with about one-fifth of the 1,843 men and women who have been Members of the U.S. Senate.

For his long and distinguished career, the people of South Carolina are naming much of that State in Senator THURMOND's honor. Go to almost any town in his beautiful and beloved State and you will find Strom Thurmond Street or Bridge. You will similarly find named in his honor a high school in Edgefield County, a student center at Baptist College, a dormitory at Winthrop College, a criminal justice building at the Greenville Technical College, a Federal building in Columbia, the Center for Excellence in Government at Clemson, an auditorium at the University of South Carolina School of Law, a mall in Columbia, and a vocational rehabilitation center in Aiken. You will also find Strom Thurmond Lake, Dam, and Highway in Clarks Hill, the Strom Thurmond Educational Center in Union, the Strom Thurmond Biomedical Research Center at the Medical University of South Carolina, and the Strom Thurmond Defense Finance and Accounting Building in Charleston.

His office walls are covered floor to ceiling with awards too numerous to mention. The people of South Carolina are obviously pleased and proud of their man in Washington just as we are pleased and proud to have him here with us.

It is interesting to note that the oldest and longest serving Member in Senate history has announced his support for term limits. After six decades in political office and four decades in the Senate, this may be the only way that he will ever leave the Senate.

One of his staffers aptly pointed out that ''graveyards in South Carolina are filled with people waiting for STROM THURMOND to die so they could run for the Senate.''

Mr. President, I congratulate Senator STROM THURMOND for his remarkable career and his historic feat, becoming the longest serving Senator in U.S. history. I thank him for his contributions to the U.S. Senate, for his contributions in making this a better country, and for being a friend and a colleague. Finally, I thank him for expanding the consciousness of this great Nation and ensuring that we never lose our conviction of truth.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

Mr. DOMENICI. Mr. President, I have served in the Senate for 25 years. Obviously, when compared with Senator STROM THURMOND, I do not even have any bragging rights yet.

I thought I would come down here to remark, for the Senate record and for the distinguished Senator THURMOND, on a few of my thoughts about my 25 years here, and what I remember most about Senator THURMOND. Rather than talk about legislation, I will talk about some of his qualities and characteristics that stand out most in my mind.

I guess the most immediate thought that comes to mind is that he is a real gentleman. I think when you have been such an acclaimed, esteemed political leader for as long as he has, it is a rare quality and rare compliment that you can say he has never stopped being a gentleman. By that, I mean he is considerate of everyone. He visits more people and attends more events to honor other people, than anyone I know, and he does it with great enthusiasm. He attends events, whether for the chairman of the Appropriations Committee or a brandnew Senator—he puts it on his list and he spends an hour to an hour and a half, 3 or 4 nights a week, attending events to honor or help other people. It is absolutely beyond belief how much energy and time he spends on other people.

Second—and I hope this characteristic is never passe, I hope it is always important—I believe he is about as loyal an American citizen as I have ever worked with, as I have ever exchanged views with, and that I have ever been privileged to call friend. By being a loyal American, what I mean is he is constantly asking what is good for America. When he speaks about our national defense, you just know he loves this country. That is what I mean when I say he is a true, loyal American. He is a patriot. He has served America and his constituents in his State in more capacities than anyone in this institution will ever be privileged to serve. Yet, he is always optimistic and he is always sure and certain that this country—that he loves so much—is one of the great achievements of all humankind. He speaks of it as something that we ought to be proud of, that we ought to preserve.

Mr. President, my last observation about STROM THURMOND is that he knows how to be a team player.

You know, it is entirely possible that a man of his exquisite accomplishments and seniority wouldn't have to be a team player. But I can tell you, as one who has had to manage a large number of very, very tough measures on the floor of the Senate, STROM THURMOND is one of the best team players when he believes you are trying to do is something good for the country.

There are many other characteristics that other Senators will speak of. They are all well deserved. I am here to speak of my own evaluation: a gentleman, a true and loyal American, and a team player. That is how view him. That is how I think many will view him they look at his great accomplishments and marvelous life.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to congratulate my good friend, colleague, and neighbor, STROM THURMOND.

Mr. President, I cannot say much that has not already been said about Senator THURMOND. When I think about the life of STROM THURMOND, his life is literally a chapter of American history.

STROM was born in 1902. This was the year before the Wright brothers did their first flight. He has lived through four wars, and was a war hero in one of them—World War II. He was at Normandy in June of 1944 when we liberated Europe.

A funny and personal note, quickly: After I came to the Senate, STROM said to me on the floor one day, ''What year were you born?'' I told him I was born in 1928, which made me pretty old. He looked at me and said, ''That was a good year. That was the year I was county superintendent of education.'' So I felt young again.

I congratulate him as the longest serving Senator in the history of the United States. I can think of no one more fitting than STROM THURMOND to hold this honor. He has devoted his entire adult life to serving the people of the United States and the people of South Carolina.

He first became a State senator in 1933, which was a pretty long time ago. And he served as Governor from 1947 until 1951. He ran for President, and was a lot closer to being elected than most people realized. But, more appropriately, they elected him to the Senate in 1954 as a write-in candidate—so far as I know, the only write-in candidate ever elected to the Senate. And they have reelected him ever since, as both Democrat and Republican.

As his neighbor from North Carolina, I say to all South Carolinians that they should be proud, and I know they are proud of Senator THURMOND.

Senator THURMOND is a man of deep faith, and he truly has the courage of his convictions. In his long career, I have never heard anybody question his integrity or his dedication to public service. In this day and age of attack politics, STROM THURMOND is forever the gentleman. His manner should be a role model for aspiring politicians and Senators.

Further, I can think of no one in the Senate who I would rather have as chairman of the Armed Services Committee. He is a veteran, he is a war

hero, and he is a man of unwavering integrity and commitment to the causes he believes in. And one of those principal causes is a strong national defense. He is a man of principles, and one of those principles, I again repeat, is a strong national defense. It is the one identifying characteristic, if no other, of STROM THURMOND.

I know that he will not let anyone ever weaken the national defense system as long as he is chairman. And I hope he remains chairman for a long time to come.

Mr. President, I thank STROM THURMOND for his service, and as a nation we thank STROM THURMOND for his service. Our veterans and men in uniform throughout the country are aware of what he has done, what he represents, and he still has the strong support of them.

I look forward to continuing to serve with Senator THURMOND far into the future.

I thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been an occupant of the Chair and listened to many statements now concerning my good friend from South Carolina. So I am not going to repeat some of the matters concerning Senator THURMOND's personal background. I would like to just discuss some of the memories I have of this great Senator.

It is a matter of coincidence, I guess, but Senator THURMOND came to the Senate by appointment on December 24, 1954. I came to the Senate by appointment on December 24, 1968. I thank the Parliamentarian for assisting me in finding those dates. When I came to the Senate, Senator THURMOND was 22d in seniority. It is an interesting thing that he is now the first in line, and, on our side, I am now the second.

A great many people have come to the Senate, and left, since the first day that I came to the Senate and joined Senator THURMOND. But it was with great interest that I met him because I read a great deal about the Senator from South Carolina prior to coming to the Senate.

As a matter of history, I was trained to fly gliders in World War II and firmly expected to be deployed to the European theater, when I was reassigned into the China theater, and did not ever get to tow gliders into combat. But I did train to tow them. And I was very interested to find out that Senator THURMOND was one of those who led part of our forces flying a glider into the invasion in June 1944.

You know, the whole concept of using gliders was to insert troops far beyond the shore defenses out in front. And that is, I think, what I would say about Senator THURMOND: He has always been out in front.

He has also been a leader by example. There is one thing that young Senators coming into the Senate, whether in the group that I came in 1968 or every new term that brings more Senators, soon learn. If you want to see what a Senator should act like, should be like, you should emulate the Senator from South Carolina. As a matter of fact, my brother, Bob, lives in South Carolina. When he speaks of ''my Senator,'' he is talking about Senator THURMOND—not me—because Senator THURMOND is a real champion of the people of his State. They know him personally.

It was my privilege in one election to accompany Senator THURMOND to South Carolina and to go to campaign events with him. I want the Senate to know, if they want to learn how to campaign, that they ought to try that. Because when Senator THURMOND goes into an event—and we went to several on that trip that I made with him to South Carolina—he does not need someone standing beside him to remind him who people are. He loves campaigning. You can tell that he knows his people, and they love him because it is a reunion. Each one of his campaign events are reunions. They are not just something to go to, to try to listen to; they are supporters coming to meet their Senator. There is a great difference, Mr. President. I think we all know that.

But time passes very quickly in the Senate. It passes quickly for those who are busy. Some people come and leave very quickly because they never really become part of the Senate family. Senator THURMOND has been a leader not only in the Senate, but here on the floor and in the Senate family.

My daughter, Lily—this is Uncle STROM to her. I think for almost every one of us who have had young children here in the Senate, they have had that same relationship to Senator THURMOND. She literally lights up when she sees STROM because she is meeting a friend. He really vibrates with young people. And I like that as a father. But I also admire it greatly in terms of his qualities and the way he approaches life.

I was thinking, as I sat there in the chair, about what I would say about Senator THURMOND. My message to the Senate is, here is a man who loves life. There is a real joy to his life. He has had some sadness. But he has had the strength to overcome that. But he really enjoys life.

I remember when he used to tell me that I ought to work out more, that I ought to get more exercise. I thought I was getting a lot of exercise. But I soon found out that I needed that exercise because every time he grabbed me by the arm, I went away with a bruise. And I had to get a little bit more muscle there so I could be close enough to him so he could talk to me. You watch. He will do that when I finish. He is going to grab me by the arm and let me know there is still strength in that arm. And it is the strength of a strong heart, a heart that really loves our country, and loves the Senate, and that really has dignified the Senate in his years here.

He has been in some battles. He has been in some battles with me. But I will tell the Senate that no one in the Senate could have a better friend than STROM THURMOND. I am proud to be here today to call him my friend and to acknowledge his great leadership.

Thank you, Mr. President.

Mr. SMITH of New Hampshire. Mr. President, I rise to join my colleagues in paying tribute to the distinguished President pro tempore of the Senate, the senior Senator from South Carolina, Senator STROM THURMOND.

Senator THURMOND was born at the dawn of the 20th century, on December 5, 1902, at Edgefield, SC. He has lived nearly every day of this tumultuous century.

Mr. President, I take particular interest and pride in Senator THURMOND's early career. After graduating from Clemson University in 1923, Senator THURMOND embarked on 6 years of service as a public school teacher and athletic coach. Mr. President, that is how I began my own career after my own graduation from college.

Senator THURMOND subsequently served as his home county's superintendent of education from 1929 to 1933.

Having studied law at night under the tutelage of his father, Senator THURMOND became a member of the South Carolina Bar in 1930. He was a city attorney and county attorney from 1930 to 1938.

In 1933, STROM THURMOND was elected State senator, an office that he held until 1938. He next served as a South Carolina circuit judge from 1938 to 1946.

It has been my honor, Mr. President, to have served on the Armed Services Committee with Senator THURMOND since I was elected to the Senate in 1990 and, for the past more than two years, under his able leadership as chairman. Given that connection, I want to call special attention to Senator THURMOND's heroic service in World War II.

Mr. President, in June, 1944, STROM THURMOND volunteered to participate in D-day by parachuting into France, but was told that he was too old. Instead, then-Judge THURMOND, age 41, participated in the Normandy Invasion by landing with members of the 325th Glider Infantry Regiment, 82d Airborne Division.

Ultimately, STROM THURMOND was awarded 5 battle stars and 18 decorations, medals, and awards, including the Legion of Merit with oak leaf cluster, the Bronze Star Medal with ''V,'' the Purple Heart, the Belgian Order of the Crown, and the French Croix de Guerre.

After World War II, Mr. President, STROM THURMOND served as the Governor of South Carolina from 1947 to 1951. He was the States' rights Democratic nominee for President in 1948. He carried 4 States, receiving 39 electoral votes.

Following his service as Governor of his beloved state, STROM THURMOND

practiced law in Aiken, SC, from 1951 to 1955.

Mr. President, STROM THURMOND was elected to the U.S. Senate as a write-in candidate in 1954. He resigned in 1956, in the words of his official biography, in order ''to place the office in a primary, pursuant to a promise to the people during the 1954 campaign.''

Subsequently, of course, Mr. President, STROM THURMOND was elected to the Senate in 1956, and reelected in 1960, 1966, 1972, 1978, 1984, 1990, and 1996. He has spoken of retirement after his current term, which will end after Senator THURMOND's 100th birthday on December 2, 2002. I am sure that I am not alone when I say that I hope that he will reconsider.

Mr. President, it has been my honor and privilege to serve in the U.S. Senate with Senator STROM THURMOND for the past more than 6 years. I respect him, I admire him, and I value his friendship. I look forward to continuing to serve with him, under his leadership as President pro tempore of the Senate and as the Chairman of the Armed Services Committee, for many years to come.

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

Mr. GRAMM. Mr. President, last week, Senator STROM THURMOND became the longest-serving U.S. Senator in American history. That, in itself, is an amazing feat—42 years tirelessly representing his home State of South Carolina and our Nation. While this milestone rightly garnered much attention, it is because of Senator THURMOND's many accomplishments in and out of this Chamber, not simply the length of his tenure, that he will always be remembered as one of the true giants of this institution and why he will go down in history as one of the most important figures in 20th century American politics. I am proud to serve in the Senate with STROM THURMOND and glad to have this opportunity to honor him and his continuing record of achievement.

We all know of STROM THURMOND's legacy. Teacher, State senator, judge, soldier at Normandy, Governor, Presidential candidate, and U.S. Senator. Always guided by principle and a strong devotion to service, STROM THURMOND's life and career are an example to each and every one of us and are a poignant realization of the American dream.

STROM THURMOND grew up on a farm in Edgefield, SC, not far from where William Barret Travis, the heroic commander of the Alamo, was born. He began his career as a teacher and athletic coach and his strong love of education soon led him to be the youngest person ever to become superintendent of education for Edgefield County. In the ensuing years he would further serve the people of South Carolina as a State senator and a circuit court judge. When World War II came, STROM THURMOND chose to leave the State he so loved to defend democracy overseas. As a judge, he was exempt from military service, but Senator THURMOND relinquished his robe and volunteered for active duty in the military. His war record is the stuff of legend: he fought in five battles, landed by glider at Normandy on D-day and was ultimately awarded 5 battle stars and 18 decorations for his service.

After the war, STROM THURMOND came home and was elected Governor, and in 1948, he ran for President. Soon after, he was elected as a write-in candidate to the U.S. Senate, becoming the first person ever elected to the Senate by this method.

Newly-elected Senator THURMOND, drawing upon his firsthand experience in the armed services, quickly became an expert on military and defense issues, beginning a lifelong dedication to our fighting men and women and an unwavering stand in favor of a strong national defense.

Senator THURMOND began his political career as a Democrat. But when he concluded that the national Republican Party better embodied the principles and values he held and cherished, he made a bold decision to become a Republican in 1964. I know from experience that there are many pressures and difficulties you face in leaving the party you grew up in, but I know that STROM has never regretted his decision.

Throughout his historic tenure in the Senate, as chairman of the Judiciary Committee, chairman of the Armed Services Committee, and as President pro tempore, Senator STROM THURMOND has served the people of South Carolina—and America—with uncommon distinction and honor. I congratulate Senator THURMOND today. It is an honor to call him a friend and colleague, and I look forward to his continued strong leadership in the U.S. Senate.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. BIDEN. Mr. President, in 1981, the Senate Judiciary Committee had a new chairman, and a new ranking member, and there were more than a few folks who were eagerly looking forward to the fireworks. With the election of a new, conservative Republican administration and a new Republican majority in the Senate, The Judiciary Committee seemed destined to be a battleground for many of the great philosophical questions which divided us then, and which divide us now. And to many ''Washington Insiders,'' there was little prospect that STROM THURMOND—the veteran conservative Republican chairman from South Carolina who first made his mark on national politics as a principal advocate of States rights—and JOE BIDEN—a northeastern democrat still in his thirties whose interest in politics was sparked in large part by the civil rights movement—could ever find common ground as we grappled with many of those fundamental questions.

I never shared those doubts, because by that time, Senator THURMOND and I had served together for 8 years. I knew that STROM THURMOND's personal strengths, which I admired greatly regardless of our political differences, would guide the committee toward responsible consensus rather than divisive gridlock, and establish an atmosphere of civil and constructive debate rather than divisive and meaningless partisan rhetoric.

In his 6 years as chairman, and for several years after we switched roles in 1987, Senator THURMOND exceeded my expectations in every way. While the Judiciary Committee did indeed go through some heated debates and contentious hearings—weathering the kind of controversy which I have seen poison the well for other committees for years afterward—Senator THURMOND and I worked together to ensure that the committee's business, the Nation's business, would go forward once the day was done. That would not have happened had it not been for the strength of character of our chairman.

First and foremost, STROM THURMOND is an absolute gentleman, unfailingly courteous and respectful of each individual's dignity. Throughout a lifetime spent in the political arena, he has never forgotten that those who disagree with us are nonetheless entitled to being heard out and treated with dignity. Indeed, that is an important reason that his lifetime in politics has been such a long and productive one.

Here in the Senate, and—as I have seen firsthand—back home in South Carolina, STROM THURMOND's honesty and integrity are the hallmark of his public and private reputation. His word is his bond, and each of us—even the most partisan of political opponents—knows that through the heat of political debate, regardless of the intense pressure that may be upon him, STROM THURMOND can be trusted to keep that word; not when it's politically possible or expedient, but always.

Here in the Senate, our integrity is, ultimately, our most valued possession, and Senator THURMOND is a living example of the value of personal integrity.

Throughout our service on the Judiciary Committee, ''The Chairman'', has distinguished himself by his commitment to absolute fairness; to Republican and Democrat, political ally and philosophical opponent, alike. During the years when I held the gavel—and STROM will always be ''The Chairman'' to me—I tried to match the example of fairness that he set. Indeed, it is a legacy which I hope every committee chairman—and every senator—now and in the future, can strive to follow.

Long before he was a committee chairman; indeed long before he came to the Senate so many years ago, STROM THURMOND was the consummate public servant, dedicated to the proposition that the political system is not an end in itself, but an arena for doing the public good. To that end, he has been committed to getting things done; to meeting the challenges facing our

Nation and our people; and to accomplish those goals regardless of partisan politics. Though he holds the record for the Senate's longest filibuster, STROM THURMOND is a doer rather than a talker, and his long list of accomplishments here in the Senate is a testament to his determination to serve the people of South Carolina and this Nation.

''Patriotism'' is a word that is used often in the course of political debate, sometimes by those seeking to further nothing more than their own personal or political agendas. But patriotism has always been at the core of STROM THURMOND's being, whether in the fields of Normandy or in the Halls of the United States Senate. Senator THURMOND has epitomized the notion that patriotism is neither an outdated value nor a term for scoring political points; but a living principle that challenges us daily and refuses to let us rest on our laurels when it comes to doing the public good.

Today, we commemorate Senator THURMOND's record-setting tenure here in this body. In recent weeks, because I am his friend in spite of our ages and differing political philosophies, I have been asked numerous times to explain the secret to his long tenure. The truth of the matter is that—in addition to the fact that he is a testament to healthy living—the secret to STROM THURMOND's political longevity lies, not with his considerable political skills or with any local anomaly in South Carolina, but deep within STROM THURMOND himself.

It lies in his strength of character, his absolute honesty and integrity, his strong sense of fairness, and his commitment to public service. None of those things are skills which you learn; they are qualities deep within you which, when people know you well, they can sense. That is the secret to STROM THURMOND's success.

STROM THURMOND's ongoing legacy is not the number of years, months, and days he has served in the U.S. Senate. Rather it is his many accomplishments and the good that he has done during those years.

I have been honored and privileged to serve with and work with Senator THURMOND for many of those years. I am proud of the work we have done together on the Senate Judiciary Committee. And I am proud to call him my friend.

Mr. President, I join my colleagues in honoring this important benchmark in Senator THURMOND's long career in public service, knowing that he still has much to give and looking forward to working with him as we confront the challenges of the 21st century.●

Mr. FRIST, Mr. President, on May 25, this Congress made history. On that day, we became the Congress to have the longest sitting Senator in the history of the United States. Our distinguished colleague and friend, the senior Senator from South Carolina—STROM THURMOND—set the Senate longevity record, serving his State and Nation for 41 years and 10 months. And like that little bunny, he just keeps going and going and going.

However, as impressive as Senator THURMOND's legacy of service are his record of successes and the example of leadership he has achieved during his tenure. Today he serves as President pro tempore—a constitutional office that places him fourth in line to the Presidency. He has served as chairman of the Senate Judiciary Committee, the senior member of the Veterans' Affairs Committee, and he now serves as chairman of our powerful Armed Services Committee.

Senator THURMOND has been elected to eight consecutive terms since winning his seat as a write-in candidate back in 1954.

We know of his breadth of experience: teacher, soldier, lawyer, judge, administrator, Governor, and even Presidential candidate; and we have been inspired by his example.

We see in his life the values and possibilities that still distinguish our great Nation. Small town virtues, selfless service, a sense of duty—roots buried deep in lifelong membership in the local Mason Lodge, the Lion's and Rotary service organizations, the community church and hometown businesses. These all give STROM an authentic quality—a richness of character—an accessibility that's felt even by those who don't know him as well as we do.

I cherish STROM's friendship. I count myself fortunate to have served the many years I have served with this great Senator, and I can say that I know of no one in this Chamber who doesn't look to him as I do—as a friend. And when you think about it, Mr. President, that's quite a remarkable thing to say about a man who started his political career when Calvin Coolidge was in the White House.

During this special time—as Senator THURMOND continues to bring distinction to himself and to the U.S. Senate through his historic service—I want to be counted among those who recognize and appreciate all that he has offered to South Carolina and to the United States of America.

Mr. KENNEDY. Mr. President, it is a privilege to join in these tributes to our distinguished colleague, Senator THURMOND and his extraordinary record of service to the people of South Carolina and the Nation.

In a very real sense, Senator THURMOND is the Cal Ripken of the Senate. He has set a record of longevity in the Senate that few if any of us ever thought would be broken. His service to the Senate extends over four decades, and we honor him today for that remarkable record of success in public service and his enduring commitment to the Nation's highest ideals.

Senator THURMOND and I have served together for many of these years on both the Judiciary Committee and the Armed Services Committee. He was chairman of the Judiciary Committee for 6 years in the 1980's and the ranking Republican on the committee for many other years, and he was always impressive and fair in dealing with all aspects of the committee's work.

Although we have often disagreed on the issues, we have also worked closely together on many important challenges. I think particularly of our decade-long effort together on the Judiciary Committee to achieve Federal criminal law reform, especially with respect to laws on bail and sentencing. Our success in that important effort is an excellent example of the ability of Democrats and Republicans to achieve common ground and deal effectively with major problems facing the Nation.

In recent years, when South Carolina bore the brunt of the tragic epidemic of church arsons, Congress enacted bipartisan legislation to deal with these shocking crimes, and Senator THURMOND played a vital role in obtaining the resources needed for an effective response.

We have also worked closely on a wide range of immigration and refugee issues on the Judiciary Committee. His leadership was indispensable for the enactment of the landmark Refugee Act of 1980—the Nation's first comprehensive refugee law. its passage would not have been possible without him.

Senator THURMOND has also dedicated his life, both in and out of the Senate, to protecting our national security, and I welcome this opportunity to pay tribute to his personal courage, heroism, and patriotism. Even though he was a sitting circuit court judge in South Carolina, he did not hesitate to enlist in the Army on the very day that the United States declared war against Germany in 1941. He served in Europe with great distinction, parachuting into Normandy with the 82d Airborne Division during the D-day invasion. He earned five battle stars and numerous other medals and awards, including the Legion of Merit, the Bronze Star, and the Purple Heart.

Like President Kennedy, he is a member of the generation that went to distant lands to preserve America's freedom in World War II, and his public service here at home has been dedicated to preserving that freedom ever since.

As a member and now chairman of the Senate Armed Services Committee, he continues to demonstrate his strong commitment to providing our Armed Forces with the equipment, training, leadership, and quality of life that they need to make the Nation's military the world's finest.

On this auspicious occasion, I commend Senator THURMOND for his leadership and statesmanship and unparalleled record of public service, and I extend my warmest congratulations to the Senator and his family. I value his friendship, and I look forward to continuing to work closely with him in the years to come.

Mr. CHAFEE. Mr. President, I am delighted to join in congratulating Senator THURMOND on attaining the distinction of being the Nation's longest serving U.S. Senator.

Since coming to the Senate a little over 20 years ago, I have respected Senator THURMOND's abilities, admired his tenacity, valued his judgment, and treasured his friendship. He is an inspiration to all of us, not only because of the length of his service, but because of the quality of his work and the depth of his commitment.

All of us marvel at the sheer duration of STROM THURMOND's tenure in the Senate—42 years. But we congratulate him today not only for his longevity, but for dedicating most of his adult life to public service. As a school teacher and a coach, as an attorney, as a soldier who participated in the D-day landing at Normandy, as a State senator, as a circuit court judge, as Governor of South Carolina, and as U.S. Senator, STROM THURMOND has repeatedly sought out opportunities to serve his community, State, and Nation.

And, due to his reputation for hard work and effective leadership, the people of South Carolina have repeatedly demonstrated their confidence in him—a degree of confidence among the voters that all of us aspire to but few achieve.

Senator THURMOND's unflagging vigor is evident to anyone who shakes his hand—his handshake is firm and formidable. All of us hope and expect that he will stay in the Senate until he reaches the age of 100 and beyond.

Mr. ROBERTS. Mr. President, it is both an honor and a personal privilege for me to join my colleagues and rise today to pay tribute to a great Senator, a great patriot, and now the longest-serving Senator in our Nation's history, the most distinguished Senator from South Carolina, STROM THURMOND.

Mr. President, the challenge for one trying to capsule this great American's service to South Carolina and our Nation is considerable. All Americans, however, should be encouraged—and I certainly encourage them to do this—to access Senator THURMOND's home page and discover the truly remarkable and unprecedented achievements of this man.

Mr. President, it has become very commonplace in public service today, especially in this city, to refer to individuals of accomplishment as ''great Americans.'' And in some respects it is so commonplace that the term has even been overused, and sometimes even in humorous fashion. But that is not the case with Senator THURMOND who has been and is truly a great American in every sense of the word.

This man has 27 honorary degrees to go with his BS degree from his beloved Clemson University. He has been a superintendent of education, a judge, a decorated veteran and hero of World War II, and he earned 18 decorations, medals, and awards. He has been a Governor of the Palmetto State. He has been a candidate for President, the first person ever to be elected to a major office on a write-in, a leader within three—not two—three political parties. And, obviously, he is our President pro tem of this body, and continues to serve as chairman of the Armed Services Committee providing continued leadership in behalf of our military and national security and the individual freedoms we all enjoy and also take for granted.

If you think about this man's career, and as many of our colleagues across the aisle have said, regardless of issue or politics, it is unequaled, it is basically unparalleled.

Mr. President, the other challenge in paying tribute to Senator THURMOND is what to say that has not already been said by his many friends, his constituents, his family, and his colleagues.

But having said that, I do have a rather unique relationship with the Senator. I am sure that my colleagues have all heard of fathers-in-law and mothers-in-law and brothers-in-law. Well, I am proud to say that I am a Thurmond staff-in-law.

The number of South Carolinians and others who have worked for the Senator in various capacities number in the thousands. We could accurately call them ''storm troops for STROM.'' And one of those former staff members is my wife, Franki, who worked for the Senator back when I first came to Washington as a new administrative assistant to then-Senator Frank Carlson of Kansas. As a matter of fact, it was STROM THURMOND who told me about all of the South Carolina magnolia blossoms who came north and whose charms attracted future husbands, always to return to South Carolina. Put another way, Senator THURMOND said, ''You can take the girl out of the South, but not the South out of the girl.'' And that is what happened to me, a Capitol Hill romance if you will, a South Carolina wedding, and in our family a Kansas-South Carolina compromise, always to South Carolina.

So while many in this body have thanked the Senator for many deserving contributions and accomplishments, mine is somewhat unique.

Thank you, STROM, for introducing me to my future wife and the mother of my three children, David, Ashleigh, and Anne-Wesley. All three, by the way, are STROM THURMOND fans, having met the Senator many times and sharing occasions with his family. In that regard, my wife Franki counts Mrs. Thurmond, Nancy, as a very good and a close friend as well.

As a matter of fact, Mr. President, while I was really jotting down my remarks that I am making today, I noted with nostalgia that my Senate office overlooks the Methodist building that has served as home for many young women when they first work on Capitol Hill when they first come to Washington. When my wife, Franki, looked out that window, we both noted in some respects our family had come full circle. Her desk in my office looks out on her first home in Washington.

Again, thank you, Senator STROM THURMOND.

I might add, Mr. President, with the privilege of serving in this body I have finally achieved status in the Thurmond universe. I am now Senator ROBERTS instead of that Congressman who married Franki.

And now, Mr. President, what with all of the Senator's friends having paid tribute to him, what they really said in their many deserving tributes to Senator THURMOND is that the Strom Thurmond family has come first. Every time I see the Senator he comes up to me with that smile and that twinkle in his eye and, yes, that firm grip that many of my colleagues have described on my arm—and it is a firm grip—and he asks, ''How's your family, your lovely wife and your family?'' And he means it. He cares.

One of our treasured scrapbook pictures captured STROM all dressed up as Santa Claus some years back with his staff and his and their families. And there we sit in the front row with all of the kids and the proud parents. To me, that picture is STROM THURMOND, and enlarged it could just as well be a picture of his beloved South Carolina, or this great Nation, for South Carolina and America are his family as well, and he has served them well.

Senator THURMOND, a colleague, friend, patriot, and, yes, a great American, thank you for your continued service. It is a privilege to serve with you.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, as one of the newly elected freshmen it is a great honor and a privilege to have this chance to extend my congratulations and best wishes to the president of the senior class—STROM THURMOND. A term of service that began on December 24, 1954, now enters the record books as the longest, and one of the most distinguished terms of service, by any Senator.

Over the years, we have all witnessed STROM THURMOND's great successes in the Senate and back home in his beloved South Carolina. I think I have found the secret to his success, and I would like to share it with my colleagues. Simply put, STROM THURMOND listens to his constituents—otherwise known as voters—and he hears what they have to say. Then he brings that South Carolina brand of common sense back to the Senate as we tackle those thorny issues that come to our attention in committee and on the floor. STROM THURMOND has been doing that for over 40 years now, and it is clear that the people of South Carolina like his style.

Anyone who has any doubts about STROM THURMOND's popularity back home need only check the record. There is no greater gauge of the strength of anyone's support in his or her home State than to see how you

fare at election time. Again, STROM THURMOND has sole possession of the record for he is the only one who has ever been elected to the Senate on a write-in vote. Simply put, the people of South Carolina love him as much as he loves them. That is why they keep sending him back.

Still, STROM THURMOND is not being celebrated and toasted by all of our colleagues because of his longevity alone. We take notice of his many years of service in the Senate, but we also make mention of our great appreciation of the wisdom, insight, and determined effort STROM THURMOND brings to the work of the Senate every day.

Oliver Wendell Holmes once wrote a letter to Julia Ward Howe on the occasion of her 70th birthday. In it he said, ''To be seventy years young is sometimes far more cheerful and hopeful than to be forty years old.''

As we mark STROM THURMOND's legacy of service in the Senate, I think it is clear that no one is younger in spirit, more cheerful in attitude, and more hopeful for a better future for our children and grandchildren than STROM THURMOND.

It is an honor and a pleasure, as the Senator who sits on the 100th rung on the current seniority ladder, to take this opportunity to congratulate the Senator on the top rung, STROM THURMOND, as he hits No. 1 one on the all time seniority list.

From this day forth STROM THURMOND will set a new record every day he comes to the Senate. He has been a powerful and effective voice for his constituents. May he continue to do so for many years to come.

Mr. KYL. Mr. President, today I rise to honor a great American and Senator, STROM THURMOND of South Carolina. The occasion for this tribute is STROM THURMOND's remarkable achievement of becoming the longest serving Member of Congress in history, surpassing the record held by Carl Hayden of Arizona.

This historical milestone gives each of us an opportunity to publicly applaud Senator THURMOND, but it is not the reason for our praise today. The reason I am pleased and honored to pay tribute to Senator THURMOND is that he is a great man and patriot who has served his State and his country faithfully in times of war and in times of peace.

Senator THURMOND has had a remarkable life. When I reflect on some of the positions he has held in his career, including: attorney, superintendent of education, State senator, judge, Governor, Army officer, Presidential candidate, and U.S. Senator, I marvel at the skill, determination and dedication that was required to achieve each of these goals. Most men would be satisfied with just one of these many careers. Not STROM THURMOND. He was on a mission to serve the American people. That mission kept pushing him to strive higher and farther in his lifetime of public service.

I came to know STROM THURMOND through my work on the defense committee in the House of Representatives. I know Senator THURMOND is a very capable legislator in many issue areas. I now serve with him on the Judiciary Committee, for example, and can attest that he is a most capable attorney. I also know that the people of South Carolina are enormously proud of him for all the good work he has done for their fine State. From my perspective, there is one area in which I believe Senator THURMOND has stood out and has made the greatest contribution—as an active member of the Armed Services Committee.

STROM THURMOND deeply loves his country. This is apparent in even little things such as the American flag lapel pin he often wears. Or in vivid examples like volunteering for service in World War II when he was in his forties. Today, Senator THURMOND demonstrates his strong affection for America and the men and women in uniform by having the courage to take unpopular positions to protect the defense budget and to ensure adequate training and equipment for the Armed Forces. As chairman of the Armed Services Committee he has presided over tumultuous times in the military. The end of the cold war and the social reengineering of the military have made it a challenge to preserve military readiness. But, Senator THURMOND has tried. He deserves much of the credit for preventing our Armed Forces from becoming a hollow Army. As Adlai Stevenson once said, he did this ''Not [through] a short and frenzied outburst of emotion, but with the tranquil and steady dedication of a lifetime.''

Upon his retirement, Carl Hayden said ''I have always dreamed of power and the good I could do.'' STROM THURMOND, I believe, has the same motivation. He has not wanted material things or glory, but has simply done the best he could to help those who needed help. Carl Hayden could not lose his longevity record to a finer man.

I remember a recent visit to Senator THURMOND's office where I was greeted by an impressive gallery of presidential pictures, beginning with Franklin Roosevelt. He told me that these pictures are of Presidents with whom he has served. It was then that I absorbed the magnitude of the impact of the Thurmond legacy on history. STROM THURMOND has been involved in every significant event that touched Congress or the Presidency in the second half of the 20th century. Very few people can say that, Mr President.

STROM THURMOND was a good soldier and good citizen. His high standard of allegiance has enriched our national consciousness and has sustained a sense of purpose and patriotism all across America. I believe history will remember him not for his age or longevity in the Senate, but for his contributions to improve the well-being of his beloved America.

Mr. LAUTENBERG. Mr. President, it is not often during the course of our busy days here in the Senate that we take time to recognize one of our colleagues for their individual accomplishments. Today, however, we are doing so on the occasion of STROM THURMOND's history making event of having served longer in the U.S. Senate than anyone since the founding of our country. I join with my colleagues in paying special tribute to Senator THURMOND, the Senior Senator from South Carolina, on this noteworthy day.

On May 25, Senator THURMOND became the longest serving Member ever in the Senate's 208-year history by serving more than the 41 years and 10 months Senator Carl Hayden served between 1927 and 1969. Senator THURMOND's longevity in Senate service is truly remarkable because, in addition to length of service, he has been deeply commited to providing leadership in the Armed Services Committee and as the President pro tempore.

Senator THURMOND has worn many hats during his distinguished career in public service, which began well before he was first elected to the Senate in 1954. As a school teacher, State senator, judge, World War II veteran, D-day fighter, and Governor, Senator THURMOND's service to our country is very likely unparalleled. In the Senate, STROM has been an indefatigable fighter on behalf of his State of South Carolina and has demonstrated enormous tenacity in championing our national defense and veterans causes. His enthusiasm in all that he does is truly unmatched.

Mr. President, although Senator THURMOND and I may not always see eye to eye, I respect his integrity, his consideration of others, his love of country, and his deep sense of responsibility to public service. His service will have a lasting impact on this institution's history because of the policies he promoted, the high standards he set for us, and the lessons he taught so many of us about the will to carry on no matter the obstacle. He fought against the most painful of tragedies by trying to make sure others were spared the grief he endured. I look forward to continuing working alongside him for many years to come and hope to witness his service at his personal century mark.

Mr. CAMPBELL. Mr. President, today I am privileged to honor my friend and colleague, the distinguished Senator from South Carolina, STROM THURMOND. Today we salute Senator THURMOND, who becomes the Senate's longest serving Member.

It only seems fitting that I should be allowed to speak in his honor today. Several years ago our roles were reversed, and the distinguished Senator was thanking me. Now I would like to return the honor and thank him for his years of leadership. When Senator THURMOND was jostled in the subway 2 years ago, I used my years of police

training to come to his aid and help the police to handcuff his assailant. Fortunately, no one was hurt. The incident led to a friendship between the Senator and me that I very much enjoy.

Now we are all here to recognize the achievements of Senator THURMOND and commend his years of dedicated leadership and service. The senior Senator from South Carolina has used his skill and knowledge to serve the Senate and provide direction for over 43 years.

Senator THURMOND has provided strong leadership in this institution, both on the floor and in committee. He has drawn from his own personal knowledge from his decorated service in World War II to contribute to and lead the Armed Services Committee and the Veterans' Affairs Committee.

In 1942, Senator THURMOND joined the U.S. Army, and was among those brave young men of the 82d Airborne Division who landed in Normandy on D-day. For this service, he was awarded 5 Battle Stars. After earning 18 decorations for outstanding service in World War II, Senator THURMOND has maintained his dedication to war veterans throughout his years in the Senate. Senator THURMOND represents a wealth of institutional knowledge and history.

Senator THURMOND's tenure has spanned a number of tumultuous decades, from the end of World War II, through the turmoil of the Vietnam war, to the end of the cold war, to this year, when the Congress finally agreed to a balanced budget. Through it all he provided the strong leadership which we are here to honor today.

It gives me great pleasure to recognize our esteemed colleague as he becomes our longest serving U.S. Senator. Congratulations, STROM THURMOND, on making history as well as being a major part of our Nation's history.

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

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Parliamentary inquiry. I understand there is a unanimous consent that these proceedings paying our respect to the distinguished Senator from South Carolina are to continue until 12:30. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I want to defer to the Senator from Florida. But before I do, I ask unanimous consent that, notwithstanding the previous unanimous consent, when these proceedings are completed and before we recess for the policy meetings of the two parties, that I be given 10 or 12 minutes to speak on a joint resolution that I am introducing.

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

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I thank the Chair for the recognition.

I, like my colleagues, have come to the floor of the Senate today to express my fond feelings for Senator THURMOND, the Senator from South Carolina. As he is fond of saying about so many of us that he campaigns for, he is a man of character. He is a man of capacity. And I would add that he truly is a man who cares about his fellow man.

Senator STEVENS said a moment ago that Senator THURMOND is someone we can all learn from. I can tell you as a fellow who was running, campaigning for the Senate in 1988, Senator THURMOND volunteered to come to Florida to campaign for me. One of the things he said prior to making that commitment was that ''if I come, I want to be busy. I do not want to come down there for just one or two events. I want to come down there, I want to be busy.'' We picked him up at about 5:30 in the morning and we finished that day about 10 o'clock at night. We traveled from Jacksonville, FL, down through the center part of the State, to Lakeland and Tampa, and then an event close to Winter Haven that evening, never missing a beat.

And again, I say I learned not just about campaigning but I truly learned about the heart of the man because about halfway through the day there was a press conference set up. He asked me if he could make a phone call before we did that press conference. And, of course, I said sure. And as I stood by him I realized what he was doing. He was calling a family in South Carolina that experienced the loss of a family member. Here is this man who has been elected and reelected and reelected and reelected, and loved in South Carolina in the middle of a tough day campaigning taking a moment out of that busy schedule to reach out to that family in South Carolina to say we understand your concern, the pain that you are feeling, we are concerned about you; I am concerned about you. Your family member was a great, great person; he meant so much to me.

Can you imagine the sense of love the family felt that day. If anybody ever questions why Senator THURMOND has been elected and reelected and reelected and reelected, it is because he is a man who truly cares about others, whose heart is filled with love.

I came to the Senate 9 years ago, and in a sense Senator THURMOND acts as a bridge between one generation of my family and myself. My step-grandfather retired from the Senate in December 1952, and Senator THURMOND, if I have that correct, was sworn in to the Senate in the next Congress, and so he served in that interim period of time between the time that my step-grandfather retired from the Senate and I came to the Senate.

What an inspiration he has been to me. Frankly, Senator THURMOND, you have created a new dimension of what service to this country is all about. You have created a new dimension about service to the Senate. A moment ago I heard Senator STEVENS talk about a strong heart, and it triggered in my mind that in essence, Senator THURMOND, you are a modern day brave heart, and it is has been a true honor to serve with you in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I am honored to be in this great body and particularly honored today to be able to say a few words from my heart about the Senator from South Carolina. I have no doubt really that I would not be here today if it were not for Senator THURMOND. I first met him—and this is typical of his leadership and commitment to this country—when I was a U.S. attorney in the early 1980's. I had just been appointed. There was a reception the Attorney General of the United States had. He came to that reception and stayed 30 to 40 minutes. As chairman of the Judiciary Committee, he stayed and he met every U.S. attorney in attendance that night before he left. That demonstrated to me his commitment to law and order.

Many people have talked about his leadership with regard to military matters, and they are certainly legendary and unsurpassed in this body. But in terms of law enforcement, he has been an absolutely key figure in the reform of the Federal criminal justice system in America, that makes our Federal criminal justice system today, in my opinion, superior to any State criminal justice system. He did that in many bills, but in the 1984 act he was chairman of the Judiciary Committee that eliminated parole and made every person who is sentenced in America serve the full time they are sentenced, that reformed the bail law so that people could not be out on bail for years before they were ever tried, and many other reforms—the most historic criminal justice reform bill, I am certain, in my lifetime. He was a key player and a leader.

In 1986, I had the pleasure to be a nominee for U.S. district judge. That was not an experience which worked out good for me, but Senator THURMOND believed in me. He fought for me. He stood by me day after day. He refuted the charges that were made that were not true, and he stood by me.

A number of years later, he came to Mobile as a Patriot of the Year. There were 600 people from the city of Mobile there, and he recognized me in the audience. He said good things about me. His support, his friendship, his steadfast commitment to me and to this body was important in my career and I want to say personally how much I appreciate that, Senator THURMOND. It is amazing to me that I have the honor and the privilege to be in this body and to be able to say to you how much I appreciate your support and friendship, to say how much I appreciate your service to your country, as a military

leader and as a Member of this body. I know some may think it not politically correct, but I will say this. Senator THURMOND has represented his State with great fidelity and character. He has represented his region as a southerner with the highest of standards as a southern gentleman. He has reflected the qualities of courage and integrity, bravery and commitment to truth that have reflected great credit on his community, his State, his region, his Nation, and this body. I am honored to have the opportunity to say how much I appreciate that.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, it is a pleasure to join with so many of our colleagues today to honor the President pro tempore of the U.S. Senate and the chairman of the Armed Services Committee. STROM THURMOND achieved another of many historic milestones when he became the longest serving Senator in the history of this institution.

STROM THURMOND had already served on the Armed Services Committee for 20 years when I came to the Senate and joined the committee in January 1979. I knew of him as a passionate and effective advocate for a strong national defense even before I joined the committee. In the 18 years I have served on that committee, I have come to appreciate even more his commitment to the welfare of the men and women who serve and who have served in our Nation's Armed Forces, as well as their families.

It is my privilege now to serve as the ranking member of the Armed Services Committee under the chairmanship of STROM THURMOND. Over the years, one of the hallmarks of the Armed Services Committee has been that we conduct our business with a minimum of partisanship. Our former colleague and chairman, Sam Nunn, was right when he said that there was not a single national security issue facing this country that has been or could be solved by one political party. That legacy of bipartisanship on the Armed Services Committee continues under STROM THURMOND's leadership.

Mr. President, one of the reasons Senator THURMOND has been such an effective leader on national security issues is that all of his colleagues know—and the American people know—that he speaks from the heart and he speaks from personal experience. He served his country in uniform for 36 years. He was commissioned in the Army Reserve even before he began his career in politics. He served 36 years in the Reserves and on active duty before retiring as a major general in the Army Reserve.

In June 1944, Lt. Col. STROM THURMOND landed behind German lines with the rest of the 82d Airborne Division as part of the D-day invasion. As I and so many others watched the 50th anniversary of the Normandy invasion 3 years ago, we gained an even greater appreciation for the lifetime of service to this Nation by someone all of us are proud to call a friend and a colleague.

More than a half century after landing behind enemy lines on D-day, Senator THURMOND continues to carry out his responsibilities as a legislator with a skill and perseverance that are the envy of his colleagues. I recall a time several years ago when STROM THURMOND and I offered an amendment to reform lobbying fees. Our amendment prohibited lobbyists who were lobbying for contracts for their clients from getting a contingent fee. We felt it was wrong for lobbyists to be paid that way and we offered an amendment together. The manager of the bill objected to our amendment. What Senator THURMOND did was to hold back for a couple hours while he talked to all of our colleagues personally. He got 51 supporters for his amendment, and then came back to offer it. That kind of perseverance which we know in Senator THURMOND has paid off in many, many ways for this institution and for this Nation. We are proud to call him a friend and to recognize that kind of capability.

The Democratic Party lost a Senator of great ability when STROM THURMOND joined the Republican Party in 1964. I just want him to know that we would welcome him back on this side of the aisle at any time, this century or next.

Senator THURMOND cares about us as people. I cannot say how many times he has given me advice—and I know this is true of our colleagues—on exercise, on diet, and on other human conditions. I wish I had followed his advice more often.

I will never forget the time early in my Senate career when STROM and I and a few of our Armed Services Committee colleagues were out visiting at a California air base. At about 6 o'clock in the morning I was awakened by people running below. They were talking to each other as they were running. I heard this happen on a few turns of the track and woke up and then would go back to sleep. A couple of hours later when I was at breakfast I said, ''Who was that out here running at 6 o'clock in the morning?'' I should have known the answer. It was STROM THURMOND.

He has given us advice on how to try to achieve this kind of longevity. He gives us that advice because he cares about us. And I just want him to know that we care about him. We wish him well. It has been a real privilege to serve with him for 18 years, particularly as the ranking member of the Armed Services Committee, and I am proud to call him a friend.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Our distinguished friend and colleague from South Carolina has long been, as the saying goes, a legend in his own time. And because of his hale and hearty good health and his amazing longevity, Senator THURMOND is a legend in the time of everybody else in the Senate. I doubt that there is any one of us whose life has not been touched by the distinguished Senator from South Carolina. He has certainly touched mine time and time again, beginning with that day back in early 1972 when a very brief, speculative item appeared on page umpteen of newspapers around the country saying that a fellow named HELMS might seek the Republican nomination for the Senate from North Carolina.

Early that morning, Senator STROM THURMOND, to my utter delight, was on the telephone calling from Washington urging that I do run and assuring me that if I did and if I wanted him to, he would come to North Carolina and campaign for me. Mr. President, I did and STROM did. As a matter of fact, he did it time and time again. If I count correctly, he flew with me that year, in a very small plane, six times back and forth across North Carolina, telling the people of my State, Democrats and Republicans alike, that they ought to send JESSE HELMS to Washington. I will never forget it.

I remember one episode in particular, since we are all remembering nice things about Senator THURMOND. We were at a farm rally outside of Hickory, NC, after a grueling day of eight stops with that small plane, and he made a stemwinder speech at every one of them. I was getting more and more tired. We ended up at this farm, and there were about 400 people at that rally because they were giving away free barbecue and because STROM THURMOND was there. The barbecue caterer was late. He got lost trying to find the place. So they decided to let Senator THURMOND speak and they asked me to introduce my guest. I was a weary guy when I got up, and I introduced Senator THURMOND with such eloquence as I could muster at that time of night after such a day. Well, there came another stemwinder and the last 10 minutes of the stemwinder, we saw the barbecue truck roll in. Everybody had barbecue and then we went home.

In the car going to the motel I heard the most awful sound I ever heard in my life. He said, ''JESSE, when we get to the motel, I want to call my wife. She's in a family way, you know, and I want to be sure she's all right. And, after that, I understand it's about a mile to downtown, would you want to run downtown and back with me?''

I said, ''Senator, if I could crawl to the bed, that's the best I'm going to be able to do.'' But he did. He ran downtown and he ran back and he was up at 6 o'clock next morning.

Thanks to my dear friend, the people did send me to Washington, and I have been here for almost a quarter of a century now, watching that great man from South Carolina serve in the Senate and break record after record. I

have been enormously proud of a lot of things. I guess one of the most profound things was when the Senator and Mrs. Thurmond invited me to become the godfather of that beautiful young lady, Juliana Thurmond.

So I am proud to have served with Senator THURMOND. He is a remarkable American because he has always been a hard-working, honest, and reliable Senator. His friends back home—as a matter of fact his friends all over the country—know that they can always count on STROM THURMOND to do what he says he will do. Let me tell you something, Mr. President, South Carolina is far the better off today because STROM THURMOND has been in the Senate representing the State of South Carolina. Moreover, and just as important, the U.S. Senate is better because STROM THURMOND has been here. And so is the country, better off.

Congratulations, my dear friend and Senator, you have been a good and faithful servant, and all of us are proud of you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I see my other colleagues here on the floor. I, too, wish to rise this afternoon and pay tribute to my friend and colleague from South Carolina. This past Memorial Day, we recognized the significant achievements and accomplishments of many Americans who sacrificed their lives for this country. In a matter of days, we will commemorate the 50th anniversary of the famous speech that Gen. George Marshall gave at Harvard University announcing the Marshall Plan on June 7, 1947. But this past Memorial Day, we also recognized a milestone achieved by our colleague from South Carolina, who became the longest serving Member in the history of the U.S. Senate.

I was recalling the words of another famous American given in a Memorial Day address in 1884. Chief Justice Oliver Wendell Holmes, another great American known for his longevity, said on that day, ''Life is action and passion. It is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.''

Mr. President, whatever else may be said about our friend and colleague, STROM THURMOND, he is a man of action and passion. That has been the history of his public life. It is a distinguished career that has covered so many milestones, many of which have been mentioned here this morning.

One of his accomplishments which impressed me the most was the fact that at age 41, when a lot of people are preparing to play a round of golf, STROM THURMOND got into a glider and flew behind enemy lines on D-day as a volunteer. It was not required of him. He was not ordered to do it. But at that age he decided this is something he ought to do, to be a part of a major effort to retard one of the greatest threats in history, certainly in the history of this country, to democracy and freedom. A remarkable statement about an individual.

I am also deeply impressed by the fact that he was elected to the Senate under four different banners: as a Democrat, as a Republican, as a Dixiecrat, and, the most impressive of all, as a write-in. The fact that citizens of the State had to go and write his name in, that they had to make the conscious decision to write his name on a ballot—it wasn't just a question of going in and supporting a political party—but for people to consciously go in and write his name on the ballot was truly a remarkable achievement. It is something that I think clearly demonstrates the significance of the affection with which he is held.

Senator THURMOND has had to tolerate many things during his Senate career, not least of which, he has had to put up with two generations of my family. One of the dearest friends my father had when he served in the U.S. Senate was the Senator from South Carolina. In fact, among the dozens of pictures I have hanging in my office's conference room, I have just two pictures with colleagues of mine. One of them happens to be a photograph which I cherish of myself standing with the senior Senator from South Carolina, which he very generously inscribed to me, and he made special mention of my father and their relationship. I am deeply appreciative of the loyalty and friendship which STROM THURMOND shared with my father, who has been gone these many years now, some 27 years. He passed away that long ago. But theirs was a wonderful friendship. They didn't always agree on issues, but they did agree on some matters. They agreed about the great threat that communism and Marxism posed to this country and stood shoulder to shoulder in that regard. While they disagreed on other issues, there was still a great affection. So today I stand here, not just as a colleague from Connecticut, but on behalf of a family that deeply appreciates the loyalty and friendship that STROM THURMOND has demonstrated over these many, many years.

Let me just conclude because so many other things have already been said which I would endorse and second. STROM THURMOND and I don't always agree on the issues. We agree on some, but not many. But what I love about STROM THURMOND, and what I think America and what the people of his State love about him, is not his particular views on issues that come and go, that pass with the time; these issues that are temporal. What people love about STROM THURMOND, what his colleagues love about him, Democrat and Republican, is that he is a man who, as Oliver Wendell Holmes described, is a man of passion, action and conviction. Whether or not we agree with STROM THURMOND is really not the point. It is so refreshing, at a time when everyone seems to end up sort of muddled, that you have an individual who has deep, deep convictions and is willing to stand alone and defend them even when he is the only person in the room doing so. Even to people who disagreed with him over the years, he ought to stand, as I know he does to our colleagues, as a monument to principle, to individuality, to conviction and to that passion and action that Oliver Wendell Holmes talked about more than a century ago.

Mr. President, I am deeply honored to be able to stand here today. When STROM completes this term, he will be 100. I look forward to standing on the floor of the Senate with him sitting here, celebrating that milestone with him, I hope, as his colleague. The fact that he has been sent back here by the people of South Carolina eight times through all sorts of changes in the political climate in this country is a great tribute to the people of South Carolina. But I think all of them would agree with me when I say it is a greater tribute and higher tribute to the man who represents that State and represents America in so many different ways. I am deeply honored to stand with my colleagues to pay tribute to truly an American original, STROM THURMOND of South Carolina.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am privileged to join my colleagues. First, I ask unanimous consent a statement by the distinguished senior Senator from Maine [Ms. SNOWE] be printed in the RECORD along with these proceedings on behalf of our distinguished senior colleague.

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

(At the request of Mr. WARNER, the following statement was ordered to be printed in the RECORD.)

● Ms. SNOWE. Mr. President, I rise today to recognize one of the extraordinary public figures of our time: Senator STROM THURMOND.

As we know, Senator THURMOND recently became the longest serving Senator in the history of this august institution. His record of service—over 41 years and counting—is unparalleled, and his devotion to South Carolina and the United States is unquestioned. His has been a life committed to this Nation, and a life as rich and varied as the years that have passed since his birth in the fledgling days of this century.

Indeed, the breadth and scope of Senator THURMOND's life is truly remarkable. Born just before the dawn of flight, Senator THURMOND is now chairman of a committee that oversees the world's most sophisticated air force. He has borne witness to an explosion of scientific knowledge, fundamental changes in economics and labor, and tremendous sociological transformations. Most remarkable of all, Senator THURMOND can even remember

the last time the Boston Red Sox won the World Series in 1918.

Senator THURMOND has been a full participant in this century of monumental events, and in no way is this more profoundly demonstrated than with his service in World War II. As a member of the 82d Airborne Division, STROM THURMOND was part of the invasion force that stormed the beach at Normandy, France on D-day, and he will forever be a heroic part of these events that changed the course of history. For his courage and valor, he was awarded 18 decorations, medals, and awards—as well as the undying gratitude of America and free nations everywhere.

Before World War II broke out, as a State senator, STROM THURMOND had already begun what would become a lifelong dedication to public service. That commitment came to the national stage for the first time with his run for the Presidency in 1948—almost 50 years ago—when as an independent candidate he garnered the third largest independent electoral vote in U.S. history. Six years later, he became the first person ever elected as a write-in candidate for the U.S. Senate.

The rest, as they say, is history—history that is still being written every day by this remarkable and enduring man. The true iron man of the U.S. Senate, his energy, enthusiasm, and love for this institution is as inspirational to me as I know it has been for countless Members of this body—past and present. Here is a legislator whose labor of love is performed against a backdrop of institutional knowledge and historical perspectives unequaled among his 534 colleagues in Congress. One cannot place a value on such service. One can only express their respect and profound appreciation.

That is why I feel privileged to be able to join with my colleagues in recognizing the extraordinary story that continues to unfold. And why I am especially honored to serve with Senator THURMOND on the Armed Services Committee. As a new member of the committee, Senator THURMOND has made me feel most welcomed and valued, and for his wise guidance I am most grateful. After all, he has been an integral part of the committee through change and crisis, cold war and détente, conflict and peace.

The defense of this Nation and our responsibility in the world have always been of paramount importance to Senator THURMOND. He understands that we must remain vigilant even as the demise of the Soviet Union has left America as the world's last remaining superpower. Senator THURMOND has seen enough of the world to know that it remains, in many ways, a dangerous place—and that we are uniquely capable and indeed obligated to stand guard against the potential threats which still exist. And most of all, he knows first hand the importance of providing to our service men and women—people willing to put their lives at risk for this Nation—the best possible personnel, equipment, and resources so that their risk is as low as we can humanly make it.

As a member of the Judiciary Committee, he has brought his breadth of experience and his reasoned voice to bear on such issues as immigration and crime. And when it comes to the matter of ethics, Senator THURMOND has always stood strong and tall for the forces of integrity, supporting limits on how much Senators can earn outside the Senate, and bans on lobbying for foreign countries by former Federal officials to name but a few of his initiatives in this regard. His commitment to the honor of the Senate and the confidence of the American people has been unflagging for over four decades, and that is a record of which he can be proudest of all.

It is no wonder then that his Republican colleagues would elect him to be President pro tempore of the Senate. As one of only three constitutionally established officers in Congress, it is a position of tremendous respect and trust accorded only to those who have demonstrated an unwavering adherence to the finest ideals of public service and the U.S. Senate. I can think of no finer or more appropriate choice than Senator STROM THURMOND, and I am proud that he has come to embody this institution.

Throughout this storied career—whether as a superintendent of education, circuit judge, State senator, Governor, or U.S. Senator—Senator THURMOND has never forgotten the people of South Carolina. It is where his heart is, the place from which he draws his strength. And he is in turn beloved by South Carolinians—just ask the folks at the Strom Thurmond Soldier Service Center in Fort Jackson; the Strom Thurmond Educational Center in Union; the Strom Thurmond Federal Building in Columbia; or, most telling, the Strom Thurmond Center for Excellence in Government and Public Service at Clemson University. They know that the senior Senator from South Carolina has been a strong, steady, consistent voice for them. And they know he will always be so.

Senator STROM THURMOND exemplifies a life worth living: courage, enthusiasm, service to others, a willingness to learn and grow, and a deep appreciation of the opportunities this life—this country—offers. The mark that he is leaving on the U.S. Senate is a positive and enduring one, and I am proud to serve with Senator THURMOND as he continues to make history.●

Mr. WARNER. Mr. President, much has been said, and I have listened with great interest, as have others. I could summarize my brief remarks in two words: Thank you. Thank you, Senator THURMOND, for your service to this country, for your service to South Carolina, for your service to the Senate, and for the privilege, I thank you, Mr. THURMOND, of being a colleague who has served with you these 18 years.

Senator THURMOND was the first U.S. Senator to greet me when I came to the U.S. Senate. We had known each other because I had the privilege to serve for 5 years as Under Secretary and Secretary of the Navy and testified before the great Senator on many, many occasions and received his counsel and wisdom during those really tragic and difficult times of the Vietnam war, from 1969 through 1974. He encouraged me in that period of time to someday seek elective office. I counseled with him, and, indeed, I am here today in part because of his wisdom and foresight to encourage young persons like myself, men and women, to come and serve in the Congress of the United States.

Thank you, Senator. Thank you for the opportunities that you have given me, and I would like to say, and maybe selfishly, thank you for a great deal of personal attention. When I joined the Armed Services Committee in my first year in the Senate, there were four individuals on that committee referred to as the Four Horsemen. There was John Stennis, there was Scoop Jackson, there was John Tower, and there was STROM THURMOND. Those four individuals together, in many respects with others—I do not mean to slight anyone not mentioned—but those Four Horsemen struck the maximum possible bipartisan relationship because of their sincere belief that the interests, the security interests, of the Nation always came first and such partisanship as we indulge in from time to time has to be relegated to second.

It was his leadership on our side—in the committee, seniority, of course, prevailed. When it came time for the opportunity for Senator Tower to take the leadership role of the Republicans, STROM THURMOND once again yielded the seniority so that Senator Tower could have that very proper recognition and give the strong leadership that he did—followed by Senator Goldwater. Likewise, Senator THURMOND yielded the seniority that was rightfully his so that Senator Goldwater, one of his closest and best friends, could have that opportunity. Then I say quite humbly, he yielded again so the Senator from Virginia, for 6 years, could be the ranking member.

But it was always made clear to every member of that committee that, at some point in time, STROM THURMOND would cap his distinguished career by serving as chairman of the Armed Services Committee of the Senate of the United States. That he has done for these many years and given that committee the forceful leadership that it deserves.

Indeed, the last bill last year, he set a record in terms of the time to complete the committee work and to bring the bill to the floor. How well I know because it was late into the night we had the markup sessions. But he was always there, always present, and giving us his leadership.

If I may say, with the deepest of respect, I look upon him as a brother, the

big brother that I never had, but he fulfilled that role in my life, not only here in the Senate, but in many ways outside of the Senate.

Today, Senators have shared personal recollections of times spent with STROM THURMOND that they remember with great fondness and respect. Mine was the 40th anniversary of the landing of our forces on Normandy Beach. Senator THURMOND was asked by President Ronald Reagan to lead a delegation from the Senate. I was privileged to be with that delegation.

I remember as if it were yesterday when we arrived in Normandy, President Reagan had helo No. 1, Senator THURMOND had helo No. 2. He sat right up there with the pilots. For 3 days we toured the entire area. I remember one afternoon the helos landed in the vicinity of Sant Mera'anglis where they reenacted that famous drop by our courageous parachutists in the history of recounting the tragedy that befell those airmen that parachuted.

But we sat there with three of the senior officers that participated in that battle. I remember one very vividly. His name was ''Lightning'' Joe Collins. We sat on old ammo boxes propped up and watched the drop. Senator THURMOND recalled his own recollections throughout our trip of that historic chapter in the march for freedom of the allied forces to fend off Adolph Hitler.

Senator THURMOND's helicopter, when we went back, malfunctioned and we could not take off to go to the next spot. So the President went on, and they sent in another helo. Senator Weicker, who was with us, knew a great deal about that part of the country of France because his father had been chief of the Army Air Corps intelligence. Senator Weicker said to me, ''Let's not stand here and wait for this other helicopter to come in. Let's walk off into the countryside, and perhaps we can knock on the door of a French farmer and get a little cheese and a little wine.'' We did just that. We found in abundance the provisions among the Frenchmen. All of a sudden the Senator's helicopter arrived, and two of his party were missing. He sent out the gendarmerie to find us, and indeed they did, and they hauled us back. What a scolding he gave us for delaying his departure by some 20 minutes. But, boy, we emboldened ourselves with the finest from a French cellar of their wine and their cheese.

Those are just moments that we have shared together. And now I look forward to serving with him throughout his career here in the U.S. Senate and particularly sharing with him, as do all members of our committee, the responsibilities to keep America strong.

I close with one other recollection. That is his great fondness for children, not only his own, but he never fails to ask me about mine. As I watch him go through the Halls of Congress, there is one Senator who will stop and take whatever time is required to greet every child. His parting words are, ''Someday you can be a U.S. Senator.''

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened to some of my senior colleagues reminisce on their relationships with our good and dear friend, Senator THURMOND from South Carolina.

As a new Senator coming into this body in 1981, I recall my first meeting with Senator THURMOND. It was in the elevator. I felt a very firm, strong grip on my upper arm. As I turned around, he said, ''How you doing, Son?'' I think, without exception, every time I have been in the elevator with Senator THURMOND I have had that tight squeeze—''How you doing, Son?''

So it gives me great pleasure to join my colleagues in honoring our dear friend.

May 25, 1997—the longest serving U.S. Senator in our Nation's history, a remarkable individual who has unselfishly dedicated his entire life to the service of others.

Being from Alaska, the newest State in the Union, a State that has only been around for about 39 years, I have found Senator THURMOND to be most understanding of our issues with regard to development. He comes from the school that suggests that those who are elected from their State ought to have a pretty good handle on what is in the best interest of their State. I think his logic follows that, if the folks back home think otherwise, well, they are going to get new representation. I have respected him for his support these 17 years that I have been in the Senate.

Perhaps one of the most memorable and lasting recollections I have of Senator THURMOND is during the years when I was chairman of the Senate Veterans Committee. You know Senator THURMOND, as it has been stated, landed behind enemy lines in a glider. He was a volunteer. That was the Normandy D-day invasion of the 82d Airborne Division. But he went on to earn 5 battle stars during World War II, 18 military decorations during his distinguished military career. He was made a major general of the U.S. Army Reserves. In working with him during the years on the Senate Veterans' Committee, I found him to be the most significant contributor toward the recognition that we can never do enough to meet our obligation to our veterans, those who did so much and gave so much.

But his balance was that while we can never do enough, we have to do a better job with what we have to keep up with the changing needs of the veterans and do more and get more input from the veterans' organizations and accepting the responsibilities associated with our obligation to meet our veterans' needs. He has been honored many times by various veterans groups for his contribution.

But I particularly look back to the days when we worked together in meeting our Nation's obligations to our veterans and his contribution in that regard.

I think one of the interesting things, in recognizing the contributions Senator THURMOND has made and continues to make, is his humble beginning as a teacher. He has taught us all, but he began his teaching career back in South Carolina in 1923. He wrote the South Carolina school attendance law. He worked hard to increase pay for teachers and longer school terms. I think it is noteworthy that even today he sends congratulatory certificates to every graduating South Carolina high school student.

Senator THURMOND continues to teach us today, and he will again in the next century. He has really taught us all in this institution.

I am honored to call him a friend. I am pleased to rise today in tribute to this great man, this great American, who has become synonymous with this great institution.

Senator THURMOND, we honor you, and we are particularly appreciative of your leadership and teaching which has served us all. Thank you, my friend. I look forward to our continued relationship.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to speak briefly, prior to Senator HELMS speaking, with regard to Senator THURMOND.

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

Mr. ABRAHAM. Mr. President, thank you very much.

I am happy to be here today. My plane arrived on time, which I was a little nervous about because I was afraid I would miss the opportunity to join our colleagues in talking about the great Senator from the State of South Carolina to whom we pay tribute today and whose recent accomplishment of becoming the longest serving Member of this Chamber is one we all, I think, celebrated from a distance a couple of days ago.

When I was elected to the Senate in 1994, I found myself, after the election was over, given the first chance really to reflect on what it meant to serve here and the people that I would have the chance to serve with. I think during an election campaign you only focus on the issues and the opposition and the campaign. But when it was finished, I was able to think about the remarkable chance I was going to have to come to this Chamber and be a part of a Chamber filled with so much history and have the opportunity to serve with such a distinguished Member as is the Senator from South Carolina and the Senator from North Carolina and others who have been here and who have made their marks.

No sooner did I arrive—I was listening to the Senator from Alaska describe his first meeting with Senator

THURMOND. In my first meeting with him, I was amused because he came up and said he was stunned that anybody like me could get elected from the State of Michigan. I remember when he said that, I was thinking that he was taking note of the fact that I was the first member of my party to win in that State since 1972, and his recollection of how long it had been since a Michigan Senator from my party had been elected made me feel pretty pleased that I had become known to him and that he had taken note of my success.

I was then delighted when, as a consequence of the committee selection process, I was able to secure a seat on the Judiciary Committee, which gave me an opportunity to serve directly with the former chairman of that committee, who had distinguished himself in that role. Indeed, some of the former staffers of that committee now live in my State, and we have had the chance to reminisce about some of the various accomplishments that took place when Senator THURMOND chaired the Judiciary Committee.

Then, indeed, as all the Members who have already spoken have acknowledged, his leadership both in his State prior to his election to the Senate and since coming here in a variety of areas, ranging from the defense of this Nation to the role he has played in the judiciary process and in fighting to combat crime and lawlessness are all signs, of course, of somebody who has made this country stronger because of his presence in this Chamber.

I want to single out, though, one particular incident that I remember very vividly, and it showed me the other side of Senator THURMOND.

Shortly after my arrival here in 1995, we had, as many of the Members will remember, a very busy first 6 months in that year. We were here night after night after night very late, often in situations where we could not share with our families important occasions. One such occasion was coming up—in fact, it is going to be repeated again in a few weeks—which was the birthday of my twin daughters. They were born on June 22, 1993. So our family planned to have a birthday party for those twins on June 22, 1995. We had plans to take them to a restaurant and have a birthday cake. At the last minute it turned out we had votes that night. That was back when we were keeping the Senate dining room open for Members and their families on Thursday nights. And, happily, therefore, we were able to still have dinner together, although not as we had planned.

We were down in the dining room, and it was just my wife, myself, and our two kids. The folks who worked there were nice enough to prepare a birthday cake at the last minute. So we had two candles on that cake. Our little daughters, after eating a little bit of their dinner, immediately turned to the birthday cake and plowed into it with their fingers and began eating, as 2-year-olds do, in any fashion they could without using utensils. About that time Senator THURMOND appeared in the dining room and wondered what all the hubbub was over at Senator ABRAHAM's table. He came over and asked what the occasion was and we told him it was our birthday party for twin daughters. He took a lot of time and gave each of the girls a birthday hug, and as he walked away I noticed a couple of fingerprints may have adhered to the back of his coat that night from one of our little girls.

The degree to which he cares about all of us here and the affection he has for us and our families which shows a side beyond the leadership side that makes him such a special person. I just want to say, Senator, I am very proud to have been given the chance to come to the Senate, and especially proud to have had the chance to serve with you. I want to thank you on behalf of my constituents for your contributions to our Nation.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore, the senior Senator from the great State of South Carolina.

Mr. THURMOND. Mr. President, it hardly seems that almost 43 years have passed since December 24, 1954, when I first became a U.S. Senator by raising my right hand and taking the oath of office from then Vice President Richard Nixon. Though it is only 527 miles, this is certainly a long way from where I began my career in public service in 1923 as a teacher in a high school in rural McCormick, SC. I am pleased to say that it has been a rewarding and gratifying journey.

When I graduated from Clemson College and took my first job, my only ambition in life was to be able to help people. As I worked to educate my students in McCormick—and later in Ridge Spring and in Edgefield—I quickly realized that I could have a greater impact in providing for the learning needs of the children of South Carolina by shaping policy. I ran for, and was elected Edgefield County Superintendent of Education in 1928, and during my tenure in that post, I implemented many measures which raised the standards of education in that county. I also got my first taste of how much impact a person can have through elected office.

At that time, South Carolina was an economically challenged place well before the great crash of the stock market which sent the Nation plummeting into the Great Depression. Without trying to sound melodramatic, life was hard back then, the banks were failing, businesses were closing, and people were very concerned about the future. As someone who was eager to try and improve conditions in my home county, as well as throughout the Palmetto State, I declared for State Senator in 1932 and was elected to office. For 5 years, I helped shape policy that guided South Carolina out of the depths of the Depression by, among other things, strengthening education; establishing a rural electrification program; helping our farmers; and by establishing the South Carolina Public Service Authority known as Santee-Cooper.

In subsequent years I became involved in a number of different public service endeavors, some of which have been mentioned by others here today in their flattering floor statements about me. One position after another, and though I did not deliberately set out on this path, each job I had—State senator, State circuit court judge, Army officer, attorney, and Governor—seemed to be leading toward the U.S. Senate.

To those who want to dedicate a part of their lives to serving the Nation, I can think of no better place to do so than in the U.S. Senate, and my time in this institution has truly been the happiest and most rewarding in my life. Over the past four decades, I have been pleased to have been a part of hundreds, if not thousands, of worthwhile endeavors through my duties as a Senator, and my service on the Committees on the Judiciary and Armed Services and Veterans' Affairs.

I knew when I moved up here with my first wife, the late Jean Crouch Thurmond, that I would never earn wealth from my tenure in the Senate, but financial gain was never a consideration for me when I ran for this office. In fact, financial compensation is not why I or anyone else becomes involved in public service. We do it for the opportunity to help others and to give back to the Nation which has provided us with so many opportunities.

There is no other job in the world that allows us to have a more direct impact in rendering service than that of a Senator. The work we do here benefits millions of Americans, and how can one not help but take great satisfaction and pride in such important service. Through oversight, legislation, and old fashioned constituent service, each of us is able to help the citizens of our respective States, as well as build a Nation which is stronger and better for all who live here. I am very proud of the fact that over the past four decades, I have had a role in building the finest military force that history has seen. I am proud of the work we have done on the Judiciary Committee which has helped to safeguard the Constitution, keep the judicial branch independent, and provided sound policies to help make our streets safe. Most importantly, I am pleased that I have been able to use my Senate office to help hundreds of thousands of South Carolinians interact with a government bureaucracy that can sometimes be confusing, unyielding, and intimidating.

It has been a special pleasure for me to help the veterans who serve this Nation in times of war, as well as the families of those who have made the ultimate sacrifice.

As I stand here and reflect upon my career, I have nothing but positive

memories. During the course of my tenure, I have had the privilege of serving with some of the truly great figures in the history of this Body. I have been fortunate to make many good friends through my service in the Senate. I am often asked how I want to be remembered, and my answer today is the same as it was in 1954, or would have been in 1923—for being an honest, patriotic, and helpful person. I would like to be remembered as one who cares; cares for his family, his friends, and cares for his Nation.

Though I look forward to completing this term, when I finally retire in 2002, I hope that if I leave any legacy, it is that answering the call of public service is an honorable and worthy vocation. It is only through the efforts of men and women, regardless of their political ideology, who believe in working for the greater good that we will be able to assure that the United States remains a bastion of freedom, justice, and hope.

In closing, I wish to thank my colleagues for their beautiful words concerning my public service. It has been a privilege to serve with such able dedicated, and wonderful people. I thank them for their many courtesies. God bless this magnificent body and the United States of America.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of Senate Joint Resolution 31 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS

The PRESIDING OFFICER. The Senate will stand in recess.

Thereupon, the Senate, at 1:23 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:.

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak on the Baucus-Kerrey-Landrieu substitute amendment to Senator ASHCROFT's comptime bill.

The Fair Labor Standards Act is a set of laws that Congress enacted some 60 years ago to protect the American worker from abuse in the workplace. These laws do a good job to make sure that our country's greatest asset, our work force, is protected. They put a halt to child labor. They established a 40-hour workweek. And they set up the concept of pay and a half for overtime. Under these laws, our country has grown and thrived, and, by and large, our workers are protected from extravagant abuses.

However, our society has changed a great deal since Congress enacted that landmark legislation. We have more families where both parents hold down full-time jobs. We have more single-parent households. And for everyone it seems as if their dollar does not buy as much as it used to.

All that means longer hours on the job, which, in turn, leads to less time spent with the family. Today's parents find themselves caught in a tightrope act as they try to balance the needs of their families with the demands of their jobs, and that just is not fair.

I believe we are in a position to help them. That does not mean we should go about dismantling the protections on which our workers have come to rely. That is what some provisions of Senator ASHCROFT's bill will do, and I think that is the wrong path.

Instead, we must adapt our labor laws to maintain the protections that are so necessary while making it possible for our workers to have some flexibility. That is the right path. That is why my colleagues must support our substitute amendment.

In Montana, I meet a lot of hard-working people. One thing they tell me time and time again is they need more flexibility in their work schedules. They need to be able to choose between earning time-and-a-half pay for their overtime or taking that time in the form of vacation. This choice would allow workers to either put aside a little extra money or take some time to be with their families.

One area where the effects of this flexibility will be greatly felt is education. You see, in Montana, we pride ourselves on the quality education we provide our children. And we have done a pretty good job. One key to our success is parental involvement in their kids' education. That means taking time to meet with teachers, helping out on homework and participating in extracurricular activities.

The Baucus-Kerrey-Landrieu amendment will allow parents to freely choose how and when they use their overtime so that parents can again be part of their children's lives.

At the same time, I know every family is different and their needs vary greatly. Lots of folks depend on a little extra money to make ends meet. Others need time for their families. And that is why we need to make sure that every household can choose how to use their time and money.

There are three clear reasons why my colleagues should vote for the substitute amendment offered by myself, Senator KERREY from Nebraska, and Senator LANDRIEU. First, our amendment will allow employees the final choice on when and how they will use their overtime. Whether it is time or money, the worker gets the choice. That is very important.

Senator ASHCROFT's bill leaves the final decision on how you spend your time with the employer. Their bill has no protection for the worker. In fact, it would allow an employer to discriminate against a worker who chooses to take money for their overtime. That is just not fair.

The second difference is that our amendment does not tamper with the 40-hour workweek. If you work more than 40 hours in a week, you are entitled to time-and-a-half pay. That is the way it has always been under the Fair Labor Standards Act. Americans overwhelmingly support the 40-hour workweek, and we ought to preserve it.

Under Senator ASHCROFT's bill, a worker could log 60 hours in 1 week and not qualify for 1 minute of overtime. For over 60 years, we have told our employees that if they worked hard and did a good job, they would be rewarded. Under this bill, we are reneging on that promise. The result is a pay cut for America's workers.

And finally, the third reason my colleagues should support the substitute is that President Clinton has said he would sign our amendment, and he has said he would veto the other comptime bill. So if we are truly interested in giving workers flexibility in passing the comptime bill, we must support, I believe, our amendment. It is the only chance for a meaningful reform this year.

Look, I think most Senators agree we need comptime. It is a good idea whose time has come. Yet, there are two ideas of how to get it done. One would take away workers' choice, end the 40-hour workweek, and is headed toward a certain Presidential veto. The other, our substitute, lets workers decide how to use their overtime, maintains the 40-hour workweek and will become law if we pass it. Our amendment I think is the more reasonable choice.

So if you are really interested in passing a comptime bill, this is the time and our proposal is the bill. I urge my colleagues to vote in favor of the Baucus-Kerrey-Landrieu substitute amendment to the comptime bill.

Mr. President, I yield my time, and I also thank the manager of the bill for his indulgence.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask that I might be permitted to proceed

for up to 10 minutes as if in morning business.

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

Mr. D'AMATO. Mr. President, first of all, let me thank Senator HUTCHINSON for being so gracious in permitting me this opportunity because I know he had asked to speak earlier.

VIOLATION OF SWISS BANK SECRECY LAWS

Mr. D'AMATO. Mr. President, I rise today to discuss the case of Christoph Meili. He is a heroic young Swiss bank guard, 27 years of age, who stumbled on a situation that was rather remarkable. It was the shredding this past January of historical documents at Union Bank of Switzerland, one of Switzerland's largest, most prestigious banks. He noted that these records dated during the period of the Holocaust, prior to and during World War II, and he knew that the Government of Switzerland had just passed legislation prohibiting destruction of just these types of records. He took a handful of these records and brought them to the Jewish Cultural Society. They then passed them on to the police—never went to the media. The records were never copied. They were never in any way compromised.

For his bravery, for standing up and doing the right thing, he has been fired from his job. In his termination letter, Mr. Meile was told that although his conduct was ''classified as ethical and moral in certain circles,'' his actions were unjustifiable from the perspective of labor law.

Can you imagine that. He saw the law being violated. He knew that these documents were of import, and he was fired. Here is a noble young man who risked everything, a humble man, a high school education, with a wife and two children. What happened? He is called a traitor to his country. His wife and children are threatened. Hundreds of letters pour in.

Let me read one letter, and it is a tough letter. And I have seen many of these:

> Meile, you bastard. The secret numbered account won't do you any good. You are a son of a bitch, a traitor to your country. It will cost you your life. Your children are in danger. We will kidnap them and make sure that you pay the ransom with your Jewish money. We'll finish you off. We're going to wipe out the entire Meile clan. Traitors like you are not wanted. If you have any courage, you'll kill yourself or emigrate into the promised land to your Jewish friends—to Israel or the U.S. You won't live much longer in Switzerland if you don't kill yourself.

That is the kind of thing he has been subjected to. This brave, courageous and righteous young man finds himself terminated from employment, blacklisted.

The chairman of the board of Union Bank, Mr. Studer says that he thinks Mr. Meili did this to get money. Now, let me say something. Mr. Meili did not go to the press. This information was released by the Union Bank and the police authorities.

I have just recently written to the local prosecutor, and in that letter of May 15 I said, basically, are you still threatening to prosecute Mr. Meili? I ask that the full text of that letter be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,

Washington, DC, May 15, 1997.

Mr. PETER COSANDEY,
District Attorney of the Canton Zurich, Zurich, Switzerland.

DEAR MR. COSANDEY: This letter concerns Mr. Christoph Meili, the former bank security guard who discovered the shredding of Holocaust-era documents at the Union Bank of Switzerland in Zurich and who is currently being investigated by your office for violation of Swiss bank secrecy laws.

As you are probably aware Mr. Meili has recently testified before the Senate Banking Committee in Washington, D.C., in reference to his discovery of the shredding of valuable archival documents by the Union Bank of Switzerland. He told of his firing by his employer Wache A.G., even after I received personal assurances from Ambassador Thomas Borer that this would not take place. Mr. Meili stated that this firing has left him penniless and has placed terrible financial strains upon himself and his family. As you are undoubtedly aware Mr. Meili has a wife and two young children that he must now somehow support.

Mr. Meili also testified of his hours of intense interrogation by Swiss officials and their silence as to the status of their investigation. Mr. Meili also testified that Swiss officials have yet to provide him with copies of the archival documents that he saved from destruction. Mr. Meili also stated that he fears for his life and the life of his wife and infant children. He stated that both he and the members of his family have received numerous threats against their lives. His children have been threatened with kidnaping and he has been told that ''their ransoms could be paid from monies belonging to the Jewish community.'' This is unconscionable.

He also feels that he has been ''black-listed'' by the Swiss banking community and will have great difficulty in securing gainful employment in Switzerland. Mr. Meili should be treated as a hero not as a criminal. It is within this light that I now ask you to end your harassment of Mr. Meili. You do both your office, Mr. Meili and the citizens of Switzerland a great injustice in continuing your present course of action. The Union Bank of Switzerland should be the subject of your investigation, not Mr. Meili.

In closing, I would also be most interested in finding out what action your office has taken against Mr. Erwin Hagenmuller, the Archivist for the Union Bank of Switzerland who ordered the shredding of archival documents even though recently enacted Swiss law prohibits such willful destruction. Was a report filed by the Union Bank of Switzerland in reference to Mr. Hagenmuller's actions? If so, could a copy of the report be forwarded to the Committee for review?

Respectfully,

ALFONSE M. D'AMATO,
Chairman.

Mr. D'AMATO. I did not receive a direct reply, but let me tell you what I did get just yesterday. I received a letter from Mr. Meile's attorney, Marcel Bosonnet.

In the letter the prosecutor says, basically, that ''we intend,'' and I quote, ''to bring a charge'' against Mr. Meili. They are going to charge Mr. Meili with criminal conduct, not the bank which shredded the records. And they want Mr. Meili to come back to Switzerland for another interview. Mr. Meili's lawyer, Mr. Bosonnet, writing to a lawyer who is representing Mr. Meili because Mr. Meili is here in hiding, has advised him not to come back to Switzerland because he would face not only persecution but prosecution and harassment.

Now, Mr. President, it is one thing for the Swiss Government to say, ''Do not blame us for what took place 50 years ago'', and another thing to say, ''Well, what we are doing today is correct.'' I say to the Swiss Government and to the Swiss banks, do not shred the truth. Tell the truth. Mr. Meili should not be facing criminal charges for coming forward.

Let me share with you, if I might, what I learned just before we adjourned. And, by the way, I commend my colleagues in the Senate for passing the bill which will give to Mr. Meili relief, a private relief bill which will permit him and his family to reside in this country legally and to be able to be gainfully employed. That legislation is now pending action in the House. But let me say to you that I think all of us were moved when we heard the testimony of Mr. Meili.

I said to him, ''Christoph, why did you do this? Why did you take these documents and report and expose what was going on?''

Do you know what he said? He said, ''Two months earlier I saw 'Schindler's List,' and I knew that I must be doing something, and I could not just stand by and let this take place.''

So I say to my colleagues in the Senate and in the House, can we do anything less than to ask for speedy passage of that legislation that will give Christoph the right to work and live here in this great country, to tell him that we do appreciate his standing up for truth and justice, and also to let the Swiss Government know in the strongest terms that we are not going to stand by and do business as usual. We are not going to allow them to harass this young man, because this prosecutor is way off base. If anything, he should be investigating the destruction of those historical documents by the Union Bank, documents that existed in some cases for more than 60 years. Suddenly they say they began to destroy them by accident. I do not believe it. It also raises in this Senator's mind the question of how historical documents that have been stored in warehouses belonging to some of the banking institutions mysteriously have caught on fire. I'm talking about four different warehouses in this country, the latest being in New Jersey, concerning documents that belonged to Credit Suisse.

I wonder how it is that shredding takes place after 60 years by accident.

When a young bank guard comes forward and says, ''Look, this is not right,'' he, then, becomes the victim and becomes the criminal.

What we seek is justice and a full accounting. And certainly fair treatment of this heroic young man.

Mr. President, I yield the floor.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we on the legislation so I can offer an amendment?

The PRESIDING OFFICER. Yes, we are; pending is S. 4.

AMENDMENT NO. 253

(Purpose: To provide protections in bankruptcy proceedings for claims relating to compensatory time off and flexible work credit hours)

Mr. GRASSLEY. Mr. President, under the unanimous-consent agreement my amendment on bankruptcy to this legislation has been filed. I would like to take that amendment up at this point. If it is necessary to read the amendment, I would like to have it read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 253.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 28, after line 16, insert the following:

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking ''$4,000'' and inserting ''$6,000'';

(2) by striking ''for—'' and inserting the following: ''provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—''; and

(3) in subparagraph (A), by inserting before the semicolon the following: ''or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)''.

Mr. GRASSLEY. Mr. President, I rise today to offer a bankruptcy amendment to resolve an important question which has been raised regarding S. 4. This is a bill which will provide America's working families with some much-needed relief from the demands of balancing family and work. But some have questioned whether workers' rights to be paid by companies that declare bankruptcy might inadvertently be affected by S. 4. My amendment will make sure that this will not happen and that workers will be fully protected.

S. 4 is a very important bill. We all know the story. Over the past decade or so, wages have been flat and the tax burden seems to just grow and grow. As both mothers and fathers around the country have had to work outside the home and have had to work longer and longer hours, they have less time to spend with each other and with their families. This leads to a decrease in the quality of family life.

And with all the assaults we have on families these days—increased drug use by teens, excessive violence and sex coming from Hollywood to name a few—Congress needs to give serious consideration to finding ways to protect and stabilize families. The Senator from Missouri is to be commended for taking such a progressive stance on this important issue.

S. 4 will give employers the chance to offer families the choice of working harder and earning overtime pay or getting some time off in exchange for working more. That makes good common sense and will expand the range of choices that working families can make.

Now, I chair the Subcommittee on Administrative Oversight and the Courts, which has primary responsibility for bankruptcy policy in the Senate. I am offering an amendment today to make sure that unused comptime and unused flexible credit time will be protected when an employer declares bankruptcy. Under current law, unpaid wages up to $4,000 are given a preferred status if earned within 90 days prior to a company declaring bankruptcy. Under the Bankruptcy Code, secured creditors are paid and then the costs of administering the bankruptcy estate will be paid. After that—ahead of all the other creditors—workers' wages will be paid subject to those limitations I just described.

I believe that comptime and flexible credit time should be protected in the same way as unpaid wages because unused comptime and unused flexible credit time are essentially unpaid wages.

So, my amendment does two things. First, my amendment provides that all unused comptime and unused flexible credit time will be deemed to have been earned within 90 days prior to the employer filing for bankruptcy. This will prevent a dishonest employer who wants to cheat workers from arguing that he doesn't have to pay the value of unused comptime or unused flexible credit time because they might have been earned over a period of a year or even longer. In other words, by having the law deem all unused comptime and unused flexible credit time as having been earned within 90 days prior to the employer's bankruptcy, the worker's right to be paid will be protected. That's pro-worker and pro-family and it's just plain fair.

The second thing that my amendment will do is insert comptime and flexible credit time in the list of preferred debts alongside unpaid wages. That means that unused comptime and unused flexible credit time will have the same preferred status as unpaid wages.

Mr. President, I hope that every Member of this body will support my amendment. It is pro-worker and it makes sure that the promise of comptime and flexible credit time will not turn into an empty promise. As we all know, most employers are honest and law abiding and will go into bankruptcy only as a last resort. But when a company has to go into bankruptcy, we should take extra care here in Congress to see to it that workers are treated fairly. We should also make sure that workers are protected from the small number of dishonest companies that might try to use a loophole to cheat workers out of what they've earned.

My amendment simply ensures that unused comptime and unused flexible credit time will be as protected as unpaid wages. Workers who choose to take the time to be with their families should not be disadvantaged should their company have to declare bankruptcy.

Mr. President, I hope this amendment passes overwhelmingly.

I would like to also suggest that as a concession to the Members of the other side of the aisle, I have also raised the dollar amount referred to earlier from $4,000 up to $6,000 as well.

I yield the floor.

Mr. ASHCROFT. Will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I am very pleased to have the Senator come to the floor and offer this amendment. I would like to clarify the intent of my colleague. I think I understand it.

If the comptime accumulated earnings, which might either be paid off at the end of the year as comptime that gets cashed out or might be taken as comptime, as time off—if that is older than 90 days old, under the current law it might not have all the protections in bankruptcy that normal wages would have; is that correct?

Mr. GRASSLEY. The Senator from Missouri has the existing law correct. That is right.

Mr. ASHCROFT. So what the Senator is doing is making sure that everything that would be in a comptime or flextime bank in terms of hours would be protected at the highest level of protection as recently earned wages under the bankruptcy law?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I think that is a clear improvement to this measure, in terms of protecting the interests of workers. I thank the Senator from

Iowa for his insight and his expertise in this area, which obviously reflects his experience with the bankruptcy laws and his experience in matters of this character.

Mr. GRASSLEY. Is it appropriate to urge the adoption? It is not appropriate? We have not had the minority people speak to it yet.

I ask unanimous consent to lay this amendment aside for the consideration of a second amendment that I have already filed.

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

AMENDMENT NO. 256

(Purpose: To apply to Congress the same provisions relating to compensatory time off, biweekly work programs, flexible credit hour programs, and exemptions of certain professionals from the minimum wage and overtime requirements as apply to private sector employees)

Mr. GRASSLEY. This amendment is amendment 256. It has been filed.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 256.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms ''Board'', ''covered employee'', and ''employing office'' have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act), section 16(g)(1) of such Act (29 U.S.C. 216(g)(1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 7(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States Code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104–1.

Mr. GRASSLEY. Mr. President, I rise today to offer a very important amendment. This amendment applies the provisions of this bill, S. 4, to Congress.

As most Senators know, I pushed for the adoption of the original Congressional Accountability Act for many years before it was enacted. Finally, in the last Congress, with my sponsorship, we enacted the Congressional Accountability Act into law. With this act we said that we in Congress are no better than the business men and women in our States. We are not different and we, too, must live under the laws that we pass. We no longer sit in Washington and look down upon the people and tell them how to run their businesses. This is a democracy, and therefore we make laws for the people, and we, too, are the people.

This amendment is offered for the same purpose. It is a continuation of the spirit and intent of the Congressional Accountability Act.

In the Federalist Papers, Federalist 57, James Madison wrote that:

> [Members of Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society . . . it creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples, but without which every government degenerates into tyranny.

The bill before us gives important options to the private workplace that Government—with exceptions including Congress—has enjoyed for years. It is only fair that if these options—compensatory time, bi-weekly schedules and flextime—apply to the private sector, then they must also apply to Congress. A rationale of the Congressional Accountability Act was that by requiring us to live under the same laws as the private sector, we will understand the challenges created by the laws that we pass. If we apply compensatory time, bi-weekly schedules and flextime to the private sector, we must also apply it to Congress. Otherwise, we will not get an accurate understanding of what our labor laws do to our businesses and workers.

The language in this amendment is carefully crafted to complement the Congressional Accountability Act. The drafting of this language was a long and careful process. I drafted it in consultation with the Office of Compliance and the Senate Employment Counsel. I thank both of these offices for their efforts to craft this language and make it the most effective and fair language possible.

I ask my colleagues to support this amendment and to join me once again in saying that we are not above the laws that we make.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 265

(Purpose: To prohibit coercion by employers of certain public employees who are eligible for compensatory time off under the Fair Labor Standards Act of 1938 and provide for additional remedies in a case of coercion by such employers of such employees)

Mr. GORTON. Mr. President, I ask unanimous consent that the current amendment be laid aside and call up amendment No. 265.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 265.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 10, strike line 8 and all that follows through page 10, line 16 and insert the following: ''subsection (o)(8).''.

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking ''(7) For'' and inserting ''(8) For''; and

(B) by inserting after paragraph (6), the following:

''(7)(A) The provisions relating to the prohibition of coercion under subsection (r)(6)(A) shall apply to an employee and employer described in this subsection to the same extent the provisions apply to an employee and employer described in subsection (r).

''(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to an employee described in this subsection to the same extent that remedies are made available to an employee described in subsection (r).

''(ii) In calculating the amount an employer described in this subsection would be liable for under section 16(f) to an employee described in this subsection, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).''.

(5) NOTICE OF EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

Mr. GORTON. Mr. President, I send a second-degree amendment to amendment No. 265 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator does not have the right to amend his own amendment at this point.

Mr. GORTON. Mr. President, I ask unanimous consent to be granted that right.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington has the floor.

Mr. GORTON. 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.

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

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

Mr. GRAMS. Mr. President, I ask, what is the order of the business of the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 265.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be laid aside temporarily so I may make a statement in support of this bill.

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

Mr. GRAMS. Thank you very much.

Mr. President, I have come to the floor this afternoon to express my support for the Family Friendly Workplace Act introduced by my colleague from Missouri, Senator JOHN ASHCROFT. I join with the Nation's working men and women in thanking my friend for his leadership in bringing this legislation to the floor and giving us an opportunity to focus on what has become the single most precious commodity for working families in the 1990's, and that is time.

Trapped between less time and greater demands, the American people are calling for more choices and flexibility in setting their work schedules. They want help in balancing the competing demands for time between their families and their jobs. When surveyed in March by Money magazine, 64 percent of the American public—and 68 percent of working women—said they would prefer time off instead of extra pay for overtime, if the law permitted such a choice.

Unfortunately, the law does not allow such choices, even though dramatic changes have taken place in America since 1938, when Congress wrote the basic law governing U.S. workplaces. Six decades ago, most laborers were employed in industrial plants or on farms. Fewer than 16 percent of married women with children in school were employed outside the home. Today, service jobs are a key part of the economy where more than 75 percent of married women with school-age children now work outside the home.

Many parents are under tremendous stress, often holding down more than one job while trying to raise their children. The strain can be even more pronounced in single-parent households or two-parent families where both spouses work. Is it any surprise that today's parents are spending 40 percent less time with their children than parents did just three decades ago? It seems there are not enough hours in the day anymore to always fulfill the demands of family and of work.

Twenty years ago, Congress overwhelmingly approved relief for federal workers by enacting flexible work options for government employees. During House consideration of the bill, then-Representative Geraldine Ferraro said, ''Flexible schedules have helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities.'' Also, Representative Patricia Schroeder added, ''Flextime increases employee morale and productivity.''

Even though federal workers have enjoyed these benefits for years, the rules governing the workplace and working hours for the private sector remain frozen back in 1938. Predictably, this has created unintended burdens for millions of workers.

For example, under today's law, a worker who wants to put in 45 hours one workweek in exchange for 35 hours the next—in order to attend a child's soccer game, parent-teacher conference, or doctor's appointment—must first have an employer who is willing to pay five hours of overtime pay for the 45-hour week. Because many employers cannot afford additional overtime expenses, working parents are left with two choices: One is lose five hours of pay in order to be with a child, or miss the soccer game, school award, or doctor's appointment. That is an unfair choice parents should not be forced to make.

Employers who try to extend a helping hand to employees with flexible scheduling do so at the risk of fines and penalties from the Department of Labor. It is the law—you are not allowed to work 45 hours now in return for 35 hours in another week and still keep a full paycheck.

President Clinton has said he understands this problem and has proposed expanding unpaid time off under the Family and Medical Leave Act. Unfortunately, his plan only allows leave without pay. It was designed for periods of extended leave, not for the flexibility needed to meet the daily challenges of modern family and working life. Working parents would still have to take a pay cut to be with their children.

Mr. President, I firmly believe the time has come to bring our employment laws into the 1990's, and so I have proudly signed on as an original cosponsor of the Family Friendly Workplace Act. Our bill would create flexible scheduling options for working Americans, benefiting millions of hard-working women and men.

First, workers under this legislation would have paid flexible leave. To create time for their families, employees could choose to work additional hours in one week, to fill in a shorter week later. Employees could bank up to 50 hours of flexible leave that can be taken with pay.

Also second, employees could set 2-week schedules totaling 80 hours in any combination. For example, an employee might want every other Friday off, compensating for the day off by working 80 hours over the course of 9 days. This system has worked well for Federal employees.

Third, employees could take time and one-half off, instead of overtime pay. Employees would have the option of cashing out these comp time hours for overtime pay, if they wished. It is important to note that these options are entirely voluntary and any action must be set into motion by the employee, not the employer. Your employer can't force you to take comp time if you prefer the overtime. The bill, in fact, sets stiff penalties for coercive or abusive actions by employers.

While I believe the bill affords employees the necessary protections, should there be reports of widespread abuse under this legislation, I will be among the first to call for its repeal.

Mr. President, an editorial published in the April 7, 1997, edition of the Minneapolis Star-Tribune raised some of these same concerns—concerns I believe have been satisfied—and the newspaper found the premise behind the bill to be solid. The newspaper wrote:

> This is pretty appealing to busy Americans, many of whom would happily forgo $60 in overtime pay for the chance to spend Friday with their kids or a string of walleyes. And it is an efficient form of time management for employers who see their offices swamped with work one week but becalmed the next.

The editorial concluded by saying that

> Clinton and Congress' Republican leadership should find a way to accommodate the needs of business and American workers in a changing economy . . . After all, the whole point is flexibility.

Mr. President, I trust working parents with that flexibility because only they know what is best for their families. The flexibility is especially meaningful for the Nation's working women as well. Both Working Women and Working Mother magazines have endorsed the flextime and comptime measures in the Family Friendly Workplace Act, recognizing that 28.8 million working women stand to gain from this proposal.

Times have changed dramatically since 1938, and change is long overdue. In fairness to workers and their families, and in the interest of the productivity of our economy, it is time to modernize our labor laws and give all workers the choice of flexible work options. So Mr. President, in concluding, I would like to say that the Family Friendly Workplace Act offers much-needed help for Americans striving to meet all the needs of their families. I urge the support of my colleagues, and once again I want to thank the Senator from Missouri for his leadership in bringing this bill before the Senate.

Thank you very much, Mr. President.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, today the Senate is debating an aptly titled bill, the Family Friendly Workplace Act. The working families of today face more challenges than their parents and grandparents could have imagined. In addition to providing for their children, parents want to balance the other demands on their time—parent-teacher conferences, little league games, doctor appointments, car pools—but have little flexibility.

The family friendly workplace will give employees the opportunity to adjust their work hours to take advantage of paid time off during the workday. It is a short, simple bill that would extend to the private sector the same benefits already enjoyed by public employees for almost 20 years. First, it will allow hourly workers the ability to bank extra time which could be taken as paid time off. Second, the measure will give employees and employers the ability to work out a flexible scheduling arrangement. Sound simple enough? Surprisingly, these common-sense practices are now prohibited under current law.

The only explanation I can find for the opposition to this proposal is the flurry of misinformation that surrounds this debate. For instance, I have received a few letters in my office from Washington labor organizations, which reveal their unfortunate misunderstanding of this bill. One letter states, ''S. 4 contains no penalty to punish employers who force workers to take compensatory time off if the workers want, instead, to receive premium pay at the time-and-a-half rate, after they work in excess of 40 hours during a week.'' This claim is false. Not only are these options 100 percent voluntary for the employee, but, in addition to protections that already exist under the Fair Labor Standards Act [FLSA], S. 4 establishes further prohibitions against employee coercion in the voluntary acceptance of comptime. Intimidation is outlawed. Another letter I received argues that ''the enactment of a less effective FLSA would jeopardize worker safety and health as employees are forced to accept excessively long and hazardous overtime assignments without pay fearing loss of future employment opportunities * * *'' This claim is untrue. Let me repeat—these options are 100 percent voluntary for the employee.

I am also confused by arguments my colleagues have made against this measure. One amendment the opponents may offer would expand the Family and Medical Leave Act to grant workers up to 24 hours of unpaid leave to participate in their child's school activities. They point to a poll that found that 86 percent of the American public favor legislation that would allow workers unpaid leave to attend parent-teacher conferences. Did the poll ask Americans if they would like paid leave for these educational purposes? I also find this amendment puzzling since the first argument I hear from labor groups is that workers cannot afford to take compensatory time off since they rely on their overtime pay. I agree that many workers would not take the comptime option because they prefer additional pay. But if extra pay is their first priority, why would they be so anxious to take unpaid leave?

Furthermore, opponents cite the position of various women's organizations in Washington who have come out against this bill. Like many inside-the-beltway groups, they seem to have fallen out of step with the average working woman, since several studies contradict their opposition. For example, a study conducted by the Employment Policy Foundation reveals that women are far more eager to trade income for leisure—among women earning $750 a week, women are more than twice as likely as men to choose ''fewer hours for less pay.'' Second, 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, rather than cash wages, and 82 percent said they support the Republican-backed comptime bills. Also worth noting is the endorsement of the Family Friendly Workplace Act by Working Woman and Working Mother magazines.

Even more perplexing is the President's failure to recognize the special needs of working women by refusing to allow comptime in exchange for overtime pay. While overtime pay is invaluable to many workers, nearly three out of four workers reporting overtime pay are men. In fact, overtime pay is most commonly reported in industries which are heavily dominated by men—manufacturing (73%), mining and construction (95%), and transportation (88%). Of the small number of women who work in mining and construction, only 5 percent worked overtime in 1996, while 95 percent of men did. The President's commitment to defeating this proposal will disproportionately harm women.

While these polls and statistics are helpful and revealing, I need go no further than my home State to be convinced of the value of the Family Friendly Workplace Act. One engineering firm in New Hampshire, for instance, uses a complicated formula to allow employees every other Friday off. But the complexity of their current system is exactly why they would prefer the passage of S. 4. If there is any doubt that this flextime is appealing to employees, this company, like many in the highly competitive technology industry, advertises their existing flexible week as an incentive when seeking out technical expertise. Any Senator who represents an area like the Northeast, which has a large technology presence, can understand how competitive the recruiting can be. The flex week is so appealing to potential employees, firms highlight it in their ads in an effort to outbid their competitors.

Because of the false claims, inconsistency, and bias against women, I reject the arguments against the Family Friendly Workplace Act. It is time that these options are enjoyed by all American workers, not just Federal employees. I hope my colleagues will join me in support of this commonsense legislation, and vote to invoke cloture.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I would like to briefly respond to some of the discussion that deals with S. 4, which is egregiously entitled the ''Family Friendly Workplace Act.'' But I also want to say to my colleagues that I am going to spend a little bit of time talking about disaster relief and the failure of the House

of Representatives to move forward with this legislation because I think that takes priority over all of our business here.

Mr. President, I will agree with my colleagues, starting with Senator ASHCROFT, whom I enjoy as a colleague, that this piece of legislation deals with a very important question. And the question is how people balance their commitments to work with their commitments to family. I think that is a very important question.

But I would like to just repeat one more time for my colleague from Missouri and other colleagues who want to see some kind of positive, constructive legislation passed, this piece of legislation in its present form is going nowhere. And it should not go anywhere.

Mr. President, first of all, there are two features that are automatic nonstarters. My colleague from Minnesota, whom I enjoy working with, talked about a couple of women's organizations that support this bill. My understanding is there are huge numbers of women's organizations who are in opposition, for good reason.

First of all, we have the Fair Labor Standards Act which was hallmark legislation. The idea here was the 40-hour week. If you worked overtime you get overtime pay. That is very important. There are a whole lot of families with incomes below $20,000, $25,000 a year for whom overtime pay is key.

What we are doing with this legislation, which has this sort of happy-face title, the ''Family Friendly Workplace Act,'' is we are now moving from a 40-hour week, we are abolishing it and we are going to an 80-hour 2-week period whereby an employee could work 50 or 60 hours one week, 30 or 20 hours the next week and not get paid any overtime.

If you think that the reality is in the workplaces throughout this country that employees are equal partners in this decisionmaking in all these workplaces, then you might not worry about that. But the fact of the matter is, the vast majority of people, the vast majority of women and women's organizations, understanding the threat to the 40-hour week, will not accept this. This provision is not in the House bill that passed, and it should not be in this bill. It is one of the reasons this bill will go nowhere.

Mr. President, in addition, there is another feature that deals with flextime which essentially says you can work overtime and then you can take that hour off or however many hours you worked, but you do not get an hour and a half off for an hour overtime so it becomes a cut in pay. Again, you have two features in this bill that are in direct contradiction to the Fair Labor Standards Act and, therefore, going nowhere.

Now, the third point I want to make is that there has to be some guarantee, some way that we protect people for whom being able to work and working overtime and being paid overtime is critical to their family's income. In a huge percentage of families with incomes under $20,000 a year, the household head works overtime. So what you do not want to have happen is a situation where an employer is only going to give the overtime to those people who take comptime as opposed to people who want to have time-and-a-half pay. Again, so far, we have not seen any willingness to sit down and negotiate and compromise on some of these questions.

Mr. President, in committee Senator MURRAY talked about an extension of the Family and Medical Leave Act which was terribly important. The Senator may, while she is here, raise a question with me about this, and I am pleased to do a colloquy with her on that. In addition, I had an amendment in committee which said if there is a situation dealing with Family and Medical Leave Act considerations where there is sickness in the family or whatever and you banked 20 or 40 hours, you should be able to take that time off; you do not need to ask for permission.

Mrs. MURRAY. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mrs. MURRAY. The Senator from Minnesota is correct that during the debate on this bill I have talked consistently about the fact that women do want flexibility in the workplace in order to make sure they can take care of their children when they need to.

The concerns we have continuously raised about the bill we are debating is who decides when that woman or man, father or mother, gets to take that time—whether the employer decides or they do.

When it is your child's conference time at school, your employer cannot say, or probably will not say to you, ''You can take your conference time next week.'' You need to go to them as an employee and say, ''My child's conference is next Thursday at 10 o'clock. I need to take an hour to go visit with my child's teacher.''

Let me ask the Senator from Minnesota, the option that I am offering that allows 24 hours off a year for parents to participate with their child, in your opinion, would that give employees the ability to have some control over their time and their ability to participate with their families?

Mr. WELLSTONE. Mr. President, in responding to the question that the Senator from Washington has raised, that is really what is at issue here. There is an alternative that Senator BAUCUS and others have presented which really does give the employees the flexibility, if that is what this is about. We have to make sure that employees have the flexibility so that if they need to take the time off—time, I might make the point, time that they banked—if they need their comptime because they want to go to school and visit with the teacher or because they have an elderly parent that is ill, they ought to be able to do it. If we really want to give them flexibility, we should give them flexibility. That is not in this piece of legislation.

I also say to the Senator from Washington that, in addition, we have a very serious problem here. Sometimes I think here in the Senate we lose sight of the reality of the circumstances of many families in our country. We have a paradoxical situation where we have this impressive abundance, an affluence and good macroeconomic indicators, but at the same time, we have large numbers of families that are struggling to earn a decent living and raise their children successfully. People are still feeling the economic squeeze, and one of the ways people are able to put food on the table and support their families is to be able to get that overtime pay for working overtime. We are not going to abandon that principle.

This legislation in its present form will be defeated again tomorrow. People gave their sweat and their tears for fair labor standards and for a 40-hour week and for the idea that if you work overtime you get overtime pay. Now, if we want to really give employees the flexibility, we should do so. But you do not have a cut in pay with flextime, you do not have a cut in pay by abolishing the 40-hour week and going to an 80-hour 2-week framework. You make sure that employees, in fact, if they bank that extra time, that flextime, are able to take it off, time and a half for every hour worked overtime to be with their child or to be at a doctor's office with their parent. They get to do it. They do not have to ask for permission. You certainly make sure that you do not have any discrimination whereby this becomes too good a deal in its present form for too many employers, and the only people, I say to my colleague from Washington, that they give any overtime to are those people who will not ask for overtime pay, who will only ask for comptime. That is what is at issue here.

I agree with the question, which is this is all about working families. This is all about how people balance commitment to work with balancing a commitment to family. But this piece of legislation does not give employees the flexibility, and this piece of legislation does not give people the guarantee that they will not be discriminated against and no longer able to obtain overtime pay for overtime work which is so important to so many families that are barely able to make ends meet. This piece of legislation takes the Fair Labor Standards Act and it turns it on its head. It literally overturns 50 or 60 years of people's history. It is too bad, because we could pass a piece of legislation.

My colleague from Missouri has a good idea, at least in the goal of giving employees the flexibility. But in its present form, this piece of legislation will go nowhere.

Mr. President, now, I understand I have not looked at some of the amendments—Senator GRASSLEY's amendment. We also, in committee, were talking about the whole problem of bankruptcy and what happens to people who have earned this time. I think maybe the ceiling is too low and we have to have a higher threshold. Maybe something can be worked out on that, but then I hear there is another amendment that wants to apply this piece of legislation to the Congress, to staff, the people who work here.

Well, Mr. President, I think that most of the people who work here—I have to look at all of the specifics, but I would think that a lot of people who work here might say, well, we would rather go forward and not backward. Right now, I think, people would be kind of worried about losing some of their fair labor standard protection or they would be worried about not being able to work overtime and get overtime pay. I do not think people want to see that. I also think employees here working with us want to make sure that if they bank the time, they will be able to take it off when they need to take it off to be with their families.

So, again, Mr. President, you cannot take a piece of legislation that is flawed, I say with some regret, badly flawed for the vast majority of families in this country, and now apply it to people who work here, which just compounds the problem. Make this a good piece of legislation, and then, I say to my colleague from Iowa, and then we should apply it. I am all for that.

DISASTER RELIEF

Mr. WELLSTONE. Mr. President, I want to mention to some of my colleagues that with some regret, at least for a while this afternoon while I have the floor, there probably will not be a lot of discussion about this important piece of legislation, because I am now at the point, as a Senator from Minnesota, where I could not have any more patience for the political process here.

We have had people in our States, and the Chair, I know, would feel the same, and I believe my colleague from Missouri would feel the same way, who have been through an absolute nightmare. We have communities where everybody had to evacuate—total devastation. We have one community in Minnesota, East Grand Forks, across the Red River from Grand Forks, and everybody had to leave and the people are still waiting for the Congress to provide them with relief. And the House of Representatives had the nerve to go into recess without providing that assistance.

Well, Mr. President, for a while this afternoon the only point of discussion while I have the floor is going to be about the problems that we are facing in States that have been flooded, in States that are waiting for this disaster relief, because I think this ought to be the priority for the Congress. Whatever I know about this political process, whatever leverage I have as a Senator, I am going to use it. I will slow up whatever I can slow up. I will stop whatever I can stop. I will do it this week, and I will do it next week and I will do it as many weeks as I need to, until that disaster relief bill is passed. I do not know what else to do. I do not know what else to do.

Mr. President, let me just talk a little bit about what is going on here. What we have is a situation where some people are playing politics with the emergency supplemental as opposed to getting this relief out to people who are trying to rebuild their lives.

Can you imagine, I say to the Chair and my colleague from Missouri, can you imagine how people in Idaho and Missouri would feel when their homes have been destroyed? We worked together in a bipartisan fashion, and Senator STEVENS was a big part of that. We came up with not only the funding for FEMA, but most important of all is some small business loans we came up with in what is called Community Development Block Grants, moneys which would enable people to move forward with buyouts for people who live in the floodplain, enable people to have assistance to rebuild their homes. That was the good news part. We were on our way.

And then we had a disagreement. We had a disagreement over something called the CR. Frankly, people back in the Dakotas and Minnesota do not know that much about a CR and they do not really care too much. They just thought we would have the elementary decency of providing them with some help in their hour of need. But we got a debate about the CR.

We have another debate about roads and public parks and maybe a couple of other matters as well. I would have thought that my colleagues—and I think some Republicans agree with me, so I do not think this is really so much a partisan issue; I know that in our States, Republicans agree—I would have thought that my colleagues would have had the elementary decency, the elementary decency before they went into recess, and we were going to stop them, and I cannot even remember the technical maneuver, but we were going to try and force a vote on adjournment, I guess it was, but they did not call it adjournment. We were in recess. So, theoretically, every 2 or 3 days, we were in session, but we really were not. Then people in the House of Representatives could then vote against adjournment and feel good about it, knowing that nothing had been done.

I could not believe it. The leadership in the House of Representatives—I do not even call it leadership when people in our States are in such need, waiting for some final assurance that relief is going to be forthcoming—goes into recess.

They don't even have the elementary decency to put aside what differences we have and just go forward—make sure that people know that they are going to be able to rebuild their homes, make sure that people know they are going to be able to move back into their homes, and make sure that people know that they are going to be able to go on with their lives. But no.

I am Jewish. I throw my hands around here. I am sorry, my colleagues.

But, no. They go into recess. And I am supposed to try to explain to people in Minnesota and North Dakota and South Dakota how we can play these kind of games here? People can't believe it.

To all of my colleagues, to all of the people who are here today, no wonder so many Americans sour on our political process. You have floods the likes of which haven't been seen for 400 or 500 years. You have total devastation. The hospitals are destroyed, schools are destroyed, and everybody in the town are all leaving. You have flooding. You have hail. You have snow. You have fire. And, in spite of all of that, the goodness of people comes out. They support each other, they love each other, and they try to get back with their lives. But they know they need help. And the House of Representatives goes into recess. It is unbelievable.

Now we are back here, and it is Tuesday. We hear that maybe this week this disaster relief bill will not be passed. Or maybe, people say, ''Well, play a game and we will put on a continuing resolution.'' What does a continuing resolution have to do with the budget or have to do with getting disaster relief for people? It is called disaster relief because it is disaster. It is called an emergency supplemental bill because it is an emergency. Stop playing political games with people's lives.

So, Mr. President, now we have a situation where some people are thinking, OK, what we will do is put a continuing resolution on this bill; it has nothing to do with emergency supplemental assistance; we will send it to the President; then he has already said he will veto it; and then it will come back here. And I don't know what they will do next.

Why are they sending it to the President when you know he is going to veto it? If you want to debate the budget, let's debate the budget. If you want to debate the parks and the other issues, fine. But can't we just put aside our differences and please get the supplemental assistance to people? This is really a huge issue.

Mr. President, there are families and business owners in Grand Forks, ND. My colleague from North Dakota talked about this, and East Grand Forks. They need to know whether they are going to be part of the floodplain buyout. But they do not know. They do not know whether or not there is going to be a buyout. They do not know whether they should move. They do not know whether they should try to come back to their homes. They don't know whether there is going to be any assistance at all. The State does

not know whether it should go forward. The mayors do not know what they can say to the citizens because they do not know what we are going to do because people have been waiting and waiting and waiting.

Some of my colleagues today are going to wait because I am going to talk on the floor of the Senate for a while as well because it is just simply unconscionable and it is simply indefensible that we just do not get on with the business of providing people with this assistance right now.

Mr. President, we have another problem. If we are going to start rebuilding—I think maybe in Idaho and less in Missouri. But in Idaho I think this is a bit of an issue as well. We have to get going because our building season is over come mid to late October.

So, if we do not get the approved funding now and we don't started with the construction we are not going to get it done. Minnesota is a cold weather State. It is without a doubt the best State in the country. But it is a cold State. We have to get the funding right now, or we are not going to get the construction work done.

Colleagues, there are very good, very wonderful, very strong, very loving people in Minnesota and the Dakotas, and others States as well are confronted with the fierce urgency of now. They are trying somehow to rebuild their lives. They have been through a living hell. You would not wish it on anyone. They have been waiting and waiting for us to have the decency to please get the assistance to them. And we are still playing political games here.

Mr. President, the supplemental contains $500 million in CDBG funding for flood assistance. This program is one of the oldest Federal block grant programs in existence. This gives the States the most flexibility, or it could be the most flexibility for local communities.

Let me explain what we are talking about here. Whether we are talking about floods in the Midwest, or hurricanes in the South, or earthquakes in the West, this CDBG money is critical because it fills in the cracks.

In other words, what happens is FEMA money is good for public infrastructure and some help for homeowners and the small business money in loans. But the problem is many people can't cash flow any more loans. They can't get their businesses going. They can't rebuild their homes unless they get this community development block grant money. We have to task—thank you, Republicans, and, thank you, Democrats. We work together. That was the right thing to do. But now—for the last 13 or 14 days, whatever it has been—people back in Minnesota cannot believe what they are seeing here. They don't understand these games. They don't understand why it is we just do not provide them with the assistance that they need.

Mr. President, we have seen homes destroyed. We have seen city blocks immersed in water. And our communities, Ada, Warren, East Grand Forks, and others are in tremendous amount of need. They are in hurt. And they have the task of rebuilding their neighborhoods block by block and home by home.

I would like to thank FEMA, the Federal Emergency Management Agency for their work, and its Director James Lee Witt for his leadership. He has been great. I would like to thank all of the FEMA people who are out in Minnesota. They have been great. They are real heroes and real heroines. They are doing everything they can to help people. They are working with our community. And they are thinking about again buyouts and relocation plans.

They are thinking about how to enable people to move back into their homes, and how people can rebuild their businesses. But we need to get the funding to our States now. We need to begin the process of rebuilding our communities.

Mr. President, I don't know any other way to say it. I would say to my colleagues: Quit playing political football with the lives of disaster victims. Quit playing political football with the lives of disaster victims.

I don't know anything else to do. I mean, I apologize to my colleagues. I am going to continue to talk for a while—not all day and all night and all day tomorrow. But I do want to speak for a while about this.

Really, every opportunity I get as a Senator I am going to continue to come out and hold the floor. And I think just about every other Senator will do the same thing from our States. This is going to go on. Any Senator would do it, Democrat, or Republican. What else are you supposed to do?

I mean the first thing you do is you try to appeal to the common sense of some of your colleagues. You say, look, we have some differences here. So why don't we just put those differences aside and just get the assistance to people because we don't differ on that.

This is an emergency. Let's get the emergency assistance to people now. We tried to make that appeal. That didn't work. Then you try and appeal to the goodness of people. You say, look, people are hurting. People need some certainty. People need to have some confidence that we are going to provide some assistance to people. Please, Representatives; please Senators—I think even more Representatives now that I think about it on the House side—please. Can't you just put aside the differences? Can't we just go forward with what we agree on and get this disaster relief to people?

That doesn't work.

Then you try another appeal. You say, look, Senator, if it was your State, you would want to get that assistance out to the people. You would have a tough time going home and looking at people in the eye and having them look at you and try to explain what in the world is going on here.

So you try to appeal to colleagues, and you say, ''Look, I have always been there for you when you needed help in Missouri, or you needed help in Idaho, or whatever State, which is true. I remember the flooding and what they went through just a few years ago. Now we need help. Please, won't you help us get this through?

And that doesn't work.

So, since none of that works, there is only one thing to do. And that is just use the Senate rules and figure out your leverage and just do not let the U.S. Congress—in particular the House of Representatives which has this held up—go on with business as usual. We are going to talk about what is going on in Minnesota, the Dakotas, Missouri, and California, and a variety of other States.

Mr. President, I have here a letter from the mayor of East Grand Forks, MN, Lynn Stauss.

I tell you. My colleague, Representative COLLIN PETERSON, made a very good point this morning. Lynn Stauss is a part-time mayor. He makes about $5,300 a year. He is coming back out here tomorrow, and the mayor of Grand Forks, ND, as well. They shouldn't have to keep coming out here. But they have to keep coming out here to keep saying to people: ''Please, Senators and Representatives, don't make the people in our communities an abstraction.'' We are talking about real men, real women, and their children.

I don't know how the mayor has done it. He has been incredibly courageous. He has given people a lot of hope under some very difficult conditions, I say to a former mayor, Mr. President. But I know it gets hard after a while. People start to run out of hope when we don't come through here in the Congress.

So this is a letter dated May 20, 1997. I should have brought my glasses knowing that I was going to be on the floor for a while.

Do you have any glasses? [Laughter.]

These glasses are too conservative. I thank my colleague from Missouri. I have never understood how such a good person could have such bad ideas. [Laughter.]

DEAR SENATOR DORGAN: We understand that there are currently proposals to dispose of the five hundred million in CDBG grants for disaster aid in two separate payments. Because of the magnitude of destruction of the record setting flood of 1997 and the ice storm preceding the flood on April 4, 1997 throughout the Red River Valley, especially to the communities of Grand Forks, North Dakota and East Grand Forks, Minnesota, it is imperative that the total amount of five hundred million be released to our communities without delay. The people of our communities have suffered the loss of income, homes and businesses. In addition, our streets, water system, electrical system and sanitation system have been severely damaged and require immediate attention. The public facilities as we once knew them are virtually non-existent. We are now a community without a city hall, a library, several schools, fire hall and senior citizens center.

Our number one priority is the acquisition of over 600 homes and businesses from the

floodway. Immediate acquisition and relocation is the only preventive measure in relieving stress and allowing our citizens an opportunity to rebuild in our communities. Because of our short window of construction, if we do not act now our businesses and residents will have no alternative but to relocate in other communities.

We enclose for your information a copy of a proposal from Wynne Consultants which clearly depicts the aftermath and total devastation left by the flood and ice storm. We believe the report will provide you with a comprehensive understanding of our urgent, basic needs. The five hundred million in CDBG grants must be released to our communities to allow us the flexibility to rebuild and move forward with our lives.

Mr. President, this is from the mayor, and I just want to emphasize the importance of the words ''to rebuild and move forward with our lives.'' Again, Mr. President, I am sorry to inconvenience colleagues, but I feel as if people in Minnesota have been inconvenienced, and I think it is important to focus on this because I think we should pass this before we do anything else.

An emergency supplemental is an emergency supplemental. That does not mean messing around, playing all sorts of political games. And disaster relief is disaster relief. It seems to me to be patently unfair and insensitive and unconscionable for the House of Representatives to go into recess and not pass this disaster relief bill or for this week all of us in the Congress to mess around and mess around and mess around and not do this work. If there is one thing we should do this week, it should be to pass this disaster relief bill. This should come before anything else. This disaster relief bill should come before, I say to my colleague—I know how much work he has put into this, and I still think there is a possibility of passing a good piece of legislation when we get down to really give-and-take discussion and work together. I do not think this bill will pass in its present form. I do not think it should.

(Mr. KEMPTHORNE assumed the chair.)

Mr. WELLSTONE. Mr. President, I do not think this piece of legislation takes first priority. I do not think some of the amendments that are on the floor right now take first priority. I am not speaking about those amendments. There is not anybody who is going to speak on those amendments for a while. I do not think those amendments should take priority. I do not think the budget, if we get to the budget sometime this week, should take priority. I do not think there is anything we could do this week that would be as important as providing people, families, who have been through just total devastation with a helping hand. Can't we do that? Can't we just provide people a helping hand? Can't we give people some confidence they are going to have some assistance so they can move back into their homes? Is that too much to ask? Can't we give some small businesses some confidence that there is going to be some access to capital and some assistance so they can start up their businesses again?

I want to tell you something. Maybe some people think some of this is funny, but I want to tell you something. A whole lot of these people, these homeowners and these business people, are leaving. They are not going to be able to stay in these communities, I say to the majority leader, who has helped us, who has done a good job, and I thank him. These people are not going to be able to move back into their communities. A lot of these people are going to leave. That is what we are now here on.

So, Mr. President, I think it is appropriate that I take the floor and speak about this because I am hearing this from people in my State. And I know other Senators are hearing this as well.

Mr. President, this is a letter from the mayor of East Grant Forks, Lynn Stauss, again, who has just done a yeoman job, to members of the task force, the Minnesota Recovery Task Force:

Please accept the following information as our preliminary application to the Minnesota Recovery Disaster Task Force. We hope the data we have included will assist you in assessing the level of damage in East Grand Forks and allow us to receive early consideration in the coming discussion on recovery activity in our State. We consider our position to be worthy of a serious share of the Federal and State funding that will come to Minnesota. I know that you have been apprised of our damage situation throughout the Nation and statewide media over the hours of this disaster. Our city staff would welcome the opportunity to answer your questions at any time. Thank you for your time and consideration.

Lynn Stauss, Mayor, East Grand Forks.

Now, Mr. President, what I have here—and it will take me a little bit of time to read this application—is the application from the mayor. I want to emphasize one more time—and, Mr. President, I would like to apologize to some citizens who have come here today who are here during our proceeding. Normally we have debate on amendments, and when I start reading from some of this I fear that for some people here that will not be—without knowing the ins and outs of all of this, it may not be relevant, but I want to just make it clear one more time I once in a while come to the floor of the Senate and do this, but not very often, and I think those of us, whether we are Democrats or Republicans, don't come to the floor of the Senate and do this and hold the floor unless we really feel strongly about something.

But, Mr. President, I do feel strongly about this. Time is not neutral. Time rushes on. There are too many people who are hurting. They have asked for assistance, and we have got people who are playing games here. There is no other order of business that should come before our passing this emergency supplemental bill that provides disaster relief to people who have been through hell. They deserve our help, and they should not have to wait. They should not have to be out there twisting in the wind. They should not have to wonder what in the world is the matter with us. This bill ought to pass this week. This bill ought to pass today. I would be proud or pleased to leave the floor right now if I only thought something was going to be done.

Mr. President, let me go on and read from this application. This is just from East Grand Forks, really not talking about—I was in Ada, MN. In Ada, MN, it was just devastating. The school was completely flooded, much of it destroyed. They are going to be able to renovate the school, but can you imagine this? Here you have the school completely destroyed. It is going to be rebuilt, but somehow those students and the teachers and the support staff and the superintendent and the parents and the neighbors all banded together, and other schools will take in those kids and those kids are now finishing school and they are going to graduate. That is inspiring.

I will tell you something, Mr. President. What is not inspiring is this Congress. What is not inspiring is the House of Representatives. What is not inspiring is the Representatives or Senators who put extraneous measures onto this piece of legislation and are not willing to get the assistance to people who need it now. That is not inspiring. We do not set a very good model for young people when we cannot stop playing games and just provide assistance to people who need that assistance.

In Ada, as well, their hospital was just, again, devastated. They had to, in the dark of night, I think it was late at night, 10, 11, 12 o'clock, they had to take elderly people out of the nursing home, had to evacuate them. It was just unbelievable what people went through. Can you imagine a hospital destroyed, the community center destroyed, the school destroyed? And can you imagine what it would be like to, first of all, be flooded out and then you are faced with a blizzard and people do not have any heat? People go through all of this and they continue to flourish, and the churches or the synagogues all come together and people help one another and somehow people make it through, although there is a lot of hurt and there is a lot of pain and probably some people are going to have to go through a fair amount of counseling to get through all this. But at the very minimum couldn't this Congress—I say this now to the majority party—pass this emergency supplemental bill now?

Doesn't emergency mean emergency? Could not we provide this assistance to people now? Is that too much to ask? Is that too much for the people of Grand Forks, ND, to ask? Is that too much for the people of East Grand Forks to ask? Is that too much for the people of Warren, MN, to ask? Is that too much for the people of Ada, MN, to ask?

I heard my colleague from North Dakota, Senator CONRAD, this morning. I

thought he was eloquent. He said something like how many more days do people have to wait? I think that is an important question. How many more days, how many more weeks do people have to wait for help? How many more days do the people in our communities who are trying to rebuild their schools or hospitals have to wait? How many more days do the people who are trying to find out whether they are going to be moving or whether they are going to be staying or whether they are going to have money to rebuild their homes or to rebuild their businesses, how much longer do they have to wait? How much longer do senior citizens, many elderly people—a very high percentage of our smaller towns and communities really are comprised of elderly citizens. How much longer do they have to wait to know whether they are going to be able to live there?

The answer will be determined by what we do or what we do not do. I am determined as a Senator from Minnesota to do everything I can to make as many of my colleagues as uncomfortable as possible until we take action.

Let me repeat that. Whatever I can do to make those who are responsible for this delay uncomfortable, whatever I can do to focus attention on their irresponsibility, to focus attention on their insensitivity, to focus attention on their callousness, whatever I can do to make it clear to the leadership of the House of Representatives it is time to get serious, it is time, as my children would have said when they were younger, to get real I will do.

Mr. President, this application form—let me read from this form:

> The flooding of April 1997 caused hundreds of millions of dollars in damages to private properties, infrastructure and businesses in the city of East Grand Forks.

Mr. President, I think what I am going to do is actually read this slowly because right now time will move on slowly on the floor of the Senate:

> Damage to housing ranged from complete destruction of the properties to severely damaged basements, electrical systems, and heating systems.

By the way, built into this disaster relief bill—and I thank my colleagues, both Republicans and Democrats—is some assistance in the low-income home energy assistance program, the LIHEAP program—Senator STEVENS helped us on that—which will enable people, for example, to buy new furnaces, which will be a big help. Again, it will not happen, it will not happen until this disaster relief bill is passed:

> The vast majority of single family and multifamily dwelling units sustained damage. Similar damages to privately owned commercial properties occurred. Beyond the costs of the physical damage, these businesses have also been forced to deal with the economic loss associated with being unable to operate. Many have been unable to reopen and those that have to deal with having lost employees.

That is another issue, Mr. President. I know that when I went to Breckenridge, it was just really poignant because there I met with all of these small business people. It was not a meeting that had been arranged. I just came up to look at the flooding. And as soon as I came into the community, all of these small business people came up to me—and I am not putting them down at all, you understand—and they were absolutely desperate. I mean, there was just desperation and fear; they were really so frightened. And they were saying, look, we can't make this unless we get some assistance. And, Senator WELLSTONE, if you just give us loans, we can't cash flow those loans and we are not only worried about ourselves, we also are worried about our employees. Well, you know what? All the time I hear speeches given about small businesses, ''Oh, we love small businesses. They are just like family farmers.'' We love them in the abstract.

You know what? We have a lot of small businesses in Minnesota and the Dakotas that have been flooded out. We have a lot of small businesses that want to rebuild their businesses. We have a lot of towns that depend on those small businesses.

I hear my colleagues always say they are for the small businesses. You know what? The best way you can be for small businesses this week is to do something concrete, which is to stop playing games with this disaster relief bill, pass this piece of legislation, and get the assistance to people so they can start their businesses up again, so they can at least begin the process of rebuilding.

The mayor goes on to say:

> The magnitude of the loss has forced the city to move forward on the implementation of measures to minimize the future possibility of a similar event occurring. At a time when the city is forced to deal with the enormous expense of reconstruction, it is also faced with considering the huge expense of future mitigation.

This is going to be a much bigger part of what we do in the future, which is mitigation, which is to try to figure out how to prevent this from happening in the first place. So people who are living in a 100-year floodplain are not necessarily going to live there. We are going to relocate some people. We are going to relocate some businesses. We are going to do that in lots of parts of this country. That is going to be a bigger part of what FEMA and other agencies do as well.

> The city is currently in the process of planning the construction of a dike-levee system which will ultimately result in the need to relocate households residing on the ''west side'' of the dikes. At this time, the final dike alignment has not been established. However, it is evident that at least 300 households will have to be initially relocated and ultimately 650 to 700 households need to be relocated. Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties.

Mr. President, I have here somewhere a document where Kit Hadley, who heads up the Minnesota Housing Finance Agency, said the other day that this was one of the worst housing disasters in the history of our country. It is true. I mean, when whole towns evacuate, when people become refugees, when so many people are still homeless, people who worked hard all their lives, that is a housing disaster. It is a housing disaster, I say to my colleagues in the House and I say to my colleagues in the Senate, but especially in the House. It is time to get on with the work. It is time to provide some relief to people. It is time to provide people with some assistance.

> Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties. Planning is underway to establish sites to which the business, primarily commercial and residential, relocations will occur. Several potential sites for residential relocation are currently being considered. Although no final decision has been made on the business relocations, the B-N triangle, a parcel situated immediately to the east of the current downtown district, is being considered. At each site to which the relocations will ultimately occur the establishment of essential infrastructure will be necessary—sewer, sanitary and storm water, and streets. Damage to infrastructure was citywide and included all of the major infrastructural systems.

Can you imagine this? Damage to the sanitary sewer, to the storm sewer, to the water system and the streets—all of that damage took place.

> Other public facilities, such as public buildings, were also damaged, several beyond repair, including the city hall and the fire department. Damages to park and recreation facilities and buildings were severe and widespread. Among the public structures which were destroyed were three schools.

Mr. President, this reminds me of a poignant moment. My colleague from the 7th Congressional District, Congressman PETERSON, COLLIN PETERSON, spoke at graduation—I heard about this—to the students of East Grand Forks who had been flooded out, whose school had been destroyed. He said to the students, ''You know, as much agony as you and your families have gone through, you have probably learned more than you could have ever learned in school''—and I think that is true—''about yourselves and, really, about your community.''

I would add to Congressman PETERSON that I think people in our communities have learned about all of the heroes and heroines that there are. Someday—as long as I am on the floor here for a while—I am going to write a book. Maybe I can get my colleague from Missouri to coauthor it. Because this would cut across all parties and all ideology, and he is like this in terms of what he believes in. What it would be, there was a book written years ago that should be immortal, by James Agee, Walter Evans was the photographer, and the name of the book was, ''Let Us Now Praise Famous Men.'' It's a long story. Forbes magazine had commissioned James Agee back in the 1940's to go, I think, back to Alabama to write about the pathology of poor

sharecroppers and tenant farmers. And he went there and lived with people. Mr. President, he, as opposed to his impression before he was there, and his thesis, he thought to himself, ''It's amazing that under these conditions, people are able to survive or even flourish. They should be famous.'' So he wrote a very different kind of book with wonderful, powerful photographs.

We could do a book. The Chair is like this as well. Three of us could write this book, and we could title it, ''Let Us Now Praise Famous Men or Women.'' It wouldn't matter whether they were Democrats or Republicans. What it would be, it would be about men and women in communities who do wonderful things in their community. You know what I mean? I mean, it wouldn't be cynical; it would be uplifting. It would be about all the people in our country who do really wonderful work in their communities. No one knows them. They are not nationally famous or internationally famous. They don't do it for that. But they should be famous.

Mr. President, only because I don't want to yield the floor, I would ask my colleague whether he would consider doing it with me, but then I would lose my floor privilege. But I am telling you, this would be a good book. There would be more Democrats profiled in the book than Republicans. But, you know, it would be more or less balanced. More or less.

To be more serious, it wouldn't have anything to do with parties. But there are a lot of great people in this country. And there are a lot of people who are unsung heroes and heroines. There were a lot of people in East Grand Forks and Granite Falls and Montevideo and Warren and Ada and Grand Forks who are heroes and heroines. Boy, I don't know how—I say to a former mayor—I don't know how the mayors have been able to do this. But we have had Mayor Owens and Mayor Stauss. They have been just unbelievable. Pat Owens has been—people have seen her. She didn't want it. I know that it would have been her prayer to have never had this opportunity to be such a national spokesperson, because she would never have wanted for this to happen in her community. But she has so inspired people, she has, over and over again, called on people not to give up and called on people to have hope, and has said we can rebuild our communities.

And now the big missing ingredient is our support, our assistance. We pass disaster relief bills when there are disasters. And this is a disaster. We pass emergency supplemental pieces of legislation when there is an emergency. I really think that we are doing one heck of a job in this Congress of souring people toward our political process by our failure to live up to just the sort of basic standard of decency.

Look, I don't like to say this. I should not say it because, I don't know, maybe I am giving ground here. But, you know, if some of my colleagues, some of my colleagues on the other side, if they want to have a continuing resolution and they are going to put it on this disaster relief bill because it gives them leverage—you do have leverage. You do have leverage. When people are desperate, it gives you leverage. If that is what they want to do and send it to the President, playing the game, knowing he is going to veto it, do it. Do it today. Get it done. Send it to the President, he vetoes it, it comes back here, then take it off. Everybody can claim victory. Whatever you want to do. Just get it done and just get this disaster relief bill passed.

This assistance from the Congress is not going to make people whole. It is not going to be enough. The only thing this does, it gets people at least a chance, at least a chance. Can we at least do that?

Mr. President, this is one of many articles I see here. Maybe there will be an opportunity while I am on the floor. I know there were also—I am looking for the author of this. It was in the Star Tribune. I also know the Pioneer Press—I read of the work of Nick Coleman in the Pioneer Press, which was very, very powerful. I may want to read from that, either this afternoon or tonight or tomorrow. I will not be on the floor all day and night. But I will be on the floor a lot over the next couple of days, over the next couple of weeks—who knows, over the next couple of months. I would think we will get this done.

But, you know what, my expectations are pretty low. I could not believe it, Mr. President. We had a press conference last week. I guess it was right before we went into recess. I said at this press conference—I guess it was Thursday, because we went into recess that Friday. I said that the House not sending us back something to work with, it was probably the worst—it was, for me—the lowest or most disappointing or worst time I had in the Senate. Because I thought that in the end, the goodness of people would come through. And even though people disagreed on the continuing resolution and whatnot, people would at least agree to agree on what we agreed on and get the disaster relief to people who were in such need.

There was someone at this press conference, a journalist. There was some laughter. I said, ''Wait a minute. You know, I don't think I am being naive. I don't think this is naive at all to believe in the goodness of people, including my colleagues.''

I love being a Senator. I get goose bumps when I have a chance to be on the floor of the Senate. I do. I never thought I would have a chance to be here. It is a huge honor, and every day you hope you will do your job well. You make plenty of mistakes, but you do your very best. It's a huge honor.

I was a teacher for 20 years. I want young people to be interested in public service. I like the people I work with. I enjoy people here in the Senate and I enjoy people in the House, agree or disagree. But there comes a certain point in time where, you know, the indignation just kind of takes over. And I have just run out of patience.

This is outrageous. This is outrageous. Frankly, I would say to people in the House of Representatives, who went into recess without sending that disaster relief bill over here and getting the job done, shame on you. Shame on you. Shame on you. Shame on you. It is not too much to expect for you to get some help, some assistance to people in our States who are in such pain and really need the help now.

They really do. Time is not neutral for them. Time rushes on. I mean, if they do not get the help, people are going to leave or families are going to just be under such pressure and without any hope, who knows what happens? But I will tell you one thing—I will tell you one thing, Mr. President—I do not want to go back to East Grand Forks and some of the other communities and look at people and try to explain to them why in the world this Congress did not take any action. I just cannot explain it. And the one thing I do know is, even if I inconvenience some of my colleagues, the one thing I do know is there isn't going to be anybody in Minnesota that is going to be able to say I did not fight for this, win or lose.

So I get to speak on the floor of the Senate now. And I will continue to speak on the floor of the Senate for a while. And then I just want to put my colleagues on notice: Everything you bring on the floor of the Senate, everything you bring this week and next week, I will look for leverage, I will somehow get to the floor, and I will do everything I can to put the focus back on getting emergency assistance to people in Minnesota and the Dakotas and our other States as well.

You know, we have some distorted priorities here when people want to play games with the lives of people who are in such pain, in such agony.

This is an article from the Star Tribune, Minnesota Star Tribune. It is called ''Stains of Pain.'' Mr. President, the top of it reads, ''The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?''

The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?

Grand Forks, N.D.—On Belmont Road, a fading sign propped against a sagging mound of clothes, furniture and appliances proclaims, ''We are not what we own.''

At the Darbyshire house on Polk Street, a battered house knocked off its foundation, a pink ''condemned'' notice is taped on the front door. Look down from the notice and you look into what was the Darbyshires' basement.

In north Grand Forks, in the Riverside neighborhood, a bright yellow house is stained dull brown to the eaves. The Riverside Park swimming pool is a sewage lagoon.

Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling. She tosses a scrap of something into the air, watches it fall, then tosses it again.

I am going to read that again. ''Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling.''

Mr. President, you are talking about a little girl listless and unsmiling. I guess so, given what she and her family have been through.

Maybe what we need to do is we need to understand that these words or these articles, this is not just a distraction, this is not just statistics, we are talking about people's lives.

This little girl, Mr. President, listless and unsmiling, should not have to stay listless and unsmiling. Little children should be smiling. Little children should be happy. Little children should be looking for their future. We ought to give this little girl and her family, Mr. President, some reason to expect that will happen. And yet we cannot provide disaster relief for people who have been flooded out of their homes? We cannot provide support for little children? Sounds kind of melodramatic, Mr. President.

Mr. President, I do not want to lose my floor privilege.

Mr. President, ask unanimous consent that my colleague from Kansas be able to give a tribute to Senator STROM THURMOND, after which I then would retain my right to the floor.

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

Mr. WELLSTONE. I thank the Chair.

I wonder if I could ask my colleague how long he might want to speak. It is fine for me however long he wants.

Mr. ROBERTS. I would tell the distinguished Senator from Minnesota that I do not intend to speak more than about 10 minutes.

Mr. WELLSTONE. I thank my colleague. Whatever time he needs. I just wanted to know how much time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. First, I want to thank my colleague from Minnesota for letting me have this time. I know that he feels very strongly about this debate and wanted to make so many pertinent comments.

(By unanimous consent, the remarks of Mr. ROBERTS are printed in today's edition of the RECORD under ''Tribute to Senator STROM THURMOND.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, let me, before entertaining a question from my colleague, a request from my colleague, let me read from an article. And I see my colleague from North Dakota, Senator DORGAN, is on the floor. Let me read from an article, ''Stains of Pain,'' dealing with Grand Forks, ND. This was May 25, 1997.

It has been five weeks since the river swamped these towns. The river is back in its banks now, officially below flood stage, far from homes and businesses and children at play.

But the water marks remain everywhere.

Mr. President, I was just thinking, I know some of my colleagues want to speak, but I also see my colleague here from North Dakota. I wonder whether it would be possible, Mr. President, I want to read this article, and then if there are some requests about speaking, perhaps we could do that, although I then want to make it clear that on unanimous consent, my resumption on the floor not be counted as a second speech.

Now, I want to make it clear to my colleagues if they put in that request, that would be part of my unanimous-consent agreement. I also make a request, I know my colleagues want to speak about some other things, but, for certain, if colleagues want to speak about Senator STROM THURMOND, I do not want to interrupt that in any way, shape or form. If colleagues want to speak about Senator THURMOND, fine.

Otherwise, I know there are things a few people want to cover. What we are doing here today is saying we want to focus on this and this will be it. This is the issue. This is the action that should be taken.

Mr. DORGAN. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. DORGAN. I would like to come and speak for a bit. I understand, I think the Senator from Massachusetts does wish to speak a tribute to Senator THURMOND. I suspect the Senator from Missouri wishes to pose some comments on the debate today on the bill on the floor. Perhaps we can find a way to do that. I will come back and discuss the disaster supplemental bill at an appropriate time, probably in the next 30 minutes or so.

Mr. WELLSTONE. I say to my colleague from North Dakota, that would be fine. I would like to finish reading this article and then accommodate colleagues, but I also ask unanimous consent I maintain my floor privilege. If I could finish this, let me go on with this article.

On Polk Street, a block off Lincoln Drive, Paul Dilling stands in the front yard of his ruined house, which was submerged to the rafters. He stands by his water mark: A U.S. flag, muddy and torn, which he salvaged from the muck and stuck on a stick.

But it has been five weeks of misery for Dilling.

That is really the point I am trying to make. It has been 5 weeks of misery. People have been through misery. They have been devastated, and now they wait for this Congress to pass the disaster relief bill. That is why I am saying this should be the first item of business for us.

It is interesting, there is a St. Paul Pioneer Press editorial of May 23, with a headline ''Congress Can't Resist Political Gamesmanship.''

Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

I know that my colleagues may want to have some floor time now, so I will be very brief. But let me just for a moment develop this point, and then I will keep my floor privileges. This is from the St. Paul Pioneer Press.

Now, I have not always agreed with the editorial positions of the St. Paul Pioneer Press. Sometimes I have, sometimes I have not. That is beside the point. Sometimes the St. Paul Pioneer Press will take editorial positions closer to the positions of the distinguished Chair or my colleague from Missouri. It is an interesting paper, and they, like any good editorial page, have their own integrity and they say what they think is right. But I just want to make it clear that this is not some sort of editorial written by Democrats trying to figure out a way to criticize Republicans.

CONGRESS CAN'T RESIST POLITICAL GAMESMANSHIP

Congress has breezed out of town, leaving Washington for a long holiday recess [right before Memorial Day recess]. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

We have had enough of this political gamesmanship. We have had enough of it. We have people in our States that are hurting. We have children that are homeless. We have children that have had to live through this devastation. We have families under duress. We have families under pressure. And the people in Minnesota and the people in the Dakotas and the people in some of the other States have every right to believe that the goodness of the Congress would come through and we would provide them with the assistance they so badly need to rebuild their lives.

You have people in the House of Representatives that go on vacation as opposed to providing this assistance. That is why I am on the floor today. That is why I am staying on the floor. And now I hear that this week we may not pass this. This is outrageous.

One more time: If you want to have a debate about a continuing resolution budget, debate it. If you want to have a debate about parks and environmental legislation, debate it. But do not put it on a disaster relief bill. Do not hold good people that deserve our support hostage to your grand political strategy.

Today, it is an inconvenience. We have a bill on the floor. It is a slight inconvenience. People wanted to have a discussion on amendments, and we are not doing that today. It is not a major inconvenience. But you know what? I actually think, and I do not

mean this in an arrogant way, I think I am doing some of the leadership in the House of Representatives a favor, because if, in my own small way, I can put any pressure on them to do the right thing, they will be better off, because they look terrible. They look terrible. You could do a poll in Missouri, Massachusetts, Minnesota, anywhere in the country, and 99.9 percent of the people in the country would say this is outrageous. Can't you people at least provide help to people when they need it? That is what this is all about.

I say to the St. Paul Pioneer Press, I am actually being a pretty good politician. I say first to the Star Tribune, both newspapers, this is a very good article, and there are many others. This editorial of the St. Paul Pioneer Press is right on the mark.

Now, this hurts. ''Despite evidence to the contrary, congressional bigwigs * * *''—I hate to hear that. But you know something, it is too easy to do. Mr. President, I do not like it when my colleagues are called congressional bigwigs.

I tell you something, you are bringing it on yourselves. I actually do not know if I should use the word ''leadership'' in the House, because I think it is hard to say there is any leadership when you cannot move forward on a disaster relief bill.

But I tell you something, here is a headline in the Star Tribune, ''Flood Relief''—and I say to my colleague from Massachusetts, I will finish up in a moment—''Flood relief, a political football, takes another bounce in D.C.''

Congressional skirmishing delayed consideration of flood relief legislation Thursday, and the $5.5 billion aid package will not be approved until Congress returns from the Memorial Day recess early next month.

That is from Washington bureau chief Tom Hamburger, Star Tribune.

Well, Mr. President, I have plenty of articles to read from. I have applications from some of our cities that have been devastated. I will have time to continue to talk about what has happened, but I will tell you that if my being on the floor of the Senate at least for a while, at least for the rest of the afternoon, and then, as I say, all week and the weeks to come, every time I can come out here, any leverage I have to come out here and talk about this, I will keep pressing and pressing and pressing and pressing and pressing.

My colleagues are going to hear about people in East Grand Forks and Ada and so many towns, they will get tired of hearing about it. But you know what? I do not really care, because this is just outrageous.

I have some very good people I work with that are on the floor now, representing a broad spectrum of political opinion, Senator KENNEDY and Senator ASHCROFT, but I tell you something, this is not a great moment for the Congress, and I think it is outrageous what the House of Representatives did. This disaster relief bill has to get passed, and it has to get passed this week. The only way I know to try and do everything I can, there is no guarantee, is just to raise a lot of heck—I did say heck—on the floor of the U.S. Senate. I will continue to do so.

Now, I have other points I want to make, but I see the Senator from Massachusetts. I wonder if the Senator may have an inquiry he would like to make. I still have the floor, Mr. President, and I want to make it clear that if I do take any question from the Senator or give the Senator any time, I ask unanimous consent if the Senator wants to speak, either Senator, I ask unanimous consent my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object. The objection is heard.

The Senator from Minnesota has the floor, and the Senator from Minnesota is recognized.

Mr. WELLSTONE. I am pleased to yield for a question, and, Mr. President, let me say before yielding, I do not understand the objection, but I would like to let colleagues speak about Senator THURMOND and cover some other matters, and I am pleased to do that as long, again, as I get unanimous consent resumption on the floor not being counted as a second speech.

My colleague has objected, I guess, for now.

Mr. KENNEDY. Mr. President, what I would like to propose, and ask the Senator if he would agree, is that I be recognized for a period of no more than 15 minutes. I will try to make it closer to 10 minutes. And, subsequently, I see Senator ASHCROFT, who is the principal sponsor of the underlying legislation which we are debating, and I know he has been here longer than I have and has some comments and also some requests in terms of perfecting amendments, I hope he would be offered time to be able to do that, and, subsequently, the Senator from Minnesota would be recognized and that there would be no objection to his speaking at that time.

Mr. WELLSTONE. Is this a question?

Mr. KENNEDY. Just trying to work this out in a way that is accommodating. I do not know whether the Senator from Missouri wanted to be included in the time.

Mr. WELLSTONE. Mr. President, I construe this as a question from my colleague from Massachusetts. And I have said before that I would be willing to enable the Senate to have the Senator speak and topics but that I want to do it within this time limit, and if the Senator from Missouri wants to speak as well but only with the unanimous-consent agreement that my resumption on the floor not be counted as a second speech.

Is the Senator asking a question?

Mr. KENNEDY. If the Senator will yield further, pending the agreement, which I hope would take place between the Senator from Minnesota and the Senator from Missouri, I would like to be able to ask consent to speak for not more than 15 minutes, and at the time I finish the Senator from Minnesota be recognized.

Mr. WELLSTONE. Mr. President, reserving the right to object, I will not object.

The PRESIDING OFFICER. I would like to just clarify where we are right now.

Only the Senator from Minnesota has the floor.

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. And only the Senator from Minnesota may make a unanimous-consent request.

Mr. WELLSTONE. I thank the Chair.

I ask unanimous consent that my colleagues at a minimum be allowed to speak in testimonial to Senator STROM THURMOND and about Senator STROM THURMOND as long as my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, that is fine. I thank the Chair.

Mr. KENNEDY. Will the Senator yield for a question? He can yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question in one moment.

Let me make it clear—and I will yield for a question in a moment—what has happened here. I just want my colleagues to know that I am out here for very good reason. They would be out here if it were their States. The Senator from North Dakota is going to join me.

But, Mr. President, I have been willing to ask unanimous consent that Senators who want to speak—at least, the Senator from Massachusetts wanted to cover something else as well—but at least speak about STROM THURMOND be able to do so, who has served for so many decades in the Senate, and as long as my resumption on the floor not be counted as a second speech.

It is a reasonable unanimous consent. My colleague from my Missouri has not agreed to do that. I just want Senators to understand what is going on here.

I am pleased to go on and speak. I just think it is a shame that Senators who want to speak at least about Senator THURMOND are not able to do so.

Mr. President, I will go on. I believe my colleague has a question.

Mr. KENNEDY. I just want to apologize, if the Senator will yield.

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. KENNEDY. If the Senator would not share my regret to Senator THURMOND for being unable to make these comments, I was unable to because of Senate business on the floor earlier

today and intended to make these comments this afternoon. I hope he would understand that they are included in the RECORD, and I regret that I am denied the opportunity to make them here on the floor. It is a very unusual process of procedure in terms of senatorial courtesy. But if that is the way that is going to be, so be it.

Mr. WELLSTONE. Mr. President, I thank the Senator from Massachusetts.

Mr. President, let me continue.

Mr. President, let me now return for a while. We will get back to the disaster relief. Let me now turn to S. 4. I will speak some about S. 4.

Mr. President, let me also say to Senator THURMOND, before I do so, that I would like——

Mr. ASHCROFT. Mr. President, I would like to call the Senate to order under the Pastore rule.

The PRESIDING OFFICER. The Senator from Minnesota will confine his debate to the specific question pending before the Senate.

Mr. WELLSTONE. Mr. President, I will be pleased to talk about S. 4, and will do so.

Mr. President, we have here what is called the Family Friendly Workplace Act. Mr. President, in all due respect, it is hardly friendly to families.

Mr. President, as I have mentioned earlier, we have to approach legislation sometime in the sense of history. There was once an exchange I had on the floor of the Senate with my colleague from Missouri where we talked about a song, ''Which Side Are You On?'' Florence Reese actually wrote it. Florence Reese was a great troubadour for working people and for unions, especially mine workers.

Mr. President, when we were able to pass the Fair Labor Standards Act in the 1930's, that was an enormous step forward for working people.

This piece of legislation, Mr. President, essentially wipes out almost 60 years of people's history.

Mr. President, for those who are watching this debate, since we are going to talk about this bill for a while before we again talk about disaster relief by the rules that I am now under, for those people that are watching this debate, one of the things that was most important about the Fair Labor Standards Act was the idea of the 40-hour week. The idea was that if you worked overtime you would get overtime pay.

Mr. President, I am speaking without notes. So I don't remember the exact figures. But I believe somewhere in the neighborhood of 60 percent of those households with incomes under $20,000 a year depend on overtime pay.

So, Mr. President, one of the things which is a dear principle here is that there is no way as a Senator from Minnesota, which is a State that believes in economic justice, that I am going to let any piece of legislation, or at least to the best of my ability I am going to try to prevent it from overturning the Fair Labor Standards Act.

So, Mr. President, if you work overtime, you ought to get overtime pay. That is a cherished principle. This piece of legislation wipes that out. And it is called the Family Friendly Workplace Act?

Well, Mr. President, let me just make it clear that if you have a situation where you now have a piece of legislation that says that if people work 50 hours or 60 hours or even theoretically 70 hours a week, yes, they might only work 20 hours the next week under this legislation, or 30 hours, or whatever but they don't get any time and a half off. So it becomes a pay cut.

That is what it is all about. This isn't the Family Friendly Workplace Act. This is the Paycheck Cut Act.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I actually won't yield for a question right now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. So this piece of legislation, Mr. President, which is supposed to be friendly to families establishes a new framework. It is not the 40-hour week.

Second of all, you have a flextime provision which says that you work overtime and then you can take some time off but it is hour for hour. You don't get time and a half off.

Mr. President, that hardly represents a family friendly workplace.

Mr. President, I regret what I just said to my colleague. He asked me to yield for a question. I certainly will. I got caught up a little bit in sort of the, you know, kind of anger from a couple of minutes ago. I am not being at all gracious.

Mr. President, I will continue to speak, but if my colleague has a question, I think he did, I will be pleased to respond.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Did my colleague ask me to yield for a question?

Mr. ASHCROFT. I did ask him to yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question.

The PRESIDING OFFICER. The Senator from Missouri is recognized for a question.

Mr. ASHCROFT. I ask the Senator from Minnesota, Mr. President, if he is aware of the fact that under the bill that the only way you can be working more than 40 hours a week without overtime compensation is to do so as a result of a voluntary agreement similar to the voluntary agreement which is entered into now by Federal employees with their employers, whereby you can schedule a 40-hour week to average over a 2-week period.

Such agreements, in the Federal system for example, provide the basis for people to work 45 hours in the first week and 35 hours in the second week, and have every other Friday off. And absent that kind of voluntary written agreement scheduled in advance, no one can be asked to work more than 40 hours in a week without being paid overtime.

As a matter of fact, absent a specific voluntary agreement, all work—all work—is conducted under the bill as if it were conducted without the bill's existence; that only with voluntary agreements is there any change in the way the bill is done. And the voluntary agreement regarding overtime work when it provides for more than 40 hours in 1 week is pursuant to the flexible schedule that is now allowed as a benefit for Federal employees.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me respond to my colleague's question.

Let me first of all just say that I have spent enough time as a community organizer, and I have spent enough time with working people, many of whom are nonunion workplaces. One big difference, of course, is that with Federal employees and public employees that a much larger percentage of the work force are unionized and that I know that what in theory can look voluntary and look like a partnership isn't always the case.

Whereas, in theory it would look like an employer couldn't say to an employee, ''Look. You know, here is my proposition. I want you to work 50 hours this week, and, yes, that is 10 hours overtime, but you get 30 hours off next week. That is what I want you to do.'' In theory, the employee doesn't have to do it. But anybody who knows anything about the reality of many people in terms of what they deal with at the workplace knows that they don't exactly have a lot of power, and they are not exactly in a position to say no, especially when that job might be the only job there and they have to put food on the table for their kids.

People put up with a lot.

Mr. President, lest anyone think that I am some sort of devoted to class warfare, let me just examine the facts.

Last year the Department of Labor found violations of current overtime law in 13,687 cases involving 170,000 workers. They awarded over $100 million in back pay. The Department's Wage and Hour Division has a current backlog of approximately 40 percent of annual complaints.

In the garment industry, an investigatory survey conducted by the Department in Los Angeles last year revealed noncompliance with current overtime law in 55 percent of our shops.

In our subcommittee we watched the videotape feature from CBS news which chronicled a ''Battle Against Overtime,'' apparently conducted systematically by one of the country's largest supermarket chains. The news item reported on the company's alleged practice of coercing employees to perform work off the clock; that is, without any pay in order to avoid paying overtime.

Mr. President, these practices may not be the norm for most employers but they do demonstrate the need to protect against a bill which will provide employers with a tool which they could use to avoid paying overtime.

So I have no doubt that my colleague means exactly what he says. There isn't anybody that believes anything other than that about it. He means what he says. But, what looks good in theory doesn't work in practice. That is the problem.

That is why, Mr. President, in the House of Representatives in the piece of legislation that they passed the only thing you have is the comptime. With comptime you get an hour and a half off for the hour that you worked overtime, or you get an hour and a half in pay.

That is why this piece of legislation has been called, even by some of the people in the House that supported that bill, too extreme. And it is. Because, Mr. President, what you are going to have here when you do away with a 40-hour week and you get into this 80-hour-week framework is all sorts of potential for abuses of power.

Mr. President, if we didn't have the record that I just read to you about some of the existing abuses, and the way in which there is forced overtime right now, I wouldn't worry about it. But, Mr. President, that is the reality. That is the reality. That is one of the problems.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. ASHCROFT. The Senator cites 13,000 cases that were resolved or filed in the last year. It seems to me, that demonstrates that there is an enforcement mechanism in place, and that when there are abuses that are undertaken, either under the current law, which obviously isn't perfect, or else there wouldn't be any abuses, you know, I think that is really a wrong statement because you have abuses even under the best laws. The key is whether you have enforcement. Given the fact that you have enforcement and that you have double penalties under the law that has been proposed so that you double the risk for the employer, given the fact that the law talks about the fact that it shall be against the law to have either direct or indirect coercion or intimidation, and given the fact that when you define what coercion is in the bill, you find out that it is to intimidate, threaten, coerce, includes promising to confer or conferring any benefit such as appointment, promotion or compensation, or affecting or threatening to affect any reprisal such as deprivation of appointment, promotion or compensation, don't you think that the measures in the bill provide a safeguard, and that if there are violations they could be pursued just as aggressively under the new framework, which is a framework that is already shared by the Federal Government employees? Could not the enforcement personnel also enforce this kind of law, especially with elevated penalties and the increased description of coercion?

Mr. WELLSTONE. Mr. President, I say to my colleague, he raises a couple of important questions and good questions. The fact that the law does not work so well now does not mean that we now make the existing law even weaker with the hope that somehow it will work better.

That is my first point. My second point, Mr. President, is that we have a backlog. We have a significant backlog of cases, and my understanding is that another problem with the bill is that not only does the bill not exclude certain categories of workers, like people in the garment industry that should be excluded given the existing record, but you don't have the existing woman- and man-power enforcement. We are going to need more of that.

Third, I say to my colleague, I think what he is talking about would be helpful especially if we wanted to pass a piece of legislation and one of the areas where we would really have to toughen this up is we have to make sure that there is not any discrimination here.

I talked about this earlier. What I was talking about earlier is what many people as they now come to find out—at first I think people really liked the bill when they first heard about it. They liked the bill because my colleague is on to something important and he is trying to do something I think important. And that is, people were saying look, you know, if there is a way that we could have more flexibility and could be able to spend more time at home and we could have the flexibility to get the comptime and time-and-a-half off instead of time-and-a-half wages, we would like to have that option.

But what people are deathly afraid of, and for good reason, is what's going to happen is that in the absence of some sort of protection here against discrimination, there is going to be no guarantee that all too many employers are going to basically say, well, Senator ASHCROFT and Brian Ahlberg and PAUL WELLSTONE, there are three of you. Now, Brian Ahlberg and Senator ASHCROFT, you two folks, you want overtime work and you are willing to take time-and-a-half off but not time-and-a-half pay. We will give you the overtime work because, as an employer, as a company, I don't want to give you the time-and-a-half pay.

That is a huge problem. If we do not have some sort of a way in which we can guarantee that you will not have that discrimination, then a whole lot of families that are struggling to make ends meet may not be able to get that overtime pay that they depend upon.

So, Mr. President, let me just make it crystal clear that the bill's penalties right now for coercion do not cover the discrimination that we are worried about. And I would just make it clear that one of the things we might want to do is accept the Kennedy amendment which was turned down in committee that deals with discrimination.

The bill's penalties now apply to this kind of discrimination, and we are making progress. But, Mr. President, I am puzzled—I see my colleague on his feet, and I am pleased to take another question if he has one, but let me just say to my colleague that I am puzzled by the current approach we are taking.

It doesn't trouble me because I am able to speak about what I think should be the priority of this Congress, which is getting disaster relief to people in communities in Minnesota and the Dakotas, and I will be back on that at 5:20 or whenever I can, but I would say to my colleague, I am puzzled with the approach taken here because this bill is not going to pass, and yet my colleague is really—I mean, the last thing I want to do is say something that is going to offend him. I mean, I will in terms of different debate, but I am not going to do it personally, because he is for real. He believes in what he is doing.

It seems to me there is a way you could really get the flexibility for the employees and you could really accomplish the goals of that, but I do not get to say that because he is the author. He probably feels he knows best. But I am telling you right now, if you do away with the 40-hour week, you are not going to get the bill passed.

You have this 80-hour, 2-week framework which we do not have in the House—their bill is more moderate—you are not going to get this bill passed. You have the flextime where you only get 1 hour off for 1 hour overtime, you are not going to get this bill passed. And if the penalties that my colleague talked about for coercion do not cover this kind of discrimination, then you are not going to get this bill passed.

Mr. ASHCROFT. May I ask the Senator a question.

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. ASHCROFT. May I ask the Senator, does he think the Senators on his side of the aisle intend to offer amendments that we can begin to process providing the kind of relief to the private sector that people in the Government area have in terms of these flex benefits? We have flextime benefits. We have comptime benefits. Flexible time, in particular, is available to governmental employees. In the 1996 survey conducted by the Census Bureau, only 6.6 percent of all hourly paid women, for example, got overtime pay in a typical work period, and if we are only going to deal with comptime, we are dealing with a very, very small number.

Now, when you talk about Federal Government employees and their ability to have flexible working arrangements, we are talking about a broad population, because flextime applies to those who do not normally get overtime work. Are there any—does the Senator know of any Senators on his side of the aisle who will be offering amendments to get that done?

Mr. WELLSTONE. Mr. President, a couple of points I would like to make

to my colleague. The first one is, we will get to some of those amendments. We filed amendments. But I have to say to my colleague that we are not likely to get to those amendments until we pass a disaster relief bill. So the first answer to his question is just that; I do not think we are going to get to these amendments until we pass the disaster relief bill.

The second point I would make to my colleague is that I will be very interested in all of these figures. I do know that in, roughly speaking, 60 percent of the cases of families with incomes under $20,000 a year, you have a worker who depends upon overtime pay. And whether or not we are talking about women or men, it seems to me this is terribly important. Of women who work overtime, 38 percent of hourly workers earning overtime pay are women—38 percent. And 11.6 million women work over 40 hours each week.

Let me repeat that—11.6 million women work over 40 hours each week. This is 22 percent of the working women in this country. And 6.2 million women work over 48 hours each week. This is 12 percent of working women. And 2.3 million women work over 59 hours each week. This is the 4 percent of working women. So let me just——

Mr. ASHCROFT. Will the Senator yield for a question.

Mr. WELLSTONE. Let me just make the point if I could, Mr. President, it is really quite astounding, and it says something very fundamental about where we are in this debate. Thirty-eight percent of hourly workers earning overtime pay are women; 11.6 million women work over 40 hours each week. This is 22 percent of working women.

Mr. President, this is not surprising. This is not surprising at all because we have got in our country—let me just make this clear. In our country we have a paradox. On the one hand, we have this affluence which we are grateful for, but on the other hand, we have many families who are still unable to make a decent living and raise their children successfully, and many women are working full-time and many women are working overtime.

You have an alternative bill, if we wanted to have some give-and-take discussion, you have an alternative bill of Senator BAUCUS, Senator KERREY, and others which makes it clear that what we do is take in part what the Senator from Missouri has done, but we extend it and we say, look, there are going to be penalties and we are going to have some protection against discrimination so that an employer cannot say to a woman who is working, or, for that matter, a man, look, we will give you overtime if you take comptime but we will not give you overtime pay.

That is unacceptable. It is just simply unacceptable. And, Mr. President, that is where we say, if you will, in the words of Florence Reese, which side are you on? That is where we draw the line.

Mr. ASHCROFT. May I answer that question.

Mr. WELLSTONE. I would be pleased to take a question in one second. Let me just finish this. Let me just finish it real quickly.

I have to go back to this case of whose side are you on. We are on the side of working families when we make it clear that the 40-hour week is protected. And if you work overtime, you are entitled to time-and-a-half pay. We are on the side of working families when we make it clear that if you want to get some time off to be with your families and you have worked overtime, you should get time and a half. We are on the side of working families when we have a piece of legislation that makes it crystal clear that no employer can discriminate and put people in a position where the only kind of overtime work they are going to get is if it is your comptime and not overtime pay.

We are on the side of working families when we make it clear that for family and medical leave reasons, if you have banked your time and you have 30 hours of banked time and now you have a child sick or you have a parent that is ill, you can take that time off. You do not have to ask for permission.

None of those features are in this legislation right now, and therefore this legislation in its present form will go nowhere. And, yes, there will be amendments on the floor of the Senate, and, yes, there will be efforts to improve this bill. But as long as I have the floor, there are not going to be any amendments until we get to the disaster relief bill.

Now, I am not going to be able to stay on the floor forever, but that is going to be the point.

Now, Mr. President, I want to make it clear I can only yield for questions. So I cannot yield—I think the Senator mentioned he wanted to answer, he wanted to answer what I have said, and I would ask the Chair, am I correct, the Senator—I think he may have meant it differently. The Senator said I would like to answer the question. Am I correct I can't let the Senator answer any question; I can only yield to a question? So, Mr. President, I would be pleased only to yield for a question from my colleague.

The PRESIDING OFFICER. The Senator is correct. Does the Senator from Missouri have a question?

Mr. ASHCROFT. Yes, I do. I will try to phrase this in the form of a question. When the Senator from Minnesota asks whose side am I on, he indicated that 38 percent of the hourly workers, overtime pay workers were women. That really means that 62 percent are men. Almost twice as many men in the equation are overtime workers as are women and that really does not talk about the number of women generally who are workers that rely on overtime or have the chance to get overtime.

My question is, for the vast majority of workers that do not get overtime at all, and especially for women who are outranked about 2 to 1 by men in terms of the privilege of getting overtime, setting all those aside, you are doing something for the people who get overtime, and it is true that your proposal addresses those people and there are two men in that group for every woman in that group. That is what your own statistics basically show. So you are doing something for mostly men who get overtime. But for the people who do not get overtime and still have sick kids and still have families that have trouble and still need to have flexibility in their workplace, what are you proposing for those individuals? And are there going to be amendments to this legislation that propose to do something to give them flexibility?

Mr. WELLSTONE. Let me just respond to my colleague in two different ways.

First of all, a pay cut where people are no longer able to get overtime pay or may be put in a position that they do not get overtime, time off for overtime worked doesn't help anyone. It does not help working women. It does not help working men. And it does not help working families. It is, if you will, elementary.

Second of all, as a matter of fact, if you look at the alternative—this is what puzzled me about my colleague here. If you look at the alternative that is being presented by Senators BAUCUS and KERREY and other Democrats, and I would assume there would be Republican support, as a matter of fact, that is exactly what we are talking about, which is what you have in this alternative. You have comptime—that is what it is about. It does not abolish the 40-hour week. It does not amount to a pay cut. It is time-and-a-half off for every hour you have worked overtime. It provides the protection against the discrimination so employers are not able to only give overtime to people who take comptime as opposed to people who need the overtime pay. It makes sure that you get the flexibility that we say the employees want.

That is part of it. The other part of it is, in all due respect to some of the employers in our country, not all of them—there are, of course, many great employers—the fact is—and in the subcommittee we heard testimony to this effect.

The fact of the matter is, right now there are all sorts of opportunities for flexibility. You don't have to overturn the Fair Labor Standards Act. People can work 4 10-hour days and then take a Friday off or a Monday off; they can work 9-hour days and work half a day Friday or take every other Friday off; people can come in at 7 and leave at 3; they can come in at 10 and leave at 6. There are employers right now that provide employees with that flexibility.

The real problem is that a lot of employers don't give employees that flexibility. So, all of a sudden I become a

little skeptical, as a Senator from Minnesota, where we put a real value on economic justice and work and families, when the very people who do not give the employees the flexibility they could right now, come in and testify to the need for this bill. I remember we had testimony from a representative of the National Federation of Independent Businesses saying, ''Look, we need to do this because we can't afford to pay overtime.'' All of a sudden I am saying to myself, ''My gosh, this is not family friendly. This is going to lead to the functional equivalent of pay cuts. This is not about giving people the choice and flexibility they need.''

Mr. President, we had an amendment in subcommittee. It was turned down. It's part of the alternative. It works like this: If you bank comptime and, for example, you have 20 hours that you have earned, it's your time. Now, if you have to go to your child's school, if you need to go visit with the principal or a teacher, or you need to take care of a family member, you can use your accumulated comptime to get that time off. We could do that. Then we would have real employee flexibility.

Mr. President, I ask unanimous consent that I be able to yield for the Chair to make an appointment and that I not lose my right to the floor and that my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—SENATE CONCURRENT RESOLUTION 84

The PRESIDING OFFICER. Under a previous order, the Chair appoints the following Senators to serve as conferees to Senate Concurrent Resolution 84.

The Presiding Officer (Mr. ROBERTS) appointed Mr. DOMENICI, Mr. GRASSLEY, and Mr. LAUTENBERG conferees on the part of the Senate.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I see that I have another 15 minutes to speak about this legislation before being able to focus my attention on my major priority here today, which is the need to get disaster relief to the people in Minnesota and the Dakotas and other States, who deserve our help.

Mr. President, let me read a letter that I think is extremely important as we go through and debate this piece of legislation.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The undersigned national organizations represent many of the working women of today. We believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers. We urge you to delay consideration until a real solution can be found which truly meets the needs of working women and families. Nearly half of the work force is women and the number of women working multiple jobs has increased more than four fold in the last 20 years. S. 4 would affect hourly workers, and most hourly workers are women. The majority of minimum wage workers are women. Many of these women depend on overtime pay. Many of them want more control of their schedules, not less. Without strong protections for workers, the comptime bill will cut women's options and women's pay. For example—

And I will just read slowly.

Someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut;

Let me repeat that. That's an argument I have been making. These organizations which I will list in a moment are right on the mark:

Someone pressured to taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut[.]

So, again I would say, when it comes to the enforcement machinery, you have to deal with this whole issue.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield in just one moment. I will finish reading the letter and I will be pleased to yield:

. . . supporters argue that S. 4 is voluntary and employees have a ''choice,'' yet working women who have for decades faced subtle (and not-so-subtle) forms of discrimination are all too familiar with the potential consequences of not going along with the employers' wishes: isolation, intimidation and retaliation; and

. . . because employees do not control when or if they can use their comp time, they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is pretty important because my understanding, with Federal employees get to make that choice. That is a big difference here:

. . . because employees do not control when or if they can use their comptime they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is my point again. We had an amendment which would improve this bill. We could pass this bill which says: Look, you bank that time. It's your time. It's your earned compensation. If you have compelling reasons that you need that time off, sickness of child, sickness of parent—you know, what's in the Family and Medical Leave Act—you should be able to take the time off. You should not have to ask the employer. It's your time:

S. 4 must be defeated. Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40 hour work week.

Sincerely, 9 to 5, National Association of Working Women, American Nurses Association, Business and Professional Women, National Council of Jewish Women, National Women's Law Center, Women's Legal Defense Fund.

Leadership Conference on Civil Rights.

I might also add there is a coalition of 180 national civil rights, religious and working women's organizations which oppose this legislation: League of Women Voters, National Women's Political Caucus, National Women's Law Center, American Association of University Women, National Organization for Women, Women's Legal Defense Fund, National Counsel of Senior Citizens, NAACP, National Urban League, National Council of La Raza, Disability Rights Education and Defense Fund, Union of American Hebrew Congregations, Southern Christian Leadership Conference, National Council of Churches.

Mr. President, in addition, and then I will yield for a question, a couple of other organizations: Mechanical Contractors Association of America, Incorporated, National Electrical Contractors Association, Sheet Metal and Air Conditioning Contractors' National Association, AFL-CIO, American Nurses Association, National Education Association, American Federation of Teachers, Union of Needle Industry and Textile Employees, Service Employees International Union, Communications Workers of America, United Steelworkers of America, Communications Workers of America, United Auto Workers, the International Association of Machinists, Laborers' International Union of North America, United Brotherhood of Carpenters, International Brotherhood of Teamsters, International Association of Bridge, Structural and Ornamental Iron Workers, American Federation of State, County and Municipal Employees.

Mr. President, you know, it has become fashionable to do all this bashing of unions, but I have to say this. As a matter of fact, above and beyond all these women's organizations, unions really in the last half of the century-plus have been the only institutions which have consistently represented the bottom half of the population, those people who do not own all the capital and do not own the big corporations and depend on the wages and depend on being able to get overtime when they work overtime, and depend upon being able to bring in the resources to support families. It would seem to me, if this was such a great deal for working families and for working women, the very organizations which represent women and so many working people in this country would be all for it. Yet, you have major opposition.

So, I will be pleased to yield for a question, if the Senator has a question. But otherwise I will continue to make the case that this legislation, in its present form, is going nowhere. I am sorry for that, because my colleague has worked hard on it. But this legislation, it really violates some very cherished principles that have to do with

fairness in the workplace: Decent wages, overtime wages for overtime work, and giving employees—employees—employees the flexibility. This legislation does not do that, Mr. President.

Now, Mr. President, since I have not been asked to yield for a question——

Mr. ASHCROFT. Mr. President, I ask the Senator if he would yield for a question? He had indicated earlier he would. If he still is of a mind to yield?

Mr. WELLSTONE. I am sorry, I am being careful about keeping the floor. I will be pleased to yield for a question.

Mr. ASHCROFT. I ask if the Senator from Minnesota is aware that the law would be enforced as it is written and not as it its characterized in that letter? I do not have any doubt that people could oppose the law as it is represented in that letter that was written by all the labor unions. The letter says that a person who takes comptime forever loses their right to the money. That is just simply wrong.

The law provides, not only do you have a choice about whether you want comptime, whether you want to be paid time and a half—and that is a clear choice and it is a choice that is to be made without any coercion, indirect or direct, or intimidation indirect or direct, or threatening—but, even after you have made that decision the law provides, not the letter but the law provides you can change your mind and decide to cash out your benefits. So, if you want the money you have the ability to say I am just going to take the money.

So, my view is I wondered if the Senator were aware of those kinds of things?

Second, if I could ask a second question, I wonder if the Senator is aware that there have been a group of people come to the floor over the last several hours who have come to me with amendments, some of which are specifically directed toward points of concern raised by the Senator, but that the Senator is unable to consider them as long as the Senator from Minnesota continues to monopolize the floor and to say that no one else will have a chance to work constructively on the bill?

Mr. WELLSTONE. Mr. President, let me respond to my colleague's second question first.

I am very well aware of the fact that Senators may want to come to the floor with amendments and I have said a number of times, and my colleague has been here during this long afternoon, I apologize for the inconvenience, but, quite frankly, right now my focus is not on whether or not some Senators can bring some amendments to this bill.

My focus is on men, women, and children back in Minnesota, in communities, many of whom have been flooded out of their homes, have been devastated, many of whom have supported one another, have loved one another. And right now they have been waiting and waiting and waiting, and waiting, and the House of Representatives went into recess and did not pass a disaster relief bill.

A disaster is a disaster. And an emergency supplemental is an emergency supplemental. So I am going to continue to be on the floor and I am going to continue to speak. If that means that the Senate cannot conduct business as usual, then I say to my colleague, that is the way it should be. Because, quite frankly, at this moment, at this point in time, my one priority is to fight like heck for people back in the State.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I actually will not yield for a question right now because I want to respond to the first question first.

Mr. President, I will just say to my colleague—and I put him at a disadvantage because I have the floor right now—that based upon my knowledge of him, and I do not know his as well as I would like to, I think he would be doing the same thing.

There comes a point in time when you do not have any other choice. You have to use your language. You have to be out there fighting for people in your State.

We tried to appeal, I say to my colleague, in answering this question, we tried to appeal to common sense. That did not work. We tried to appeal to the goodness of people. That did not work. We tried to appeal on the basis of ''we have supported you when your States have been hit with these disasters and please support us.'' That did not work.

The leadership in the House, if you can call it leadership, did something which is unconscionable. They just went into recess. It was insensitive. And now I come back and people are still waiting. We do not even know whether they are going to do it this week.

So I say to my colleague, yes, if it means I am inconveniencing colleagues, Republicans or Democrats, I am sorry, but this is what I am going to do. And, you know, I will be here for a while and I will stay at this all week and next week if I have to, as well. I am going to fight for people in Minnesota. No apologies.

By the way, it does not matter to me whether or not the people who were flooded out of the homes were Republicans or Democrats or Independents or none of the above. They are entitled to some assistance, and they are entitled to it now. This Senate is not going to be conducting business as usual until we get our priorities straight.

In response to the first question, I guess this is an honest disagreement. I mean, this letter says that someone could be pressured into taking comptime when she really wants or needs overtime pay. That is what I have been talking about. I believe they are right.

Mr. ASHCROFT. There is a second choice.

Mr. WELLSTONE. But, Mr. President, the fact of the matter is that it is only in theory. My colleague has constructed this theory, and it is a theory that employees have a choice. I have organized with people at workplaces. I have worked with people who are working under conditions that I sometimes say to them, ''Look, you are going to lose your hearing. Or, you're breathing in substances that are going to take years of your life.'' They said, ''We have no choice. This is the only job we can find.'' People do not always have the choice. It is not an equal power relationship; that is not the world of the workplace.

And even if my colleague was right—and I wish he was and this theory would turn out to be true and it would be the reality—why not, if you want a piece of legislation, why not err on the side of caution? Why not have a clear provision as in the alternative by Senators BAUCUS and KERREY and LANDRIEU? Why not have clear protection against that discrimination?

The second thing is, you can say that employees are protected from coercion, but it is not clear that that protects them from the discrimination.

Mr. President, the third point is whether or not people will be able to take their accumulated comptime and use it when they need to. And we do not have any guarantee of that in this legislation.

So, Mr. President, I think that the women's organizations and labor organizations that have written their letters and said, look, this is not going to help working people, are right on the mark.

Mr. President, I also want to cover for a moment the differences between the Federal workers program and S. 4. Let me just go over some things. Federal employees—I will read for a moment—have job protections that private sector workers do not. Federal workers are covered by civil service rules requiring good cause for discharge or discipline. Private employees typically are at-will employees, who an employer can fire or discipline for any reason or no reason. As long as we are talking about parity, maybe we ought to turn this around.

Mr. President, I would be pleased to go back to this debate later on. But now I want to focus on what I think is the most important priority for this Congress, and that is to get disaster relief to people in my State and to other States where people have been affected by the floods.

I would like one more time to say, I am sorry. I mean, I apologize to my colleague from Missouri, and I apologize to other colleagues for the inconvenience. But I have promised myself that I would do everything I could do. And I think maybe by speaking on the floor and holding the floor, I can get attention to this unfinished business, that I can put some pressure on people here—I am just being very honest about it—and I can just fight. This is the way you fight.

I hope, I say to my colleagues, that this disaster relief bill is put on the fast track and that people will get the work done. I want to be real clear that this has been, up until the last couple days before the Memorial Day recess, the opposite of sour. It was bipartisan. Thank you. I mean, thank you, Republicans; thank you, Democrats. We worked together. We put together a really good package. Senator STEVENS was very sensitive and very committed to what we were saying and went out of his way to help. The majority leader, Senator LOTT, was helping us. I do not believe that the House of Representatives being unwilling to deal with this, instead going home, was what the majority leader wanted. But this is the deck of cards that we have been dealt.

At this point in time, it is really a moral outrage. I am going to stay at this until the Congress does the right thing for the people in Minnesota, the people in the Dakotas.

This is an article written by Nick Coleman, Tim Nelson, and Brian Bonner, who are staff writers for the Pioneer Press. This will give colleagues a feel for why I am out here. This was written on Saturday, April 19, 1997:

The river won.

The Red River of the North overwhelmed months of massive efforts to keep it at bay Friday, bursting over, around and through the dikes of Grand Forks and East Grand Forks, Minn., surging down evacuated streets and rapidly drowning hundreds of homes.

Air raid sirens on both sides of the bloated river wailed ominously all day and night as first one dike, then another succumbed to the river, which in a few short hours made a mockery of the effort to contain it.

Late last night, Grand Forks Mayor Pat Owens interrupted local TV programming to urge the entire city of 50,000 people to voluntarily evacuate their homes and businesses and prepare for possible forced evacuation.

With the Red on the rise last night to a predicted crest of 54 feet—a full 25 feet above flood stage—the overmatched dike sagged like the sides of a child's sandcastle at the beach.

By the end of the day, several abandoned neighborhoods were swamped in roof-high water. After darkness fell, the situation appeared critical: Water had begun to seep up through downtown sewers, and the city's emergency operation center was forced to move from downtown to the outlying University of North Dakota.

On the Minnesota side, most of East Grand Forks was under order to evacuate and 400 additional National Guardsmen were on the way to aid the city of 8,000.

And I say to my colleagues, I was there the day that people from East Grand Forks evacuated. And the people, they were like refugees. People were dazed.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

A should have said earlier also that one of the amazing things was the way in which—and this would be the same thing in Missouri or Kansas—people from the adjoining towns took people into their homes. It was amazing. People showed up. Even towns with all the rivalry where the high schools were always in big football games against one another, and people hardly had a good thing to say about one another, partly out of rivalry, people just welcomed their neighbors. That was the goodness of people.

That is what is so frustrating. People have done it right. They have done exactly what they are supposed to do. They have showed a real sense of community. This Congress has showed no sense of community. People back in Grand Forks and East Grand Forks and Warren and Ada, you name it, and other communities, they have shown a real sense of goodness. We have not.

Mr. ASHCROFT. Would the Senator yield for a question?

Mr. WELLSTONE. I would yield for a question in just a moment.

Mr. President, I want to continue to read this article first.

On the Minnesota side, most of East Grand Forks was under order to evacuate—

Mr. President, I will yield for a question, but just for a question.

Mr. ASHCROFT. A point of clarification: Is the Senator aware that the U.S. Senate passed a supplemental appropriations measure that would carry the relief? I think the Senator is aware of that. And when the Senator says this Congress has been irresponsible, I wonder if he means what the Senate did was irresponsible when it passed that kind of relief or——

Mr. WELLSTONE. First of all, Mr. President, I made it crystal clear today that the House——

Mr. ASHCROFT. Well——

Mr. WELLSTONE. I will say to my colleague, I have the floor. I made it clear, Mr. President, that I cannot believe that the House of Representatives went into recess. But it is also true—and I have thanked colleagues in the Senate for their work—but I am telling you, somebody has got to make it clear, and our colleagues from the Dakotas feel just as strongly, and they have made it clear, that business as usual is not going to go on. We will use our leverage as Senators.

It is also true, however, that even on the Senate side, on the majority side, I am sorry to say, there is the idea that you should attach extraneous measures to the disaster bill. That is not acceptable. That was in the Senate bill.

All this discussion about a CR, good people back in our States do not understand what in the world people are doing playing games. That is why I talk about this Congress.

Now, Mr. President, Let me go on.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

Soon after that, the National Weather Service issued an ominous assessment, raising the crest forecast by a foot. ''This situation is unlike any flooding conditions ever experienced in eastern North Dakota and northwest Minnesota.'' Confounded by the effects of overland flooding and a rapid melt, it was the fifth time in five days that the Weather Service had revised the crest forecast.

It didn't take an official bulletin to inform Grand Forks residents they were in deep trouble.

What was so sad about this, I had visited several times earlier and people did everything they could. There were high school kids out there sandbagging. It was a great community effort. People were working day and night. They started very early on. We knew we had a lot of snow. People were worried about this. They did everything they could to get ready for this.

It didn't take an official bulletin to inform Grand Fork residents they were in deep trouble.

The scene in the deserted Lincoln Park area of Grand Forks Friday afternoon was one of almost eerie splendor, with the sound of rushing streams of water drowning out all other noises except the whumping of Coast Guard helicopters overhead and the sirens. If it weren't for the fact that hundreds of homes were being devastated while their helpless owners waited out the flood in safety, you would think you were on the banks of an untamed northern river.

And you'd be right.

Millions of sandbags, millions of dollars, hundreds of thousands of hours and months of planning were not enough. Bolstered by a rise in the Red Lake River, which flows into the Red at East Grand Forks, as well as by unprecedented overland flooding to the south—upstream on the north-flowing river, the Red surpassed all expectations and its dikes with an ease that was awe-inspiring to witness.

Water spilling over the dike several blocks to the south was rushing knee-high along Lanark Avenue, then cascading down a block-long stretch of pavement that has been transformed into a foaming spillway.

A few blocks away, the surging river poured over a 12-foot-high dike on Lincoln Drive, roaring like a waterfall and threatening to burst, unleashing the massive amount of flood water that had been held back by the dikes until yesterday.

Fireplace logs, plastic snowmen, sofa cushions, and chunks of ice drifted past in the rapid current, sweeping past stacks of sandbags, shovels and piles of sand. ''We're sad about our city and what's happening,'' Grand Forks Mayor Pat Owens said tearfully. ''It is very devastating to all of us. If I were to say one thing to the people of Grand Forks it would be keep the faith and we will make it through.''

Under a bright spring sky, with lovely cumulus clouds on the horizon and birds singing nesting songs, Grand Forks was receiving the pent-up wrath of a winter of record cold and snow. Temperatures soared into the low 60's for the first time in April and residents of Grand Forks dressed in short sleeves as they turned out by the thousands in one last-ditch effort to hold some of the dikes.

All nonessential businesses were asked to close and to steer their employees towards the front lines. Cars, pickups and National Guard trucks raced up and down the muddy streets of Grand Forks, giving the city the look of a wartime capital.

The scene in a packed McDonald's restaurant on South Washington Street seemed right out of a disaster movie. A woman, her sweatshirt caked with mud, sobbed as she embraced a friend and told him that her house in the Riverside Park area of the town was inundated.

Other muddy-booted patrons stood in line for a hot meal while, in the background, a

TV emergency channel blared the latest warnings.

''Riverside, Central Park, Lincoln Park areas, please leave at once,'' the message said. ''Critical areas at this time are the Olson Drive and Elmwood Drive areas. Take with you medication, pillow, blankets, immediate clothing needs.''

Evacuation at dawn.

Evacuations along the Red River started before dawn: at 5:45 a.m., the City of Grand Forks sounded emergency sirens—even though almost 1,000 people in the lowest area of the city had left their homes hours before.

Authorities did, however, have to clear out a nursing home, relocating 106 elderly residents to the library of an elementary school a few blocks away.

All told, 2,000 residents of nearly 800 homes along the river in Grand Forks had been ordered to leave after the river starting pouring over the dike south of downtown.

By 10 a.m. the water was running knee deep in the streets, and by evening, it was lapping against the windowsills of a handful of the lowest homes.

Officials estimated that more than 4,000 people—nearly 10 percent of this city's 50,000 residents—would have to find shelter elsewhere Friday night, and even more were moving away from an expected break in the city's Riverside dike. At 9 p.m., officials ordered the southern end of downtown Grand Forks to evacuate. A few hours later, the mayor made an appeal for everyone in the city to leave.

The Minnesota side.

On the other side of the river, East Grand Forks authority sent police cars through streets before dawn, exhorting the city's 9,000 residents to wake up and go immediately to the city's sandbagging facility to start filling bags.

The levees on the Minnesota side of the Red River started giving way Friday morning, prompting frantic sandbagging in the city's Point neighborhood. It had been cut off after the Red Lake River—a tributary that is one half of the area's famed forks—turned out of its channel and started running overland.

Gary Sanders, a consulting engineer who works for East Grand Forks, Minn., estimated that as many as a third of that city's homes might have to be evacuated. He and other officials spent much of the day struggling to stem the breaches in the city's dikes, hoping that massive pumps might be able to drain the area of the city along the river.

A sandbagging operation in East Grand Forks turned into a crisis at midafternoon Friday, when part of a dike holding back the Red Lake River gave way. It sent water gushing through a neighborhood just south of the Louis A. Murray Bridge.

Dozens of emergency crews with heavy machinery rushed first to repair the breach and then to evacuate dozens of residents from their homes. Polk County Sheriff Douglas Qualley eyeballed Murray Bridge and expressed concern about whether it would hold.

There was reason for concern.

''We had just got done shoring up on the west side of the bridge,'' said [a volunteer]. ''We went to take a break, and all of a sudden it just started coming in.''

Mr. President, that was another impressive thing. Not only the high school students, but the ways in which all of the students—university, college, vo-tech, community college students—were out there volunteering. It is just incredible the way in which the worst of times can bring out the best in people. Sometimes I wish it would not take the worst in times. I wish we would all be like that all the time. But the students were great, really a great help.

Within 20 minutes, the southern section of the bridge was submerged and water—sometimes settling to depths of five feet—rushed south down Third Avenue Southeast.

Jim Maughton, an Army National Guardsman working on the bridge, said water gushed at ''10,000 gallons a minute'' at its peak.

Vince and Sue Taylor, carrying a couple of plastic bags, trudged along with their two children.

Mr. President, that gives you a feel for some of what was happening. This is Sunday, April 20, 1997.

A city was sinking in the night.

Occasional bursts of eerie blue light in the black sky signaled the demise of electrical transformers.

Water boiled up from the sewers, spurting in fountains that were quickly submerged in rising water as the river sought to equalize itself on both sides of failing dikes.

Downtown Grand Forks was going under. Dikes were giving way along both sides of the Red River of the North.

Like some proud ocean liner fatally damaged by an iceberg, Grant Forks was dead in the water, filling up fast. And there was not a thing anyone could do but leave.

Everywhere, between the warble of the sirens, emergency vehicles splashed through the streets, blaring warnings over loudspeakers. ''All residents are ordered to evacuate this area. Get out now!''

Signs in dorm windows at the University of North Dakota said, ''Build the ark.'' But arks weren't necessary in the darkness separating Friday from Saturday, struggle from catastrophe, hope from despair.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I only yield for a question, I do not yield the floor.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield only for a question.

Mr. ASHCROFT. I thank the Senator for yielding for a question with the understanding he retains the floor after the question is asked.

Both the House and Senate passed the emergency supplemental appropriations bills. Conferees have been appointed by both of the Houses, but the conferees must report out a conference report which must go to the House of Representatives first for passage before ultimately the Senate gets a chance to act on it.

Now the Senator, by expressing his concern in such a lengthy way—over concern, obviously, for individuals for whom we have great sympathy—the Senator blocks the Senate from doing its business even though the Senate cannot act on the emergency supplemental appropriations bill at this point in time.

Is the Senator aware of the fact that we are being kept from doing our business which is appropriate for us to do and that it is now impossible for us to act on a matter of greatest concern to him?

Mr. WELLSTONE. I say to my colleague that actually the conference committee is meeting to do their work right now and that goes on right now. Believe me you, when the conference committee finishes its work and we get this piece of legislation, then we will move on it right away and I will not be on the floor then. I think my colleague confuses matters a little bit in the terms of the sequence of all of this.

I remind my colleague one more time that the only reason—we should not be ahistoric. We only have to go to the question, why am I on the floor now? The only reason I am on the floor is because after all the work that we did in a bipartisan way to get help to people who really needed some certainty that they would receive some assistance, the House of Representatives' leadership decided not to do the work. They did not agree to let through what we do not disagree on. They did not do their work, and they went on vacation.

Now we are back here and I am on the floor of the Senate today, you bet, to signal to colleagues in the House and my colleagues here, let's get it done and get this bill out and stop playing games.

As to the inconvenience, toward my colleagues on other legislation which is important, I am really sorry, but in all due respect I do not think there is anybody here that is as inconvenienced by my holding the floor for a little bit of time today as are the people of Minnesota and the Dakotas. They are in the ones inconvenienced. They were inconvenienced by the House leadership refusing to do the work and just going on vacation. They have been inconvenienced by the games that people have played with this, attaching amendments dealing with a continuing resolution. People do not know a thing about continuing resolutions in Grand Forks or East Grant Forks nor should they have to.

They have been inconvenienced by other amendments that have been put on this bill.

I refer back to the St. Paul Pioneer Press editorial, in which the argument was made that it was important to stop playing games.

Mr. President, people are not stupid. People are intelligent. They know full well when they see Representatives or Senators using their pain as leverage. They know what is going on.

So, Mr. President, I again read an editorial. Believe me, there are plenty of editorials like this in papers in our States.

Congress can't resist political gamesmanship.

Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

So, Mr. President, let me just be crystal clear about what is going on here. I come to the floor today to focus on priorities. And the priority should be simple. The priority for the House of

Representatives and the Senate, for the conference committee, for our Congress this week, should be to pass a disaster relief bill. And I am going to make it very difficult for people to conduct business as usual until we do that. I think the Chair would do the same thing if it was Kansas. I really do. I am sorry to speak for the Chair. I know he can't speak. But I really think that it doesn't have a heck of a lot to do with party. It just has a lot to do with you just do what you can do to fight the people, and this is the way for me to do it.

Mr. President, since I have spoken a lot about what has not happened so far and what needs to happen, let me talk a little bit about Breckenridge. I have not spoken much about Breckenridge, MN.

In the dark, water lapped up the streets, moving as inexorably as the hands on a clock.

This is a piece, again, in the Pioneer Press by Nick Coleman.

Breckenridge was going under; the flood had outflanked the city's dikes.

In the worst flooding so far this season, hundreds of homes and businesses on the south side of Breckenridge were caught by a rapidly rising second flood crest that took the city off-guard and quickly became more devastating than the first wave of flooding that hit 10 days ago.

Bleary-eyed city officials, assisted by bone-tired troops from the Minnesota Army National Guard, evacuated 400 residents Monday night and Tuesday, trying desperately to keep the city of 3,700 from going completely under.

Mr. President, I would really like to thank the National Guard. I have not done that today. They have done a great job. It is incredible.

So many people back in Minnesota and the Dakotas have done a great job, and we have done such a miserable job here. I am not delaying disaster relief. My colleagues are delaying disaster relief. And as soon as the supplemental bill is ready to bring before the Senate, bring it before the Senate. Believe me, I will not stand in its way. This is entirely in the hands of my colleagues. It is entirely in the hands of my colleagues what happens. And I intend to be on this floor for some period of time to make it crystal clear that I am not going to be silent until we do the right thing here. It is that simple.

I ought to add that tomorrow evening the flood Senators will come to the floor and speak from 6 p.m. until 6 a.m. on the need for disaster assistance. I will get a chance to speak at 6 p.m. until 9 p.m. Do you know that 3 hours isn't enough time? I mean, there isn't enough time to try and make the case to my colleagues to do the right thing and please get the help to people.

By Tuesday evening, parts of south Breckenridge were under 5 or more feet of water and the floodwaters continued to swell. The water was so deep that when a 5-ton Army truck veered off the curb, a National Guardsman was shoulder deep in the driver's seat, craning his neck to keep his chin above water and reaching down to the submerged gears to drive it out. An exhaust stack kept if from stalling.

Residents dumped loads of dirt near a railroad line that cuts across town, hoping to stop the flood halfway through the city.

But officials worried the flood would encircle them from the north. Efforts to sandbag around a nursing home failed after a night of effort.

Dorothy Pierce, 77, came out of her house on the strong back of a 19-year-old National Guard trooper named Conrad Anderson, a specialist with the Duluth-based Co. C of the 434th Main Supply Battalion. Anderson ferried Pierce from her house on Second Street through the darkness in hip-high water to the safety of a Guard truck.

''I just moved here from Nebraska in November,'' Pierce said while sitting uncomfortably on a canvas tarp in the back of the truck as it made its bumpy way back to high ground. ''We don't do stuff like this in Nebraska. I got here just in time for the biggest blizzard I ever saw and the only flood I ever saw.''

Evacuated with Pierce was her son, Lonnie, his wife, Debbie, and the couple's three young children, Jena, 8, Donald, 6, and Dillon, 2. The children, sitting on the floor and clutching their mom, could be heard crying in the pitch-black covered troop carrier as it drove through the flood.

Mama, I'm scared and I'm cold and it's dark,'' Jena said to Debbie Pierce. ''There's nothing to be scared of,'' Debbie Pierce reassured her children, hugging them tight. ''We're all safe.''

But under a hazy half moon and in a biting chill, Breckenridge was on red alert.

Crews of sandbaggers labored through the night Monday in a vain attempt to stave off the wandering Bois de Sioux River, which jumped its banks and went overland, creeping into the city from the unprotected southeastern side.

Everywhere, diesel engines throbbed as dump trucks carrying sand, flatbed trucks carrying as many as 50 volunteer sandbaggers and National Guard trucks on midnight mercy missions roared up and down the streets and slogged into the rising tide.

But the situation was critical, the weather nasty and the outcome in doubt.

''We face a real possibility of the whole town going under,'' police Chief Dennis Milbrandt told the National Guard's Col. Gary Sigfrinius Tuesday morning as crews prepared to construct a makeshift dirt dike along the railroad tracks that separate the city's north and south sides.

Nearby, three 5-ton Army trucks slowly splashed through cab-high waters on Fifth Street, carrying 41 elderly residents of a senior citizens apartment building that was being evacuated as water poured into the first floor.

Reaching the still-dry railroad tracks, the gray-haired evacuees, clutching suitcases and wearing blankets to ward off the 30-degree temperatures and 7-degree wind chill, were helped off by teen-age Guard troops.

''I never thought I'd have to be fed by the Red Cross,'' said 79-year-old Margaret Olson as she was lifted in her wheelchair from the back of an Army truck. ''I've had three strokes and colon cancer but this is something very different and I'm happy to be on dry ground again.''

Lonnie Pierce, Breckenridge's utility director, said the rapid rise of the floodwaters had inundated both his family's home and his mother's home. After hours of battling with sump pumps and sandbags to try to save their homes, the Pierces had been forced to make a choice: Save the family or save the house.

''It came in awful quick here, awful high,'' said Pierce, 36. ''Christ Almighty, we'll lose a lot of houses,'' he said, peering out the back of the truck as it chugged slowly past the silent, flooded homes of his neighbors, pushing a gentle wake through the black waters that lapped against the houses.

''There's just no end to this. We haven't gotten one break. All this water was out there and we couldn't do anything about it. It was bound to come.''

Located where two swollen rivers—the Bois de Sioux and the Otter Tail—join to form the Red River of the North, Breckenridge picked a poor campsite.

Forecasters thought the Red River's record crest of 19.18 feet at Breckenridge last week was as high as if was going to get. But the river was at 19.10 and rising at midday Tuesday, with officials fearing it could pass 20 feet.

The first round of flooding damaged the city's north side, as the Otter Tail River overflowed. This time, it is the Bois de Sioux cascading into ''South Breck,'' as residents here call the south side of the city.

I am going to go on, Mr. President, and read just for the Chair. I have been speaking this afternoon about a couple of different issues. But most of the time I have been focusing on the need to get disaster relief to my home. I again apologize to my colleagues who have not been able to bring amendments to the floor and to those who came and maybe didn't want to hear one speaker speak all day. But this is just an impossible situation.

I mean we have had people that have been flooded out of their homes. Almost everybody in East Grand Forks had to leave. We have schools and hospitals destroyed in towns like Ada, and people have done everything right. They have supported one another. And we are supposed to get some relief to them. Instead, people have been playing political games in the House of Representatives. Rather than getting the work done, they went on vacation. They went on recess. They didn't even have the decency to provide the assistance to people.

Now we are back in conference committee, and people are playing games.

So I am using my leverage as a Senator to be out here and to say we are not going to have business as usual for a while, and I am going to fight for people in my State. That is why I am out here reading about this flooding.

This flooding is much more severe than the first and the potential is worse yet: Breckenridge is looking down a three-barreled gun, with the possibility that the Red, the Bois de Sioux and the Otter Tail may meet in the middle of town.

''This whole year has just sucked,'' said Beth Meyer, a 35-year-old hairstylist who rode a National Guard truck into her flooded Seventh Street home after midnight to help evaluate her 10-year-old daughter, Samantha, and the family poodle, Whitney Houston.

Meyer's husband, Mark, and 13-year-old son, Kyle, remained behind, sandbagging and pumping to try to save the house.

In January, the roof caved in on the salon where Meyer works in Wahpeton, ND, across the Red River from Breckenridge. For the past three weeks, the Meyers and other South Breck residents have gone without phone service and been forced to go to an emergency phone bank outside the Wilkin County Courthouse, which itself was closed by floodwaters Tuesday.

The National Guard has taken over the school where the Meyer children already

have missed four weeks due to blizzards and flooding. And since the first flood crest hit the city 10 days ago, the family has not been able to flush its toilets. If they needed to relieve themselves, cans were required.

Wearing a heavy Army jacket lent to her by a trooper, Beth Meyer maintained an exasperated sense of humor about the never-ending battle.

''We call this the Year from Hell,'' Meyer said as she gathered up her daughter in the dark.

''We're the South Breck Islanders. We're already talking about the party we're going to have this summer, if it ever dries out. We're all going to get together for an island party and we're going to have a little rubber pool in the middle of the street. With a sump pump in it.''

''This is very scary stuff,'' said Scott Wermerskirchen, a 35-year-old science teacher who was helping out at a barricade Monday night. ''I don't want to think about what will happen if we get an inch of rain. We might as well write a big check and shut the town down.''

Although Breckenridge was continuing the fight, there was a palpable edge of discouragement in the chilly air Monday night and Tuesday morning, with the mood of the residents deflating with each increase in the water level.

''We got up this morning thinking we didn't have anything to worry about,'' said Kirk Peterson as he navigated in a fishing boat through the 5 feet of water in his back yard at 2 a.m. Tuesday.

The floodwater was almost up to the top of his garage door and was running through the first floor of the house where he and his wife, Jackie, live on Second Street.

''So much for finished oak floors,'' Peterson said acidly, using a flashlight to peer through the window in to his darkened home.

Peterson, a salesman, and his wife are ''River Rats,'' meaning they belong to a Department of Natural Resources program designed to preserve and clean up state rivers. With his flashlight, Peterson illuminated a sign in his flooded window: ''Please Keep the River Clean,'' it said.

Peterson and a friend, Errow Hensch, maneuvered their boat to a clothes pole in the back yard. Monday morning, when he first measured the rising waters, 11 inches of the pole were under water. By 8 p.m., 51 inches were under. And at 2 a.m. Tuesday, as his boat bumped against passing ice chunks and the strangely orange moon glittered off the water, the tide had risen to an even 5 feet.

''I hate to say it, but I wonder whether this whole city won't really go under,'' Peterson said as he steered the boat to help rescue a neighbor, Dave Shockley. ''If we were smart, we would all have moved out in February.''

Mr. President, as it turns out, Breckenridge was hit hard with flooding but not totally flooded out, and people are rebuilding and people are celebrating. Yes, they are celebrating the help that they gave one another. And I say to the Chair, because I know of his own small business background and his commitment to small business, it was in Breckenridge that I really first got a feel for what the small business people were thinking about. They took me to their businesses which had just been destroyed by the flooding, and they said to me, look, PAUL, or Senator, we are hearing about the Federal Emergency Management assistance, and we know they can do some repair for the infrastructure in the town, and then we are hearing about the Small Business Administration loans, but we can't cash-flow loans. It will not do us any good at all.

So all of us in a bipartisan effort got together, and we put together a good disaster relief bill with about $500 million in CDBG money for all the States affected. But this CDBG money was going to give the States, Mr. President, the flexibility to get some direct grant money to some of the businesses, and homeowners who needed it who could not cash-flow any more loans.

And that is what people are still waiting on. People do not know whether or not they are part of a buyout if they are living in a floodplain. People wonder, do we leave or do we stay? If we leave, are we going to have assistance? Is that coming? The State cannot make plans to do that. The cities cannot make plans to do that. The small businesses are still waiting. People are getting discouraged, and people are getting pretty angry. Frankly, they are probably angry at all of us. They are probably angry at all of us except for some of my colleagues from North Dakota, who have just been out here over and over again, and South Dakota and some of the other States; they have been speaking out.

But people just cannot understand the code here. They cannot figure it out. I think what people are thinking is, look, it is simple—in fact, it is a little embarrassing to me because after we passed that disaster relief bill, I was so excited I did what I think the Senator from Wyoming would do. I got on the phone and had a conference call with lots of the small papers in smaller communities—big communities and big papers in heart—and I said we have passed this; it really looks good. And then, all of a sudden, all of a sudden now we have the games being played and people are thinking, well, we have leverage on this. We want to have leverage later on on the budget and on the appropriations bills so we have to have a continuing resolution.

You can do that separately. Do it on something else. Just do not play around with the lives of people who are really in a lot of pain.

Now, as I said earlier, if I cannot persuade people to just please back off of that for now, then get the work done right now and pass this bill and get it to the President. The President is going to veto it. He already said he was because of the continuing resolution. So the President will veto it. He has to do that. And then you can show that the President vetoed it and maybe you have embarrassed him, if that is what you are trying to do, and then let us pass it clean. Let us get all the provisions off this bill that do not have anything to do with making sure that people can rebuild their lives in Minnesota and the Dakotas.

That is all people are asking. So if you want to play your game, play it. I do not think you should, but if you want to play your game, play it, but why don't you play it in the next couple days. Because I will tell you something, if not, at least on the Senate side, whenever I have an opportunity to be out here and hold the floor, I am going to do it and we are not going to do a lot; we are not going to do much else. I put the people from East Grant Forks right now ahead of my colleagues in the Senate. I just think that Mayor Stauss and Mayor Owens and other mayors have waited too long. So whatever we need to do, whatever I need to do as a Senator, I am going to do.

Mr. President, this is another piece. And there has been some really good writing because the journalists that were covering this, they saw the pain. They knew what it was in personal terms. They saw the courage of people. They saw the devastation, but they saw just that incredible determination.

But for some reason here in Washington, DC, starting with that ''leadership'' in the House—I say leadership in quotes; we never translate it into personal terms—the leadership in the House decided to go on vacation. It is not what the majority leader of the Senate wanted them to do. It is not what my colleagues here wanted them to do, but that is what they did.

That is why I am in the Chamber. And now I am reading that we may not pass this this week. That is just outrageous. So, Mr. President, just so my colleagues know, I probably will maybe stay in the Chamber for about another 50 minutes or so, up to about 7 o'clock, and then I think I will have had time to talk about this today, and I will come back tomorrow and figure out a way of getting in the Chamber again, if I can.

By the way, Mr. President, I really should also mention that—I mentioned FEMA, James Lee Witt. I also wish to thank SBA, the Small Business Administration. What I said about some of the businesses that are worrying about cash-flowing more loans is true. But SBA, they have been on the ground. They have tried to help. The State people have been marvelous. The State office, Jim Franklin at emergency management assistance, that office has been great. Legislators have cared. The Governor has cared. Really, in our States, we are just forgetting the party part, trying to help people. And I want to just make it clear that a lot of people deserve a lot of thanks.

So, Mr. President, I will continue to talk about this. I want to make note of the fact that Senator DORGAN had come down to the floor earlier, and he is right now tied up in a meeting on the disaster conference report. They are in conference, meeting on it, getting ready for it, and that is going to be key. We are going to need Senator DORGAN's help. But I would just say to members of the committee, thank you for your commitment. The good news is we worked together in a bipartisan way and we had something good going and people really appreciated it and we

did exactly what we are supposed to do: provide people with some relief.

The bad news is then people started playing games, and then people decided not to even finish their work and had the insensitivity and the gall to just go home, go home. It is amazing to me how some people can be so generous with the suffering of others. Can you imagine a group of legislators—and now, I say to my colleague from Missouri, I am speaking specifically about leadership in the House—saying, oh, well, you know, we got these disagreements and we can't get our work done. We can't resolve this. So they go home. That is being very generous with the suffering of a whole lot of people in the country, including people in Minnesota.

Well, Mr. President, we can have all of these arguments about what is in the pipeline, what is not in the pipeline. We heard from Mr. Raines today from the Office of Management and Budget that a lot of this, a lot of this money is not going to get out there to the communities.

I talked earlier about buyouts in construction. I told you Minnesota is a cold-weather State. We have to get the work done now because come mid-October or the end of October, we are not going to have time to do this at all. So one more time I would say to my colleagues, some of whom have been inconvenienced today, I apologize, but, in all due respect, the problem of time is a bigger problem for the people in Minnesota and North Dakota because time is certainly not on their side.

Think about this. There was a piece that I read earlier about the little girl who just sort of had a vacant look in her eyes and was really looking down and not playing like you hope and pray a child would play. We know what has happened. Just imagine, I say to people, what it would be like to be completely wiped out with a flood and no longer have your home and be homeless and then people in other towns take you in. That is Minnesota. But I bet you it is every State. I love to brag about Minnesota, but I bet it is in every State. The goodness of people comes out and people take families in and all the rest. But it is hard for families because you go back, now the water has receded, now you have to go back to your homes and now you have to look at this devastation and there it is before you. And you do not know what is going to happen next.

If you have lived in the floodplain, are you now going to move? If you haven't, are you going to have the money to rebuild your home? And you are just there and you do not know where you stand. And you hear that the Federal Government is going to help.

You better believe that over the years when my colleagues have come to the floor from Missouri or from California or from Florida and they have said we need help, there has not even been any question in my mind.

Well, that is the situation right now. The only question is, where is the soul of the Congress. I say to my colleague from Missouri, where is the soul of the leadership of the House of Representatives, who do not even get the work done and send back a bill to us. Well, this time, this week there is going to be a conference committee and they are going to do the work. I feel they will do the work. I believe my colleagues will spearhead that. We are going to get this done. And as I said before, the best of all worlds will be, please, just keep all the extraneous political stuff off. Let's just pass a clean disaster relief bill and get the money out there to people, get the help out there to people.

Mr. President, let me just read about Chip Rankin. I started to talk about him.

[He] looked tired in his National Guard fatigues, stood in the pulpit of the Immanuel Lutheran Church on Sunday, reading aloud from the Gospel of St. Luke, [this is from the Pioneer Press of April 14] recounting how the apostles, frightened by a storm on the Sea of Galilee, wake Jesus from a nap and beg him to rebuke the raging waves.

An hour later, the 22-year-old wrestler—

Mr. President, did you hear that? Wrestler. Now we're really talking.

At the University of Minnesota-Duluth would find himself in troubled waters.

By the way, Mr. President, while I am speaking about wrestling, the University of Minnesota-Duluth had their wrestling program shut down. It was a real shame. The title IX program is a great program. I mean, as a father of a daughter who loves athletics and is a good athlete, and having one granddaughter, the idea of full participation of girls and women in athletics is right on the mark. But the shame of it is, in a lot of these schools, in order to reach parity, what they do is go after the minor men's sports, the sports that don't have the clout. It's a political issue, I say to my colleagues. The University of Minnesota lost their wrestling program. A real shame.

Mr. President, I am not without my biases, since I wrestled and love wrestling. I do think it is a real shame. There has to be some way to make sure this doesn't happen around the country. It is so unfair, gymnastics, swimming, other minor sports—who gets to define what's a minor sport? Baseball.

Rankin and a Guard sergeant were caught in a frightening torrent of water that threatened to wash his 2½-ton troop truck off a Norman County highway and into a forbidding sea of ice and water. Rankin's truck lurched and sagged, plunging into holes that were rapidly forming in the crumbling highway while a Hovercraft and men with ropes stood by in case they had to attempt a desperate rescue in the icy current.

God, and the National Guard, would come through. But it was close.

To some, it might sound like just another day on the Red River of the North, this spring of record flood. But it wasn't just another day. It was the Lord's day. A day when the weary people of Hendrum—those who haven't fled the flood—paused in their struggle against the water that surrounds them on three sides to worship in an extraordinary ecumenical service.

This was written by Nick Coleman. ''Faith and the flood. It was a time of prayer, reflection and drama as Sunday came to the Red River of the North.''

You knew it was going to be a different kind of service when you saw Rankin line up a dozen troops and march them, single file, into the church, reminding them to doff their camouflage caps. This wasn't a ho-hum Sunday go-to-meeting with everyone freshly scrubbed and in their Sunday best. This was a battlefield prayer meeting, with the enemy on the horizon and coming on fast.

It was a ''come-as-you-are'' service where the pastor sported a week's worth of grizzled whiskers and refused to take an offering because, he said, the people in the pews had been offering all week and giving all they could give. A service in a church where people have been sleeping in the basement and the congregants had mud on their boots and exhaustion on their faces. Where men and women wept without shame. Where some folks had to scoot out during the sermon to check on the pumps keeping the waters at bay. Where helicopters chattered overhead and where everyone looked at each other when the lights flickered, it being only a couple of days since the town got its power restored. Where the mayor read from Genesis about ''the spirit of God hovering above the waters,'' and the police chief's daughter sang, ''Yes, Jesus Loves Me.'' And where the psalm they chose for the day, Psalm 46, praised ''a river whose streams make glad the city of God.''

The Red River isn't in the Bible. But it has taken on Biblical proportions. And, for generations, through flood and drought, blizzard and blight, the response of the people along the river, many of them the descendants of devout Norwegian Lutherans, has been to roll up their sleeves and to put their trust in their God. Praise the Lord and pass the sandbags. Or, as they simply say in Hendrum, ''toss 'em.''

That was the tone at Immanuel Lutheran. . ..

Mr. President, I notice that my colleague from North Dakota is here. I would be pleased to yield for some questions, if my colleague has some questions. And then, if my colleague, who I know has been out here over and over again and back in North Dakota, wants to speak, then I would at that point in time—I would then ask consent to yield. But right now let me just ask my colleague whether he has any questions and respond to some questions. Then we will see what kind of unanimous-consent agreement we can get.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

The PRESIDING OFFICER. If the Senator hasn't yielded the floor, he has the floor.

Mr. WELLSTONE. I have not yielded the floor.

Mr. President, I was getting ready to yield to my colleague. He looked like he was raising his hand to ask a question. So, if he had a question, I was going to yield for the question, that's all.

Mr. CONRAD. Yes. Understanding that I don't have the floor, I am simply asking the Senator from Minnesota some questions—without his yielding his right to the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor and has the right to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. ASHCROFT. Has the Senator from Minnesota yielded for a question?

Mr. WELLSTONE. Mr. President, I haven't yielded for the question yet. I yield for the question.

The PRESIDING OFFICER. The Senator may proceed with his question.

Mr. CONRAD. The Senator from Minnesota has been here speaking about what we confront in North Dakota and Minnesota and South Dakota and the other disaster States. I would just ask him if he was aware of the recent editorial that appeared in the Grand Forks Herald on May 27? The bold headline in that editorial was, ''4 Days Since Congress Let Us Down.'' And they posed the question, ''How Long Will It Be Before Congress Gets to Work and Passes the Disaster Relief Bill?''

This is an editorial in the Grand Forks Herald. Grand Forks is the town that has been devastated by this remarkable series of disasters—first of all the most severe winter in our history, 10 feet of snow, followed by an incredible ice and snowstorm in early April that knocked down the electrical grid for 80,000 people, which was then followed by the 500-year flood and, in the midst of that, a fire that burned down nearly three city blocks in the city of Grand Forks that led, this combination of events, to the evacuation of virtually the entire city of 50,000 people. Mr. President, 50,000 people evacuated. We have not had that happen in America. That has not happened in American history where a town that large is virtually totally evacuated. And the neighboring town of East Grand Forks, that is in Senator WELLSTONE's home State, a city of 9,000, similarly evacuated—completely evacuated.

In this editorial, I am asking Senator WELLSTONE if he is aware of this editorial, this gives ''11 Reasons To Pass Federal Disaster Bill Now.''

We have heard a lot of talk from some, ''Well, it doesn't matter that there has been this debate, it doesn't matter that they have had 12 days of delay; there is money in the pipeline.''

There is not money in the pipeline for the Housing Department for buyouts and relocations. There is no money in that pipeline. There is no money in the Agriculture Department pipeline to give some relief to the ranchers across the State of North Dakota and across the State of South Dakota that have lost over 200,000 head of cattle. There is no money in that pipeline. And there is no money in the pipeline to allow the school districts that have taken the kids from the disaster areas to get reimbursed. There is no money in that pipeline. That is what is happening out in the State of North Dakota and the State of Minnesota and the State of South Dakota.

I ask the Senator from Minnesota if he is aware of the 11 reasons that were given in the Grand Forks editorial for the passage of the disaster bill now? The 11 points that they make in this editorial are:

No. 1, the need is great; 80 percent of the homes in that town of 50,000 people were damaged and several thousand are unlivable. We have thousands of people who are homeless, don't have a place to stay. We have hundreds and hundreds of people who are still on cots 6 weeks after the disaster.

No. 2, they point out that the disaster is different from others because it affected the entire community and there is no nearby community that can provide housing and other support for flood victims.

The third point they make is that time is of the essence. Our construction season is short. In fact, the outdoor work pretty much has to be done by October 1 in our part of the country.

The fourth point they make is that hundreds of businesses need loans and other forms of assistance to get reestablished, and that those businesses underpin the economy in Grand Forks and East Grand Forks.

Fifth, they make the point that they need to make decisions about our homes and businesses. In order to do that, they need certainty about the resources available for disaster relief efforts.

The sixth point they make is the property, in the way of flood control, will have to be bought out. The buyout money will make it possible for people in the way of flood control works to rebuild their lives elsewhere in the city.

Mr. ASHCROFT. Mr. President, I raise a point of order. It is my understanding the Senator from Minnesota yielded for a question.

Mr. WELLSTONE. Mr. President, I still have the floor, and I intend to answer the question of my colleague.

Mr. CONRAD. The Senator from North Dakota is posing a question to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is entitled to one warning. It is to be a question.

Mr. WELLSTONE. Mr. President, if I might just inquire, I intend to answer the question. But the question embodies the eight reasons, and the Senator from North Dakota is going over those, asking me if I am aware of those reasons. I can't read that chart.

The PRESIDING OFFICER. That is understood, but the Chair will rule that a statement is being made rather than a question asked.

Mr. WELLSTONE. Fine. Mr. President, if my colleague, then, in the form of a question could summarize that?

The PRESIDING OFFICER. It is the duty of the Senator from Minnesota to guard his right to the floor. That is one warning.

Mr. WELLSTONE. Mr. President, I want to make clear I was not aware of the editorial and the Senator from North Dakota—well, I was aware of the editorial. I can't lie. I was aware of the editorial. Nevertheless, I need to answer, but I can't read it from here. I would like to respond to the question of the Senator.

Mr. CONRAD. I would pose a question, a point of order to the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for a point of order?

Mr. WELLSTONE. Mr. President, I ask——

Mr. CONRAD. Perhaps I could ask that later and just continue my question of the Senator from Minnesota.

Was the Senator aware of this editorial in the Grand Forks Herald and the 11 reasons they gave?

Mr. WELLSTONE. Mr. President, I was aware of the editorial, but I do not remember all of the reasons. And as I go on and speak, it might help me if the Senator would be able to pose each of those points as a question, and then we could talk about it as I go forward.

I would be pleased to yield to the Senator for a question on each of those points, if the Senator has a question, but only in the form of a question.

Mr. CONRAD. Let me ask the Senator from Minnesota, very specifically, it has been reported in the press that this does not matter, this delay, that there is money in the pipeline. And in this editorial, they point out that it is true that FEMA is adequately funded, but that money is for immediate disaster relief, not for long-term rebuilding.

Was the Senator aware of that point that is in this editorial?

Mr. WELLSTONE. Mr. President, I am. It is a very important point. I say to my colleague from North Dakota that the key thing—and both efforts are equally important—that people need the short-term relief, but people need to think about how they rebuild their lives and whether they have a future. And that is what is so unconscionable about this delay and the House going on vacation before getting this work done.

I would say that to my colleague.

Mr. CONRAD. Is the Senator aware—again, I am asking a question—is the Senator aware that in this disaster supplemental is the money for housing assistance through the CDBG program that would allow the funds for the buyout and relocation of homes that are in the floodway?

Mr. WELLSTONE. Mr. President, I respond to my colleague that this is also an important point. The buyout of the homes in the floodway is key to the future for people. And the only way this can be done is through the CDBG money that is being held up right now.

And I say to my colleague from North Dakota, who knows this so well, that the awful thing is that so many people do not know where they stand. They do not know whether to move, not to move, where they are going to

have a home. They do not know where they are going to be, where their children are going to be? People have been through enough, I would say to my colleague.

Why do we want to heap more pain on the people who have already been through so much pain? That is what is unforgivable about this delay. That is what is unforgivable about political games. That is what is unforgivable about our failure to just get the relief to people, to get this emergency supplemental bill passed. It is an emergency. Just get the disaster relief to the people.

Mr. CONRAD. In addition to the question of the housing not being available, is the Senator aware of the fact——

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. I have the floor.

The PRESIDING OFFICER. The Senator has a right to call the Senate to order.

Mr. ASHCROFT. Mr. President, I ask for recognition. The Senator from Minnesota yielded the floor without yielding for a question.

Mr. WELLSTONE. Mr. President, I yielded for a question. I made it crystal clear it was a question. The Senator from North Dakota asked me whether I was aware.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. WELLSTONE. That is what I have done. And I have the floor.

The PRESIDING OFFICER. The Senator does not have the right to solicit a question.

Mr. WELLSTONE. I say to my colleague from North Dakota, if my colleague has a question, we will put it in the form of a question.

Mr. President, I will, in any case, just to save my colleague from Missouri some frustration—I am going to yield the floor in just a moment. I am going to finish up. I am going to respond to some questions that my colleague from North Dakota has put to me. And I will yield to questions from the Senator from North Dakota only for questions, but I intend to finish in just a few moments, I say to my colleague. I will be yielding the floor in about 5 minutes or so.

I will yield for a question.

Mr. CONRAD. I think it has been made abundantly clear the Senator is yielding to me for a question, not yielding his right to the floor.

The question I would pose is——

The PRESIDING OFFICER. The distinction here is whether the Senator has the right to solicit questions or whether the Senator has to ask to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will keep speaking.

Mr. CONRAD. I ask the Senator from Minnesota to yield for the purposes of my posing a question to him.

Mr. WELLSTONE. Mr. President, I yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator aware that not only does the Housing Department not have funds that are in the pipeline, but then in addition to that that the Agriculture Department does not have funds in the pipeline, so livestock producers in our States, who have lost hundreds of thousands of head of cattle, have been in a situation in which they are delayed in receiving assistance that is in this disaster supplemental?

Mr. WELLSTONE. Mr. President, I am pleased that the Senator from North Dakota has posed that question to me because I have been remiss in not focusing on livestock producers. The importance of funding that is not in the pipeline has everything in the world to do with whether our ranchers and producers are going to be able to get back on their feet.

So I say to the Senator, yes, I am aware of it. That is yet another example of families in our States—agricultural producers, who work so hard and are waiting for some help.

And I say to the Senator from North Dakota, earlier I quoted him because I heard the Senator say, the question is, how many more days do people have to wait? How many more days do the homeowners have to wait? How many more days do the small businesses have to wait? How many more days do ranchers, livestock producers have to wait? So I am aware of that.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. WELLSTONE. I will be pleased to yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator also aware in the Grand Forks editorial, the 11 reasons they give for passing the Federal disaster bill now, they point out that not only the Housing Department does not have funds, those funds are not in the pipeline, the Agriculture Department does not have funds to address this disaster, those funds are not in the pipeline, and in addition to that, the school districts that have taken the children from the disaster areas, they do not have funds in the pipeline, and so those school districts that have taken on substantial additional costs are also being delayed in being compensated even though they have taken children from the disaster areas?

Mr. WELLSTONE. Mr. President, I want to respond to the questions because this is exactly what is going on. The Senator is raising these questions, and I am responding. And I thank my colleague from North Dakota, Senator CONRAD, because this is again another area that I really did not speak about and I should have.

It has been wonderful to see different school districts, a neighboring school district taking students and making sure they do not have to drop out of school, making sure they can graduate. That has been happening in Minnesota and North Dakota. That is the goodness in people.

I do not see much goodness in this Congress right now. I do not see much goodness in the House. I think we make a mistake when we go on vacation and do not come through for people.

I am aware of the fact that these schools are now waiting for some assistance for the extra costs that they have incurred in taking in other students and making sure those students graduate. And so I say to my colleague, I am aware of this, but I am glad he has emphasized this in the question that he has put to me.

Mr. CONRAD. Would the Senator further yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. CONRAD. Is the Senator aware that while some have said that it just does not make a difference, these delays are inconsequential, they really do not matter, that the people that I think we can turn to for the best answer as to whether these delays matter are the people who are affected most directly by the disaster, the people of Grand Forks, the people of East Grand Forks, and that they are telling us, their elected Representatives, that these delays do matter, that delay in the face of disaster is a disaster in and of itself?

Is the Senator receiving those same kinds of messages from his constituents as I am receiving from mine with respect to how significant these delays are?

Mr. WELLSTONE. Well, Mr. President, the Senator from North Dakota raises a very important question that I will respond to. And the question that he raises has to do with the effect of the delay both in a material sense in terms of economic resources but also in almost as serious a way, the way in which it erodes people's—it is personal— People need some certainty. People need to be able to plan for the future. People need to get through this.

This is a very difficult time. And our failure to act does not give people that confidence, does not give people that support. Moreover, I say to all my colleagues, in responding to the question from the Senator from North Dakota, the failure to act, the failure to get help to people, the playing of political games, has done an awful lot of harm. It has soured people and eroded people's confidence. That is a terrible mistake.

Mr. President, I say to my colleague from North Dakota that I am about ready to yield the floor in any case.

Mr. CONRAD. Would the Senator yield for a final question?

Mr. WELLSTONE. I will yield for a final question.

Mr. CONRAD. The Senator from Minnesota perhaps is aware that tomorrow a group will be coming from Grand Forks and East Grand Forks, a delegation of community leaders and business leaders. I think, perhaps the mayor of East Grand Forks is coming. I ask the Senator from Minnesota if he is aware of that?

Mr. WELLSTONE. Yes.

Mr. CONRAD. The message, as I understand it, is that they want to send a

clear and unmistakable signal to the Congress and to the country that the time to act is now.

Mr. WELLSTONE. Mr. President, I am aware of the fact, and I will answer this question, I am painfully aware of the fact, as a Senator from Minnesota, that the mayors from Grand Forks, ND, and East Grand Forks, MN, and maybe some other mayors will be here tomorrow to say to the Congress, the time to act is now. And that is what I have tried to do today on the floor of the Senate, to say that as well.

That is what the Senator from North Dakota has said today and has been saying for a good, long period of time.

Mr. President, I hope that by holding the floor for a while this afternoon that in a small but hopefully significant way I have been able to speak for and to fight for and to help people in my State.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

I appreciate the opportunity to return to Senate bill 4. Senate bill 4, as you well know, is the Family Friendly Workplace Act. It was to have been the business of the Senate this afternoon. And I do understand the frustration of the individuals from the flood-ravaged States who have been victims of flooding and all. But I find it very difficult to understand why, especially when a conference report is being worked on, we have to insist that the Senate cease serving the Nation while the conference committee serves the people of the flood-ravaged areas. It seems to me that while we can do both, it would be in our best interest so to do.

And so with all respect to my colleagues who have sought to galvanize the public attention on the need to act here, I want to commend the members of the conference committee who are working to do exactly what they are being called upon to do to provide an opportunity for relief in those areas.

The Family Friendly Workplace Act is a way that we can help all Americans. We can help all Americans to balance the tension that exists between the workplace and the home place. We can help Americans who find that both parents are having to work in two-parent families. We can make sure that they have the capacity to spend the necessary time with their children that they need to spend.

So, Mr. President, I think it is important that we get on with the business of trying to provide to hourly-paid workers in this country the same kind of flexible working arrangements which have been available to others for quite some extended period of time.

As a matter of fact, in 1978, we began according flextime benefits to workers in the Federal Government system. It was done on a pilot project basis so that we could make sure we did not offend the rights of individuals and that we made sure that it was a workable system. For years, we inspected the system, and it was extended to more and more workers.

In 1985, in the Federal system we made it available to Departments generally if they thought they could use those procedures wisely and if that would be helpful to people in balancing the needs of their families with the needs of the workplace.

The major components are these. When you work overtime, instead of being paid for overtime, you might want to take time off with pay later on so that you could make up some of the lost time you have with your family.

Most Americans do not realize it is illegal now for an employer outside of the Federal Government to offer an hourly paid worker time off with pay instead of paying the normal overtime pay. Now, it is, I think, an unjust situation where Government workers have a series of benefits that the private workers do not have. Similarly, Government workers, if they know they will be needing some time for their families can request to work an hour extra one week and take that hour off the next week so they can spend the necessary time with their families.

Now, there are ways that private workers have the capacity to spend time with their families, and it is under a rubric known as the Family and Medical Leave Act, and that is a Federal law, but it says that under certain narrow conditions if you want to take time off you can take time off but you have to take time off without pay, so if you want your child to go to the doctor or you want to take your child to the doctor you can give notice to your employer that you are going to do that but you take a pay cut in order to do that.

Now, if you knew you had a doctors' appointment next Tuesday afternoon and you wanted to tell your employer you would like to work an extra 2 hours this week to take the 2 hours off next Tuesday, that is the Federal system, available to Federal employees. You work the 2 hours extra this week, you get your work done, make the arrangements, take the hours off next week and you do not end up with a pay cut but keep your paycheck intact. That is very important.

I should hasten to add that nothing in this bill would in any way erode, undermine or abolish any of the Family and Medical Leave provisions which are to the benefit of employees across America, but in conjunction with those benefits this would add a new array of potentials. One of the potentials is that you could take time off to be with your family when necessary, with pay, instead of having to go under the Family and Medical Leave Act procedures which require that you take the time off without pay.

Now, most of us are familiar with the fact that not only do Federal Government workers have comptime and flextime proposals and State government workers have been authorized a very substantial comptime proposal and the boardroom folks have comptime proposals and the supervisors and managers and all the salary people obviously have flexible working arrangements, it is the hourly-paid workers of America who are being treated as second-class citizens. Frankly, they are in a minority. The majority of workers in this country have flexible working arrangements. Hourly paid workers do not.

I think it is time that the hourly paid workers have that kind of opportunity. That is what Senate bill 4 is all about. I do agree that it is important for us to act with expedition on the supplemental appropriations bill but, in my judgment, it is also important for us when we have the opportunity like we should have had today, especially while this appropriations matter is still in the conference committee, to make progress on meeting the needs of Americans, especially when we are talking about benefits that Government workers have been enjoying in the 1970's, 1980's, and all through the 1990's now. It is time we give the same kind of opportunity to workers in the private sector. It is with that in mind that I say that I look forward to the opportunity of welcoming amendments and proposed improvements to Senate bill 4.

Now, several hours were spent today in criticism of our proposal, but the fact of the matter is none of the amendments that have been filed have been filed by those who have been criticizing the bill. If, indeed, they want to do something constructively to help workers, I invite Members of the opposition to bring their amendments to the floor and to make their amendments available so they can be filed, so we can vote on those amendments, so we can take action on them, so we can make the improvements. We will upgrade what we really need to do to help the citizens of America who do not have this privilege.

It is my understanding that the occupant of the Chair might be interested in making some remarks on Senate bill 4. I ask unanimous consent after a quorum call which I will put in place that the occupant of the Chair be recognized to make the remarks, and the conclusion of those remarks be followed by another quorum call, at which time I be recognized again to finish my remarks.

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.

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

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise today to again voice my strong support for S.

4, the Family Friendly Workplace Act. I have listened to several of my colleagues speak about this important and necessary legislation. I want to especially commend Senator DEWINE for his steady work in the Labor Committee and for Senator ASHCROFT for the many hours he has spent working on this bill.

I comment that today we have heard several speeches dealing with S. 4. We have heard several speeches that did not deal with S. 4. The other speeches dealt with a very important topic, too. They dealt with the disaster funding, but that was actually a filibuster against this bill. It was a request by certain people in this body that S. 4 not be adopted. They do not want people to have that kind of flexibility. It was a plea to do disaster relief, but it was directed to keep this bill from ever coming to a vote.

Disaster is on the mind of everyone that is affected. One of the things I have discovered in my years in the legislature and since I have been here is that the disaster is in the mind of the one who is affected as well. Everybody has different kinds of disasters. The disaster that was talked about for a long time tonight is being handled in the conference committee right now. There is another disaster in America that is being kept from being debated in this body, that is kept from being passed in this body, that a vast number of people in this country need. It is a disaster that is happening to them. There are people out there that need more flextime and comptime to be able to spend time with their families. Some of those people are married to Federal employees. That Federal employee is able to take that flextime and the other spouse is saying, why can't I?

In fact, in the early days when this bill passed that allows the Federal employee to do just exactly what we are talking about for the private hourly employees, the discriminated-against group, the private hourly employees, when we allowed Federal employees to do it we should have included the private sector at that time. We should have given them the same right that the Federal employees had.

I know that in Cheyenne, WY, at the Unicover Corp., some of the people that worked in that corporation were hired by the Federal Government. They got flextime and they got comptime. I want to emphasize they got flextime and comptime, both of the advantages that are being talked about in this bill. Not just one, like is being implied, both of those advantages were given to the Federal employee.

Their spouses said this is really a great idea. We should take it to our boss and get it implemented, and they took it to the Unicover Corp., they took it to the management and the management said, you know, that really is a great idea. We should do it, and they did it. Then they found out that they were in violation of the law. The Federal employees could do it, the private hourly employees could not.

For 19 years the Unicover Corp. has asked Congress to pass a bill that would give them the same right as the Federal employees—not a different right, the same right. The same right for flextime, the same right for comptime. They are not asking for a special break that nobody else gets. They are just asking for an even break. Well, they found out they were in violation of the law and they had to end it. They have been working on it for a number of years to try and get it changed. I heard about it when I was campaigning and I said I do not know why we do not have that, and now I have a better idea why we do not have that.

Today, the Small Business Advocate Award luncheon was held here in Washington, DC, over in the Dirksen Building. I had the opportunity to attend, and I got to meet the Wyoming Small Business Person of the Year, and there were small business people from all over the United States there, being recognized for the leadership that they have taken in their company, in their State, to make a difference.

Marjorie Mathieson of Jackson is the Wyoming Small Business Person of the year, and I am very proud of her. That is one of the few manufacturing businesses in Jackson and it has been there a long time. They have gone through a number of different phases to keep current products that will sell to keep that small business in business.

She talked to me a little bit about the Family Medical Leave Act. Some people have suggested that is an answer for all of the problems of meeting flexibility. Well, it is not. And it should not be expanded to be the answer to all of those either, because it is a paperwork nightmare, particularly for smaller businesses. Now, that is limited to businesses over 50 employees. There has been a request to bring that down to a smaller number. What we need is this Family Friendly Workplace Act that will provide the same kinds of benefits that we are talking about, bringing in the more complicated system, and bringing it down to a smaller level where they cannot handle the paperwork.

A part of that business that the Wyoming Small Business Person of the Year runs is welding. They have five welders. Those welders make $40 an hour. Not bad. Five welders, $40 an hour. They want flextime and comptime. The business needs them to take flextime or comptime or both, and the reason they need them to take that is because they have work that has to be done. They have five welders. If one of the welders is to leave without doing some kind of a flex in the schedule, they lose 20 percent of their welding income. That is a significant portion of their business. That person loses $40 an hour. They do not want to lose $40 an hour. For overtime, they lose $60 an hour. They do not want to lose that. But the business can make arrangements for them to get flextime and comptime so that they can still have the time off, the revenue still comes into the business.

More importantly, the paycheck comes to the individual. They want flextime. They talked to her about flextime. Marjorie wanted them to have flextime. She allowed flextime, and then found out that she couldn't have flextime, that she couldn't have comptime, that she could not offer this benefit to the people that worked for her. Jackson has some Federal employees. Those Federal employees get this. But these guys that weld can't have it not because the business doesn't want to give it to them, but because we have a law against it. And that is not fair.

I have listened to the debate as we have gone through this topic. I am a certified professional in human resources. The Society of Human Resource Management, a national society, does education and testing in all of the areas of human resource management. When you complete the course and the testing, you can be certified as a professional in human resources. I have been through that process. They do an outstanding job of keeping track of the problems in the workplace. These are, for the most part, employees. I am not talking about employers. They are employees, employees who want benefits as well. And they see this as being a critical issue for the hourly worker in the workplace, a way for that worker to have more capability in their own scheduling.

Everybody recognizes that this bill has provisions in it that both the employer and the employee have to agree to before it can be done. It isn't the case of forcing the employee to do it. It isn't the case of forcing the employer to do it. I am telling you, there are businesses across this Nation that want this and want it badly. And it is usually the employees that bring the idea to the employer and say, ''Why can't we do this?'' You know, they just do not believe that, since they know that the Federal employees get to do it. They just do not believe the employer when he says it is against the law.

One of the biggest things raised in the hearing that we had was, ''Well, you can be paid for your hours anyway. Then you can save that money from being paid for your hours, and when somebody gets sick, if there is a soccer match, if you want to go someplace, or if you want to have an anniversary, or any of those great things that people would like to have time off to do, then you can use this money that you save.''

I ask you, how easy is it for you to save? It is pretty difficult. A lot of the people out there in the work force that we are talking about are women. They have gotten into the workplace because of some of the things that we have done back here. They have gotten into the workplace because of the way that taxes have gone up in the United States, the way that inflation has gone up in the United States.

We have a situation now where in most families both people work. One of

them works to pay the expenses, the other one works to pay the taxes.

So it is not an option on whether they work or not. We asked a lot of women through the process in this thing why they didn't just bank the money and then use that money when they needed time off. And every one of them said to me, ''When it is time that I am banking, it is mine. I can use it for my family. But if I accept that paycheck, if I take the money, that is the family's money. It has to go for all of those family expenses. And there are always family expenses.''

But another unique part about this bill is that you can bank the hours and you can take the money. I don't know very many families in this country that do not come up with emergencies once in a while. If you have hours banked, there is a provision in this bill to be able to cash it in. So when the refrigerator breaks down and you don't have any alternative but to buy another refrigerator, even though it means putting off that vacation that you had planned, you can take some of the hours you have banked and cash it in.

So they see this as a way to bank money for emergencies and to have time for themselves, time for themselves that they invest in their family. They really want to go to the soccer match. They really have to go sometimes to take their kids to the dentist. They like to celebrate those anniversaries. And this is a bill that allows it.

The biggest complaint that I have heard about this bill is that there is a cap on the number of hours that they can have, a limit. And they say, ''Why do you have a limit on that—240 hours? Maybe my boss wants me to be able to bank more hours and maybe I have a bigger event than 240 hours.''

So that is a complaint on it. We are not even proposing that be changed. But we are asking for some consideration of the bill.

The American workplace is dramatically different than it was 60 years ago when Congress passed the Fair Labor Standards Act of 1938. We have all heard the stories about the dirty thirties from our parents. So I don't have to repeat them here.

I will, however, illustrate how nice it was for Congress to pass that Fair Labor Standards Act to specifically address the numerous problems that existed back then. Cheap labor was abundant. Folks were awfully hungry for work. And there were many employers who took advantage of a bad economic situation. The 40-hour workweek did not exist. Overtime did not exist. Child labor was being exploited. There were some problems that stemmed from the trends of that era.

Under the circumstances, Congress acted, and acted appropriately, by passing the Fair Labor Standards Act. We are never going back to that. There is no suggestion of ever going back to that. But there is fine tuning that needs to be done.

It is important to illustrate how times have changed since the 1930's and why it is the responsibility of Congress to legislate for the present with the future in mind. As a certified professional in human resources, I have had the exhausting and daunting task of filling out the federally mandated forms and paperwork. I have worked one-on-one with my employees to try to meet their needs. Through it all, I have always found my employees to be well schooled and extremely intuitive. As a result, they inherently understand how the modern workplace functions. And the smaller the business, the better they understand how it works, the more connected they are to realizing that the success of that business and the time they spend there means their job and the way they work there means their job. They don't need someone to hold their hand and show them the way things work. That might have been the case 60 years ago.

I certainly don't view employee knowledge as a problem, but rather welcome it as an important addition to the mix. Employers have every reason to reward employees who clearly understand how to use their time in the workplace to its full advantages. America's working parents want to decide for themselves whether or not they want overtime or paid time off. This is a modern day reality that requires a modern day legislative fix. This act does not eliminate overtime pay, nor does it eliminate the 40-hour workweek. That kind of talk is simply nonsense. These things will stay just where they are, and the Family Friendly Workplace Act guarantees that.

Before coming to the Senate I was the owner and operator of a small business for 27 years. Folks in Washington, of course, have a completely different sense of what constitutes the small in small business. I have had several discussions back here about whether a small business is 500 employees or 125 employees. I can tell you that is not even close anywhere in America. A small businessman is one who sweeps the sidewalk and cleans the toilets and waits on customers. He does it all. He has to do it all.

We held a small business hearing in Casper, WY, early this year. I was real pleased to have the honor of chairing that in Casper. We had about 75 to 100 people show up for that, rotating out and others rotating through. When it was over, one of the news media people said to me, ''How come you didn't have a better turnout?'' I said, ''That was a great turnout for a daytime hearing.'' Because we are talking about small businessmen. Quite frankly, they are different than big business because in small business, if they had one person that could take off for that day to just listen to a hearing, they would probably fire them because it would be one too many people. That is small business.

So that illustration is radically different from that of a big business that has the financial and the employer resources to institute very sophisticated job training and flexibility problems that sidestep the Fair Labor Standards Act of 1938. And that is being done now. There are ways, very complicated ways. But if you can afford the attorney fees and have the specialists, you can provide this for some of your employees—not all of them. But this bill will allow the small business person to have the big business advantage, that extra flexibility.

Sadly enough, small businesses are further behind under the flexibility of this 60-year-old antiquated law. That is a further reason for passing the Family Friendly Workplace Act. Personal computers, high-speed modems, cellular phones, pagers, and fax machines have all become commonplace in small business. Moreover, these popular commodities have paved the way for telecommunicating, telecommuting—a work environment that could not have been envisioned 60 years ago.

While the number of working women in our country continues to rise, so does the number of telecommuters and in-home businesses. A lot of businesses are being started in the home. Then when they expand bigger than the home can handle, they become an outside business. But there are a lot of them working in the home that will be the future successes in this country. It will be the future opportunity for people who want the American dream. They will start a small business in their home. It is happening because of the growing trend of spending more time at home with our families. If they telecommute, they don't have to spend an hour each way driving.

That is part of the flexibility. That is something that the modern age has provided us. It is impossible to bottle up workplace flexibility. But we have an antiquated law that is suggesting that we can. That is why it is so important to modernize this archaic Federal law that squelches any chance of giving American hourly workers more time at home with their kids, a true investment in our Nation's future.

Congress must legislate with the times to provide the opportunities for our Nation's parents to make that investment. It is often the case with a lot of families that both parents work. They do this, and they do it happily because they have to meet the bills. They also do it because they cannot get extra hours off from the job the way they would really prefer to do it unless they work for another business as well. If they work two jobs, they don't get any overtime. But a lot of them work two places. They don't get comptime. They don't get flextime. They don't get overtime.

This unfortunate trend in the business world can be addressed by providing this workplace flexibility with the choice of paid time off for flextime.

Times have changed and the Fair Labor Standards Act of 1938 does not permit employees to choose between

paid time off or overtime pay. My experience is that there are a lot of people out there who know that if they take the money, they will spend the money. They want the time instead. I also found that fact to be more prevalent among women in the work force. They feel the need for the time to spend with their children, and they understand that money belongs to the family. They have a much stronger family belief than most of the men I have worked with. So they prefer to take flextime or comptime and use that for themselves or their family.

One of the businesses I worked for often had additional assignments that employees could take on, if they chose to do so. When we asked if the employees wanted additional work, they said ''yes,'' if they could have time off the following week with compensation, but if they could only choose to be paid, they didn't need it. They would rather have the time off this week than to take the money next week. We explained to them that they had the capability of taking the overtime pay, not working the following week, and spending that extra pay that week. But somehow those paychecks don't get distributed at home quite the same way they do on paper or here.

I am hoping that everyone will reflect a bit on the trends that our modern work force is talking about and not the mandatory things that seem to be implied by this legislation imposed upon us. The downsizing problems today are leading to less flexibility as well as families making less money than if they were doing the job they preferred to do, not the second jobs they are having to do without getting overtime because it is a second job. There has been a tremendous increase in temporary positions in this country. This has taken flexibility away from the families. It has taken money away from the families. This a modern day problem that requires a modern day solution.

This matter cannot possibly be addressed by legislation that we have crafted to address the problems of the 1930s. We have taken care of those problems. We are not going back to that situation. But we need to adjust for the future. Indeed, our society is constantly driven by changing trends. I can comfortably argue that our society is one of the most trendy in the world, a fact that has kept America on the leading edge of technological innovation. We have been at the peak in technology and at the tail in taking care of the hourly worker.

I hope that before people begin making up their minds on this bill, they will take a close look at the language and what it really calls for rather than relying on misstatements, and I see those misstatements in the paper from time to time, misleading statistics, partisan posturing. Read the bill. Ask for a copy of the bill. Read the bill. It is amazing.

Our Nation's work force is calling for this much-needed change. I again urge my colleagues to support the Family Friendly Workplace Act. Bring this to a vote. Give the hourly working people of this country the opportunity to choose how they want to work, the way that they want to choose to help their families.

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

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

AMENDMENT NO. 265, AS MODIFIED AND AMENDMENT NO. 256, AS MODIFIED

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Gorton amendment, amendment No. 265, be modified with the changes that I now send to the desk. And I further ask unanimous consent that the Grassley amendment, amendment No. 256, be modified as well with the changes that I send to the desk.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 265

Beginning on page 10, strike line 7 and all that follows through page 10, line 16 and insert the following: ''time; respectively, by subsection (o)(8).''.

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO PUBLIC SAFETY EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking ''(7) For'' and inserting ''(8) For''; and

(B) by inserting after paragraph (6), the following:

''(7)(A) In a case in which an employee described in paragraph (1) is engaged in work in a public safety activity, the provisions under subsection (r)(6)(A) shall apply to the employee and the public agency employer, as described in paragraph (1), of the employee to the same extent the provisions apply to an employee and employer described in subsection (r)(2)(B).

''(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to a public safety employee described in subparagraph (A) to the same extent the remedies are made available to an employee described in subsection (r)(2)(B).

''(ii) In calculating the amount a public agency employer described in subparagraph (A) would be liable for under section 16(f) to a public safety employee described in such subparagraph, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).''.

(5) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

AMENDMENT NO. 256

At the end of the substitute amendment, add the following:

SEC 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms ''Board'', ''covered employee'', and ''employing office'' have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act, section 16(g)(1) of such Act (29 U.S.C. 216(g)1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 207(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work

program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104–1.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

BAD SCIENCE AND BAD POLITICS: THE NEED FOR REGULATORY REFORM

Mr. LOTT. Mr. President, these days, just about every aspect of our daily existence is regulated in some way by the Government. And in most instances, it makes sense because we must protect human health and the environment. We would all agree that food and drugs should be inspected, work conditions should be considered and safety measures must be enacted.

On the other hand, the Federal regulatory system is notorious for producing top-down, one-size-fits-all regulations that are often inefficient and ineffective. These regulations impose tremendous costs on business and industry, increase the costs of goods and services and reduce economic growth. Most importantly, too many regulations fail in what they are trying to do.

As I look more closely at the patchwork of regulation this Government has created in the last few decades, however, I see regulation for regulation's sake. We are witnessing an eruption of regulation based on inaccurate science, poor judgment, and bad politics. Most shocking is the fundamental lack of trust in the ability of the American people to take responsibility for their own actions.

I think it's time we returned to the basics, Mr. President. The central goal of regulating is to significantly protect human health, safety or the environment. When held to this standard, many regulations fall short of the mark. So how do we get from here to there?

First, agencies must begin issuing regulations based on sound science. This means one thing—that any Federal regulation issued must be justified by solid science. This principle sounds very simple, but many agencies have become obsessed with the power to regulate, forgetting that there must be sound scientific reasoning behind their action.

The time has come to raise the level of debate. No longer can agencies be allowed to dream up and order a regulation without genuine oversight or input from the outside scientific world. I know that the more informed Congress is about an issue, the better public policy decision we will make. The same should be true of regulatory agencies. With so many experts in the academic, Federal and private sectors, it is a shame to limit the scope of debate to one elite group of scientists. I have heard some agencies claim that their rulemakings are indeed reviewed by outside experts, but a closer look reveals that these objective scientists are not completely independent. I do not think it unreasonable to ask that there be some consensus among truly independent outside scientific experts as to the proper course of action before issuing a rulemaking.

The bottom line is that, to effectively regulate, agencies should not issue rules based on anything but honest, peer-reviewed science. Period.

Second, agencies must learn to correctly assess risk. Beginning with sound science, agencies should look at the real world risks of a situation, recognizing that not every risk is avoidable. Sometimes I think that these agencies are on a mission to create a 100 percent risk-free, accident-free—possibly industry-free—world. They also need to acknowledge that all risks are relative. Regulating small risks can have adverse side effects, resulting in greater risks and less protection. We should focus our efforts and our resources on the greatest risks.

Agencies should also realize that exposure to a chemical doesn't automatically present a risk or indicate a cause and effect relationship. The risk associated with a given dosage level should be examined. Where exposure to a truckload of almost any toxin poses a significant risk, in most cases, an extremely diluted version may not present any danger at all. Regulators should be sensitive to risks as they relate to dosage instead of assuming that any contact with chemicals presents too great a danger. Too often, regulations are issued based on a better safe than sorry mentality. This can leave us less safe and considerably sorrier.

In closing, Mr. President, I reiterate the dire need for regulatory reform. The invasive regulatory hands of Government are slowly choking the life out those whom they seek to save. Let's get back to the basics. Using sound, peer-reviewed science, agencies should make a valid assessment of real world risks and determine a solid cause-and-effect correlation before taking action.

I am committed to enacting regulatory reform in the 105th Congress. I welcome the input and support of my fellow Senators.

AMERICAN AUTOMOBILE ASSOCIATION LIFESAVING MEDAL

Mr. LOTT. Mr. President, I am proud to announce to the Senate today the names of the four youngsters who are recipients of the 1997 American Automobile Association Lifesaving Medal.

This is the highest award given to members of school safety patrols throughout the United States. It is presented annually to students, who, while on duty took heroic lifesaving actions to save the life of a fellow student from imminent danger.

I would like to briefly describe the heroic actions of these four young citizens.

The first two honorees hail from the State of Ohio. On February 28, 1997, Leawood Elementary School Safety Patrol Captain Surmel D. Cummings and Patrol Edwin H. Berry were assisting students on their way home. Surmel noticed a 6-year-old boy and his 8-year-old cousin walking close to the westbound on-ramp for I–70.

The cousin was trying to prevent the 6-year-old from climbing over the guardrail next to the on-ramp. Surmel ran over to the two boys and tried to hold the 6-year-old. The boy began hitting and kicking Surmel. Edwin ran to help his partner. The 6-year-old broke loose from Surmel and scrambled over the guardrail. He was now confronted by the fast-moving cars on the on-ramp. Surmel told Edwin to try to get the 6-year-old back across the guardrail while he returned to the school to get help.

When a car driver started blowing his horn, the 6-year-old covered his ears and turned his back toward Edwin. At that moment, Edwin grabbed the 6-year-old and pulled him back across the guardrail to safety. This was a great team effort by both of these two young men.

The State of Indiana can be proud of the next honoree.

While on duty on December 6, 1996, Shambaugh Elementary School Safety Patrol Marcus A. Morgan, noticed a 6-year-old girl running alongside a van. This vehicle had just dropped her off and was pulling away from the curb. Marcus yelled for the girl to stop chasing the van, but he quickly realized the girl's string was caught in the van door. She then fell and was being dragged by the van.

Marcus raced after the van, shouting for the driver to stop. he ran to the passenger-side and banged on the window to get the driver to stop. The van kept moving so he ran to the driver-side window to get the driver's attention while a parent banged on the passenger-side window. The driver finally stopped after 54 feet. The girl was not

seriously injured due to Marcus' quick and heroic actions.

AAA's last honoree is from California.

It was a clear afternoon on November 4, 1996, at St. Jarbeth's School when School Safety Patrol Domonique Fines and April Corral took their post on the northwest corner of Harold and Champion Streets.

A white pickup truck stopped at the stop sign next to their post and then started up the steep hill on Harold Street. Near the top of the hill, the truck stalled and rolled backward. As it came down the hill, the truck picked up speed.

Unaware of the truck, April handed her patrol sign to Domonique as she bent down to tie her shoe. Domonique noticed the truck rapidly heading toward them. She shouted to April to watch out and started to cross Harold Street to get out of its way. Halfway across the street, Domonique looked back to see if her partner, April, was following her. Unaware of the danger, April was still tying her shoe. Domonique yelled again, but April couldn't hear her over the noise from the street traffic and the playground.

Unconcerned about her own safety, Domonique ran back to April, grabbed her arm, and pushed her out of the way. The truck jump the curb where April had been tying her shoe and then crashed into a fence.

I also want to recognize and thank the American Automobile Association for their invaluable safety program and for honoring these outstanding safety patrol members.

In the 1920's AAA began organizing safety patrol programs whereby older students assist younger students while crossing streets as they walked to and from school. Today, more than 500,000 students across the country serve as AAA safety patrol volunteers. In fact, there are currently 50,000 schools with safety patrols.

AAA supplies training materials, belts, badges, and other items needed to operate the safety patrol programs. Importantly, AAA promotes and recognizes patrol efforts each year through a series of awards, newsletters, summer camps, and scholarships.

On behalf of my Senate colleagues, and for parents all across the country, I want to thank AAA. Their work in helping to keep our youngsters a little safer on their way to and from school is extremely praiseworthy.

I am very proud of Surmel, Edwin, Marcus, and Domonique who exemplified courage and citizenship. I know that their parents and communities are equally as proud. These four youngsters showed great courage in saving another individuals life.

HONORING KENTUCKY SMALL BUSINESS PERSON OF THE YEAR, TOM CLOPTON

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Tom Clopton of Cave City, Kentucky, who has been selected as the Kentucky Small Business Person of the Year by the U.S. Small Business Administration.

Tom is the President and CEO of Tekno, Inc., a manufacturing company in Cave City. He started the company in 1989 with nothing more than a home computer and his personal savings. Today Tekno is a premier designer and manufacturer of material handling, factory automation, and specialty machinery systems for industrial applications.

Tekno's success is remarkable. Annual sales have grown from $354 thousand in 1989 to nearly $13.2 million in 1995. Revenues have increased nearly four thousand percent in just seven and a half years. This remarkable growth has resulted in Tekno being ranked as one of America's fastest growing privately owned companies for three consecutive years, 1994–1996.

Not only have Tom's business and managerial skills fostered the growth of a productive company, his ingenuity and engineering skills have enabled him to acquire 13 patents from the U.S. Patent and Trademark Office. In addition, he has patents pending in both Canada and Mexico.

And as any good boss will do, Tom attributes much of his success to his employees. He knows that happy employees are productive employees and he makes every effort to ensure that Tekno provides a pleasant working environment. In return, his employees take pride in their job and are quick to volunteer for extra hours when urgent tasks need to be completed.

And finally, I want to say that Tom's dedication and commitment to his customers, employees and community sets an example for every small business. I am happy that Tom is being recognized for all of the good work he has done. I congratulate him on this significant accomplishment and wish him many future years of success.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 2, 1997, the federal debt stood at $5,336,777,463,335.09. (Five trillion, three hundred thirty-six billion, seven hundred seventy-seven million, four hundred sixty-three thousand, three hundred thirty-five dollars and nine cents)

Five years ago, June 2, 1992, the federal debt stood at $3,940,929,000,000. (Three trillion, nine hundred forty billion, nine hundred twenty-nine million)

Ten years ago, June 2, 1987, the federal debt stood at $2,300,635,000,000. (Two trillion, three hundred billion, six hundred thirty-five million)

Fifteen years ago, June 2, 1982, the federal debt stood at $1,077,417,000,000. (One trillion, seventy-seven billion, four hundred seventeen million)

Twenty-five years ago, June 2, 1972, the federal debt stood at $427,622,000,000 (Four hundred twenty-seven billion, six hundred twenty-two million) which reflects a debt increase of nearly $5 trillion—$4,909,155,463,335.09 (Four trillion, nine hundred nine billion, one hundred fifty-five million, four hundred sixty-three thousand, three hundred thirty-five dollars and nine cents) during the past 25 years.

TRIBUTE TO SENATOR STROM THURMOND

Mr. MOYNIHAN. Mr. President, of necessity, I was at the Finance Committee hearing on trade negotiating authority this morning, and so was unable to be on the floor to pay tribute—as so many others have done—to our esteemed colleague, Senator THURMOND, who now holds the record for Senate longevity. But I would like to pay such tribute now.

Just about 1 year ago—June 13, 1996, to be precise—my daughter Maura and I traveled to the White House for a state dinner in honor of Ireland's president, Mary Robinson, and her husband Nicholas. We stopped at the northwest gate, to be scrutinized by White House security officials. An earnest young man in a uniform peered into our Jeep, studied my face, consulted a clipboard, and then said smartly, ''Good evening, Senator THURMOND!''

A fine compliment, to be mistaken for a man more robust, more vigorous, more irrepressible than individuals half his age or mine!

I will leave to others the task of highlighting our beloved colleague's absolutely extraordinary private and public lives, which span the 20th century. A few things come to mind which bear mentioning, however. He learned his populist brand of politics from ''Pitchfork Ben'' Tillman—a man born 150 years ago—whose Senate seat he now occupies. And yet he was just reelected for the eighth time, again with little difficulty. Senator THURMOND embodies the political and social transformation of the South.

As a 40-year-old, he volunteered for active duty during World War II and landed at Normandy with the 82d Airborne Division. Immediately after the war, he was elected governor of South Carolina. While governor, in 1948, he ran for president as a States' Rights Democrat and garnered 39 electoral votes.

He was elected to the Senate in 1954 as a write-in candidate, the first person ever elected to major office by this method. But true to a campaign pledge he made, he resigned in 1956 and stood for re-election. In 1964, he left the Democratic Party and became a Goldwater Republican, presaging—or, perhaps, ushering in—GOP gains in the South that continue to this day. He has served as a delegate to six Democratic and eight Republican National Conventions—a distinction I doubt anyone else shares. Suffice it to say that if STROM THURMOND did not exist, it might be necessary for us to invent him.

Senator THURMOND has endured the loss of his first wife, the loss of his daughter. But through it all, he has been indomitable. Always optimistic. Unfailingly courteous, the epitome of a Southern gentleman—despite living in our current age, when good manners seem to elude us so readily. I hope he has a sense of the respect and affection we have for him.

When I think of our colleague, I think of the wonderful poem, ''Ulysses'', by Alfred Lord Tennyson—one of the great English poets, who, I might add, died a mere decade before Senator THURMOND was born, and I would like to close my tribute with an excerpt from the poem:

I am become a name;
For always roaming with a hungry heart
Much have I seen and known; cities of men
And manners, climates, councils, governments,
Myself not least, but honour'd of them all;
And drunk delight of battle with my peers,
Far on the ringing plains of windy Troy.
I am a part of all that I have met;
Yet all experience is an arch wherethro'
Gleams that untravell'd world whose margin fades
For ever and forever when I move.
How dull it is to pause, to make an end,
To rust unburnish'd, not to shine in use!
As tho' to breathe were life!

No one ever could accuse Senator THURMOND of ''rusting unburnish'd''!

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD EXTENSION

Mr. SPECTER. Mr. President, in 1992, I sponsored a joint resolution in collaboration with Congressman LOUIS STOKES, who served as chairman of the House Select Committee on Assassinations, to expedite disclosure of materials relevant to the assassination of President John F. Kennedy. That act created the Assassination Review Board, which was directed to oversee the identification and release of records related to the assassination of President Kennedy. While the review board has made significant progress in its important work, it will need additional time to complete its task. Today, I am introducing a bill that will authorize the board's extension for 1 year.

Through October 1996, the review board was successful in transferring nearly 10,000 documents to the National Archives and Records Administration for inclusion in the JFK Collection. Although much has been accomplished, Congress, in setting its original 3-year timetable, was simply unable to anticipate a number of problems the board has encountered since beginning its work. The board was not appointed until 18 months after the legislation was signed into law. In addition, Federal agencies have been slow in identifying records to be processed and the hiring and training of new employees to work with the board has taken longer than expected. Nevertheless, the review board serves a vital function of removing some of the uncertainty and speculation about the contents of Government files relating to President Kennedy's assassination. An additional year will permit the board to finish its important task.

According to information provided to me, over the past 5 years, the review board has worked to facilitate the maximum appropriate disclosure of any additional materials which may have been withheld by the FBI, CIA, Secret Service, or any other Federal agency.

In addition, the House committee decided to withhold certain materials for 50 years following the publication of its report in 1979, or until the year 2029. According to information provided to me, the review board has also worked to facilitate the maximum appropriate disclosure of any of these materials which may have been withheld by the House committee.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA, AND UKRAINE—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended (the ''Act''). I have determined that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are in full compliance with subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding the compliance of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR ALBANIA, BELARUS, KAZAKSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the ''Act''), with respect to a further 12-month extension of authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further 12-month period, and includes my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Belarus, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan will substantially promote the objectives of section 402 of the Act. I have submitted a separate report with respect to the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

MESSAGES FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by one of its reading clerks, Mrs. Goetz, announced that pursuant to the provisions of section 711(b) of Public Law 104–293, the Chair announces the Speaker's appointment of Mr. Henry F. Cooper of Virginia to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction on the part of the House.

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100–458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon: Mrs. FOWLER of Florida.

At 3:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5. An act to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM–111. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

HOUSE RESOLUTION NO. 26

Whereas, while the history of organized labor has often been marked by difficulties and controversy over the years, working men and women bargaining in good faith through formal labor negotiations has brought many benefits to our state and nation. The standard of living for working families is much higher than it could possibly be without organization. For responsible companies, the steady supply of reliable workers also brings many rewards and long-term stability; and

Whereas, in recent years, a shift seems to be occurring in strategy for businesses in how they handle labor disputes. Too often, the initial response in a labor dispute is for management to hire replacement workers instead of negotiating with the workers. This short-sighted action severely hinders all communications between management and workers. Often, hiring replacement workers sets in motion an escalating series of actions that are harmful to everyone; and

Whereas, Michigan has experienced this recently through the lengthy and bitter newspaper strike in Detroit. Hiring permanent replacement workers has clearly hindered the effectiveness of negotiations and made a difficult situation far worse and more divisive than necessary. This extended tension is harmful to labor, management, and the public; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to prohibit the hiring of permanent replacement workers as an alternative to negotiations and settlements of labor disputes; and be it further

Resolved, That copies of this resolution and the roll call on its adoption be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–112. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Labor and Human Resources.

Whereas, the ever-increasing cost of prescription drugs is causing a hardship for low-income seniors and low-income persons of all ages; and

Whereas, the problem is not caused by local pharmacists who at this time are engaged in a class action suit to correct this injustice; and

Whereas, some of the cost of research and development of prescription drugs is funded through the National Institutes of Health and paid for by tax dollars; and

Whereas, the prescription drugs manufactured by these United States companies can be purchased in Canada or Mexico for one-half to one-third of the cost in the United States; and

Whereas, most seniors are reliant on Medicare, which does not pay for most prescription drugs; many Americans' health insurance does not cover prescription drugs; and altogether, consumers purchase three-quarters of all prescription drugs out of pocket;

Whereas, many seniors live on fixed incomes, and incomes have not kept pace with the prices of prescription drugs that from 1980 to 1991 outpaced the general inflation rate 3 to 1; and

Whereas, certain consumers have no recourse other than to use drugs regulated by the federal Orphan Drug Act, and the prices of these drugs are not subject to market pressures.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana, That the United States Congress continue its investigation into the reasons for the exorbitant drug prices charged to customers who have no other alternatives and enact legislation to remedy this situation.

Be it further resolved, That the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Montana Congressional Delegation.

POM–113. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION NO. 377

Whereas, the services provided by Emergency Medical Service (EMS) employees play a critical role in protecting the lives and health of citizens throughout the Commonwealth; and

Whereas, EMS employees work and live alongside their firefighter counterparts in fire stations on a 24-hour, 365-day-a-year basis and are an integral part of the emergency service delivery system; and

Whereas, providing effective and cost-efficient emergency medical services is best achieved by scheduling EMS employees to work 24-hour shifts rather than traditional eight-hour shifts; and

Whereas, a majority of EMS employees support the 24-hour shift versus the eight-hour shift; and

Whereas, the provisions of current federal law (29 USCS §207) require that employers pay overtime compensation equal to one and one-half times the regular rate of compensation when an employee works longer than 40 hours in one week. The federal statute does provide an overtime exemption for the employers of fire, police and corrections personnel. The exemption allows employers of these employees to calculate overtime pay by averaging the number of hours worked over a period of 28 days rather than on a weekly basis, thereby reducing overtime costs for localities. This exemption permits localities to schedule employees in a more productive, economical, and efficient manner; and

Whereas, a recent judicial decision has resulted in the federal government interpreting 29 USCS §207 in a manner that precludes a similar overtime exemption for EMS employers; and

Whereas, the lack of an overtime exemption for EMS personnel results in increased operating costs for localities and a reduction in operating efficiency; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to amend the Fair Labor Standards Act to better address the unique characteristics of emergency medical service employees and to provide an overtime exemption for such employees similar to that provided for fire, police and corrections employees; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–114. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION NO. 314

Whereas, improving patient access to quality health care is a paramount national goal; and

Whereas, a key to improved health care, especially for people with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

Whereas, two-thirds of all new drugs approved in the last six years by the Food and Drug Administration were approved first in other countries, with approval of a new drug in the United States taking 15 years; and

Whereas, although the United States has long led the world in discovering new drugs, too many new medicines are first introduced in other countries, with 40 drugs currently approved in one or more foreign countries still in development in the United States or awaiting FDA approval; and

Whereas, patients are waiting for the industry to discover and efficiently develop safe and effective new medicines sooner; and

Whereas, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

Whereas, the current rules and practices governing the review of new drugs, biological products, and medical devices by the Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to enact legislation to facilitate the Food and Drug Administration's procedures for the approval of safe and effective innovative new drugs, biological products and medical devices; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–115. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Veterans' Affairs.

HOUSE JOINT RESOLUTION NO. 401

Whereas, because of the large number of federal military installations and contracting industries located in the Commonwealth, over 725,000 veterans of the armed services now live in Virginia; and

Whereas, approximately 97,000 veterans of Operation Desert Storm now reside in Virginia; and

Whereas, medical facilities for veterans are now located in Salem, Hampton, Richmond, Martinsburg, West Virginia, Washington, D.C., and Baltimore, Maryland; and

Whereas, the health of many veterans is declining due to advancing age and health conditions associated with their service in the military; and

Whereas, travel to available veterans' medical facilities is difficult and inconvenient for many veterans who live in Northern Virginia; and

Whereas, an estimated 220,000 veterans live within a 50-mile radius of a Northern Virginia site proposed for a veterans' medical facility; and

Whereas, construction of a U.S. Department of Veterans Affairs outpatient clinic in Northern Virginia has been authorized by the federal government, but has never been funded; and

Whereas, such a clinic is urgently needed, and a suitable facility is now available for lease from a willing vendor; and

Whereas, similar outpatient clinics have demonstrated their cost-effectiveness by releasing in-patient beds at other facilities, freeing medical and technical personnel for other duties, and accelerating recovery time by keeping patients close to home; and

Whereas, a resolution supporting such a facility was adopted at the national convention of the Veterans of Foreign Wars in Louisville, Kentucky, in 1996; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to authorize and fund the establishment of a veterans' medical outpatient clinic in Northern Virginia; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Congressional Delegation of Virginia, and the Secretary of the United States Department of Veterans Affairs in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–116. A resolution adopted by Township Committee of the Township of Millburn, County of Essex, New Jersey relative to private relief; to the Committee on the Judiciary.

POM–117. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the illegal drug trade; to the Committee on the Judiciary.

POM–118. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the illegal drug trade; to the Committee on the Judiciary.

POM–119. A resolution adopted by the General Assembly of the State of Colorado; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 97–1011

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than $5 trillion, an amount equaling approximately $20,000 for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its People, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the People, as represented by their elected state legislatures, and opposition by a small minority in the United States Congress repeatedly has thwarted the will of the People that a balanced budget amendment to the Constitution should be submitted to the states for ratification; now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That the General Assembly requests the United States Congress to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be It Further Resolved, That copies of this Joint Resolution be sent to all members of the United States Senate and House of Representatives, and to the Secretary of State, and the presiding officers of both houses of the legislatures of each of the other states.

POM–120. A concurrent resolution adopted by the General Assembly of the State of Delaware; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no certain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

Now, therefore, be it

Resolved by the House of Representatives of the 139th General Assembly, the Senate concurring therein, That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes.''

Be it further resolved, That the Legislature of the State of Delaware also proposes that the legislatures of each of the several states comprising the United States that have not yet made similar requests apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution.

Be it further resolved, That the Secretary of State of the State of Delaware transmit copies of this Resolution to the President and Vice President of the United States, the presiding officer in each house of legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and to each member of the State of Delaware Congressional Delegation.

SYNOPSIS

In 1990 a U.S. Supreme Court decision (Missouri v. Jenkins) upheld an appeals court ruling which affirmed a District Court's order allowing the local school board to raise property taxes as part of a school desegregation plan in Kansas City. This Resolution calls for an amendment to the U.S. Constitution which would end the self-proclaimed authority and power to tax which the federal courts have given themselves. The language of the proposed amendment does not change the Constitution. Rather, it reasserts a basic premise of representative government—there shall be no taxation without representation.

POM–121. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 25

Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, certain actions, although arguably related to one person's free expression, nevertheless; and

Whereas, the matter is still unresolved and pending as a subject of great interest and concern; and

Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the Maryland House of Delegates voted 101 to 30 and the Maryland Senate voted 42 to 5 to approve the Joint Resolution on March 3, 1994; and

Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

Resolved by the General Assembly of Maryland, That the General Assembly respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this Resolution be transmitted by the Department of Legislative Reference to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate; and be it further

Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building,

Washington, D.C. 20510; and Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Constance A. Morella, House Office Building, Washington, D.C. 20515.

POM–122. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 307

Whereas, in addition to setting quotas for the number of immigrants who may enter this country legally, the federal government has the responsibility of maintaining the borders of the United States against illegal entry; and

Whereas, while illegal aliens are not entitled to assistance in the form of social services, states are required by federal statute or by court decisions to provide emergency medical care, education, nutrition programs, and incarceration for many undocumented aliens with little or no reimbursement from the federal government; and

Whereas, many states are being hit hard by budgetary cutbacks and are feeling the impact on state revenues and expenditures incurred by these federal mandates; and

Whereas, some states have tried unsuccessfully to use the legal system to recoup some of these expenses from the federal government; and

Whereas, although the federal government has been forthcoming with some funds to help with some of the costs, the amounts are negligible in comparison to the actual costs to the states; and

Whereas, the recent federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 addresses some issues of social assistance to aliens, but the financial impact is more addressed to immigrants who are here legally; and

Whereas, there appears to be a need for a better working relationship between the states and the United States Immigration and Naturalization Services to identify those persons who are here illegally; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to take appropriate steps to reimburse the states for the costs of services provided to illegal aliens; and, be it

Resolved further, That the Congress be urged to honor its obligations to protect the United States borders and to expedite the removal of those who reside here illegally; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Robert S. LaRussa, of Maryland, to be an Assistant Secretary of Commerce.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. BROWNBACK:

S. 820. A bill to amend chapters 83 and 84 of title 5, United States Code, to limit certain retirement benefits of Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. Brownback:

S. 821. A bill to reduce the pay of Members of Congress, eliminate automatic cost-of-living pay increases for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WYDEN:

S. 822. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Finance.

By Mr. HARKIN:

S. 823. A bill to provide for the award of the Armed Forces Expeditionary Medal to members of the Armed Forces who participate in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovnia; to the Committee on Armed Services.

By Mrs. BOXER:

S. 824. A bill to prohibit the relocation of certain Marine Corps helicopter aircraft to Naval Air Station Miramar, California; to the Committee on Armed Services.

By Mr. ASHCROFT:

S. 825. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, and Mr. KERRY):

S. 826. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 827. A bill to promote the adoption of children in foster care; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 828. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 829. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, and Mr. WELLSTONE):

S.J. Res. 31. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 822. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Finance.

THE KINSHIP CARE ACT OF 1997

● Mr. WYDEN. Mr. President, today I am introducing the Kinship Care Act of 1997. Grandparents caring for grandchildren represent one of the most underappreciated and perhaps underutilized natural resources in our Nation. Yet they hold tremendous potential for curing one of our society's most pressing problems—the care of children who have no parents, or whose parents simply aren't up to the task of providing children a stable, secure, and nurturing living environment.

There is such a great reservoir of love and experience available to us, and more especially to the tens of thousands of American children who desperately need basic care giving. We provide public assistance for strangers to give this kind of care, but the folks available to do it are in short supply.

Legislation I am introducing in the Senate today will give States the flexibility to provide the support these grandparents need, so that our seniors can fill the care gap. Last year, as part of welfare reform, Senator COATS and I were successful in passing legislation that would give preference to an adult relative over a nonrelated caregiver when determining a placement for a child. My new legislation will continue the process of shifting the focus of our child welfare system from leaving children with strangers to leaving them in the loving arms of grandparents and other relatives.

I am not noticing a new trend. States have been moving in this direction for over a decade. Over the past 10 years the number of children involved in extended family arrangements has increased by 40 percent. Currently, more than four million children are being raised by their grandparents. In other words, 5 percent of all families in this country are headed by grandparents.

My view is that it's time for the Federal Government to get with the program and start developing policies that make it easier, instead of more difficult, for families to come together to raise their children.

My bill has several parts. First, it would allow States to obtain waivers to set up kinship care guardianship systems where grandparents and other relative providers can receive some financial assistance without having to turn over custody of the child to the State and without having to go through the paperwork and bureaucratic hurdles of the foster care system.

Grandparents already face a number of hurdles when they suddenly find themselves caring for a grandchild. These may include living in seniors-only housing, not having clothes or

space for a grandchild, or living on a fixed income. We need to encourage States to start making their child protection systems grandparent- and relative-friendly.

The second part of this bill requires states to give relative caregivers notice of and an opportunity to be heard in hearings or case reviews with respect to the child's safety and well-being. I have repeatedly heard the frustration of these grandparents and relative caregivers who say they never knew about or were not allowed to attend a hearing or case review affecting a child for whom they may be caring or have cared for years. Surely their voices should be heard in those circumstances where the well-being and safety of the child is being discussed.

As we reevaluate the effectiveness of our country's child protection systems, it's time that we start developing some new ideas and new ways to use our resources more effectively to find loving environments for children who can't live with their natural parents.

I applaud the efforts of my colleague in the House, Representative CONNIE MORELLA who has introduced the companion bill in the House, and I urge my colleagues on both sides of the aisle to join with me in giving states increased flexibility to make their foster care systems more grandparent friendly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kinship Care Act of 1997''.

SEC. 2. KINSHIP CARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

''SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

''(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

''(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

''(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;

''(2) would otherwise be placed in foster care; and

''(3) has adult relatives willing to provide safe and appropriate care for the child.

''(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of the child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

''(d) PROJECT REQUIREMENTS.—In any demonstration project authorized to be conducted under this section, the State—

''(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

''(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

''(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

''(1) any provision of section 422(b)(10), section 479, or this section; or

''(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

''(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

''(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

''(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

''(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

''(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

''(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project, the safety and stability of the children and families who participated in the project will be protected;

''(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

''(4) an estimate of the savings to the State of the proposed project;

''(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

''(6) a description of the proposed evaluation design; and

''(7) such additional information as the Secretary may require.

''(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

''(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

''(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

''(B) any other information that the Secretary may require;

''(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

''(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

''(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.''.

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 554(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking ''422(b)(9)'' each place it appears and inserting ''422(b)(10)''; and

(3) in section 471(a)—

(A) by striking ''and'' at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting ''; and''; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

SEC. 3. NOTICE TO RELATIVE CAREGIVERS.

(a) IN GENERAL.—Section 471(a)(19) of the Social Security Act (42 U.S.C. 671(a)(19), as redesignated by section 1(b)(3)(C), is amended to read as follows:

''(19) provides that the State shall, with respect to an adult relative caregiver for a child—

''(A) provide that relative caregiver with notice of, and an opportunity to be heard in, any dispositional hearing or administrative review held with respect to the child; and

''(B) give preference to that relative caregiver over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards, and that placement with the relative caregiver would be consistent with the safety needs of the child.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.●

By Mr. ASHCROFT:

S. 825. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

THE PROTECT CHILDREN FROM VIOLENCE ACT

Mr. ASHCROFT. Mr. President, yesterday's Washington Post reported a decrease in crime nationwide. The Post

also reported that Attorney General Reno and President Clinton quickly stepped up to take credit for this news.

But in this same article James Alan Fox, dean of Northeastern University's college of criminal justice, suggested that the decreasing crime numbers were more a function of demographics. According to Dean Fox, ''The aging of a large segment of the population has played a key role in the decline. Adults tend to be less violent than juveniles.'' But if crime statistics are, indeed, a function of demographics, then the demographics suggest that the juvenile crime rates will continue to rise. As Dean Fox indicated, the juvenile population will grow over the next decade.

The available numbers confirm that the rate of violent juvenile crimes is increasing. The Washington Post also mentioned that between 1985 and 1995, the number of murders committed by juveniles increased 145 percent. And criminologist suggest that the baby boom of the 1980's will bring tidalwave of vicious violent youth onto our streets.

Mr. President, today, I am introducing legislation to protect our children from people who would lead them astray and from those who are dangerous in our midst.

The dangerous environment in which our children live today dictates that we make several fundamental changes in the way we treat dangerous, violent juveniles and those people—juveniles and adults, alike—who lure our children into drugs and gangs. We must come down harder on juveniles who commit serious violent crimes—incarcerating them and trying them as adults—and we must improve our recordkeeping capability for these dangerous juveniles so that courts, police officers, and schools know when they have a potential killer in their midst. Furthermore, we must punish severely those adults who seek to corrupt our kids by luring them into gangs, drugs, and a life of crime.

This bill, the Protect Children from Violence Act, will update our current juvenile justice laws to reflect the new vicious nature of today's teen criminals.

The act has several components, but first and foremost it would require Federal prosecutors and States, in order to qualify for $750 million in new incentive grants, to try as adults those juveniles 14 and older who commit serious violent offenses, such as rape or murder. There is nothing juvenile about these crimes, and the perpetrators must be treated and tried as adults.

Some of the laws on the books inadvertently pervert the direction of the law enforcement system, offering more protections to the perpetrators, than to the public. This must cease. Strengthening our juvenile justice laws is the first line of defense in protecting the public and providing greater protection for innocent children than for violent criminals.

In order to do this, we must also ensure that our law enforcement officials, courts and schools have clear lines of communications and access to the records of violent juvenile offenders. This bill does this by requiring the fingerprinting and photographing of juveniles found guilty of crimes that would be felonies if committed by an adult. The bill would also ensure that those records are made available to Federal and State law enforcement officials and school officials, so they will know who they are dealing with when they confront a dangerous juvenile offender.

Typically, State statutes seal juvenile criminal records and expunge those records when the juvenile reaches age 18. Today's young criminal predators understand that when they reach their 18th birthday, they can begin their second career as adult criminals with an unblemished record. The time has come to discard anachronistic idea that crimes committed by juveniles must be kept confidential, no matter how heinous the crime.

Our law enforcement agencies, courts, and school officials need improved access to juvenile records so that they have the tools to deal with the exponential increase in the severity and frequency of juvenile crimes.

For too long, law enforcement officers have operated in the dark. Our police departments need to have access to the prior juvenile criminal records of individuals to assist them in criminal investigations and apprehension.

According to Police Chief David G. Walchak, who is immediate past president of the International Association of Chiefs of Police, law enforcement officials are in desperate need of access to juvenile criminal records. The police chief has said, ''Current juvenile records—both arrest and adjudication—are inconsistent across the States, and are usually unavailable to the various programs' staff who work with youthful offenders.''

Chief Walchak also notes that ''If we [in law enforcement] don't know who the youthful offenders are, we can't appropriately intervene.''

Chief Walchak is not the only one saying this. Law enforcement officers in my home State have told me that when they arrest juveniles they have no idea with whom they are dealing because the records are kept confidential.

School officials, as well as courts and law enforcement officials, need access to juvenile criminal records to assist them in providing for the best interests of all students and preventing more tragedies.

The decline in school safety across the country can be attributed to a significant degree to laws that put the protection of dangerous students ahead of protecting the innocent—those that go to school to learn, not to rape, maim, and murder.

While visiting with school officials in Sikeston, MO, a teacher told me how one of her students came to school wearing an electronic monitoring ankle bracelet. Can you imagine being that teacher and having to turn around—back to the class—to write on the chalk board not knowing whether that student was a rapist, or even a murderer?

School officials need access to juvenile criminal records so that they can keep a close eye on potentially dangerous predators and take preventive measures. Judicial and law enforcement authorities need this information because it is vital to the protection of public safety.

In addition to requiring that Federal and State prosecutors try violent juvenile offenders as adults and increasing recordkeeping and sharing capability, this bill also enhances the Federal criminal penalties for those adults who seek to lure juveniles into criminal activity or drug use.

For example, any adult who distributes drugs to a minor, traffics in drugs in or near a school, or uses minors to distribute drugs would face a minimum 3-year jail sentence—as compared to the 1-year minimum under current law.

This bill also doubles the maximum jail time and fines for adults who use minors in crimes of violence. The second time the adult hides behind the juvenile status of a child by using him to commit a crime, the adult faces a tripling of the maximum sentence, and fine.

Furthermore, the Protect Children from Violence Act elevates a Federal crime the recruiting of minors to participate in gang activity. Under this legislation, those gangsters who lure our children into gangs will face a Federal prosecutor and a Federal penitentiary.

A 1993 survey reported an estimated 4,881 gangs with 249,324 gang members in the United States. Those figures are disturbing enough. But a second study, conducted just 2 years later, found that the number of gangs had increased more than fourfold, with 23,388 gangs claiming over 650,000 members. We need legislation to stem this rising tide.

Let me quickly recap the highlights of this legislation. In order to qualify for incentive grants, States would be required to try juveniles as adults if they commit certain violent crimes such as rape and murder. States also would have to fingerprint and keep records on juveniles who commit crimes that would be felonies if committed by adults, and States must allow public access to juvenile criminal records of repeat juvenile offenders. These same provisions would apply to Federal law enforcement officials. To protect our children from adults who prey on them, this bill doubles and triples the jail time for those convicted of using a juvenile to commit a violent crime or to distribute drugs. Anyone caught dealing drugs to minors or near a school will face three times the penalty under current law.

This bill is a reasonable and prudent response to the threat that violent

youths, and the adults that lead them into life of crime, pose to our children. The moneys authorized will be used to deter and incarcerate violent juvenile criminals, not just to provide for more midnight basketball and prevention programs—the situation, and our future, demands more that that. We need to take into account the needs of the innocent children—not sacrifice their protection in the name of privacy of violent juvenile perpetrators.

By Mr. LAUTENBERG (for himself, Mr. DURBIN and Mr. KERRY):

S. 826. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Environment and Public Works.

THE SMOKE-FREE ENVIRONMENT ACT OF 1997

● Mr. LAUTENBERG. Mr. President, I introduce the Smoke-Free Environment Act of 1997. This bill will help decrease the death rates from a toxic pollutant that exists in the air of our Nation's factories, office buildings, retail stores, and Government facilities. I am speaking of secondhand smoke from cigarettes and other tobacco products, which kills tens of thousands of Americans each year.

A recent study put an end to the tobacco industry's distortions and misinformation on this issue. A Harvard University study which tracked 32,000 nonsmoking women for 10 years found that regular exposure at home or at work to secondhand smoke nearly doubled their risk of heart disease.

Mr. President, we have been aware of the risk of lung cancer from secondhand smoke for several years now, but this study confirms what many have suspected about the link between secondhand smoke and heart disease. The results of this study means that approximately 50,000 fatal heart attacks each year are caused by exposure to tobacco smoke.

My bill would require that every building—both Government and private—protect Americans from exposure to secondhand smoke. It can be accomplished in one of two ways. The building could either ban smoking altogether or set up smoking rooms that are separately ventilated from the rest of the building.

Mr. President, the bill also would finish a job I started with Senator DURBIN 10 years ago. In 1987, we banned smoking on domestic airline flights of 2 hours or less. In 1989, we extended that ban to flights of 6 hours or less.

The smoking ban has been a tremendous success. Passengers have been so pleased by a smokefree environment in the air that many airlines have voluntarily extended the ban to all domestic flights and international flights. However, some airlines have not, and many passengers and flight attendants are still subjected to dangerous secondhand smoke on airplanes.

Mr. President, the Smoke-Free Environment Act will also ban smoking on any flight that originates in the United States, and lands in a foreign country. Americans should be able to travel abroad with the peace of mind that they will not be locked into a poisonous cabin for 10 or 15 hours, and flight attendants will not have to worry that they will increase their risk of heart disease almost twofold by simply performing their job.

Mr. President, yesterday, a trial opened in Miami, in which flight attendants sued the tobacco industry over health injuries caused by exposure to secondhand smoke before the passage of my law banning smoking on domestic flights. These flight attendants have a legitimate case, and it is time to prevent similar litigation in the future by cleaning all the air in the skies, in Government offices, in stores, and in all of our places of work.

Mr. President, nonsmokers never choose to be exposed to tobacco smoke. The smoke of a cigarette is not only harming the smoker, but also severely injuring others with secondhand smoke.

Multiple studies have shown that regular exposure to secondhand smoke results in the following for nonsmokers: Damage to the arteries, reduction of oxygen supply in the body, and increases in the tendency of blood platelet to stick together and clot.

Mr. President, how can we speak about the importance of children's health while our kids are being exposed to this deadly smoke. It is time for Congress to get serious about the health crisis caused by secondhand smoke, and pass the Smoke-Free Environment Act.

Mr. President, I ask unanimous consent that a copy of the bill be inserted into the RECORD. I also ask unanimous consent that a New York Times article on the Harvard study be inserted into the RECORD.

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

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Smoke-Free Environment Act of 1997''.

SEC. 2. SMOKE-FREE ENVIRONMENT POLICY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXVIII—SMOKE-FREE ENVIRONMENTS

''SEC. 2801. SMOKE-FREE ENVIRONMENT POLICY.

''(a) POLICY REQUIRED.—In order to protect children and adults from cancer, respiratory disease, heart disease, and other adverse health effects from breathing environmental tobacco smoke, the responsible entity for each public facility shall adopt and implement at such facility a smoke-free environment policy which meets the requirements of subsection (b).

''(b) ELEMENTS OF POLICY.—Each smoke-free environment policy for a public facility shall—

''(1) prohibit the smoking of cigarettes, cigars, and pipes, and any other combustion of tobacco, within the facility and on facility property within the immediate vicinity of the entrance to the facility; and

''(2) post a clear and prominent notice of the smoking prohibition in appropriate and visible locations at the public facility.

The policy may provide an exception to the prohibition specified in paragraph (1) for one or more specially designated smoking areas within a public facility if such area or areas meet the requirements of subsection (c).

''(c) SPECIALLY DESIGNATED SMOKING AREAS.—A specially designated smoking area meets the requirements of this subsection if it satisfies each of the following conditions:

''(1) The area is ventilated in accordance with specifications promulgated by the Administrator that ensure that air from the area is directly exhausted to the outside and does not recirculate or drift to other areas within the public facility.

''(2) Nonsmoking individuals do not have to enter the area for any purpose.

''(3) Children under the age of 15 are prohibited from entering the area.

''SEC. 2802. CITIZEN ACTIONS.

''(a) IN GENERAL.—An action may be brought to enforce the requirements of this title by any aggrieved person, any State or local government agency, or the Administrator.

''(b) VENUE.—Any action to enforce this title may be brought in any United States district court for the district in which the defendant resides or is doing business to enjoin any violation of this title or to impose a civil penalty for any such violation in the amount of not more than $5,000 per day of violation. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce this title and to impose civil penalties under this title.

''(c) NOTICE.—An aggrieved person shall give any alleged violator notice of at least 60 days prior to commencing an action under this section. No action may be commenced by an aggrieved person under this section if such alleged violator complies with the requirements of this title within such 60-day period and thereafter.

''(d) COSTS.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party, whenever the court determines such award is appropriate.

''(e) PENALTIES.—The court in any action under this section to apply civil penalties shall have discretion to order that such civil penalties be used for projects that further the policies of this title. The court shall obtain the view of the Administrator in exercising such discretion and selecting any such projects.

''(f) DAMAGES.—No damages of any kind, whether compensatory or punitive, shall be awarded in actions brought pursuant to this title.

''(g) ISOLATED INCIDENTS.—Violations of the prohibition specified in section 2801(b)(1) by an individual within a public facility or on facility property shall not be considered violations of this title on the part of the responsible entity if such violations—

''(1) are isolated incidents that are not part of a pattern of violations of such prohibition; and

''(2) are not authorized by the responsible entity.

''SEC. 2803. PREEMPTION.

''Nothing in this title shall preempt or otherwise affect any other Federal, State or local law which provides protection from health hazards from environmental tobacco smoke.

"SEC. 2804. REGULATIONS.

''The Administrator is authorized to promulgate such regulations as the Administrator deems necessary to carry out this title.

"SEC. 2805. EFFECTIVE DATE.

''The requirements of this title shall take effect on the date that is 1 year after the date of the enactment of the Smoke-Free Environment Act of 1997.

"SEC. 2806. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) PUBLIC FACILITY.—The term 'public facility' means any building regularly entered by 10 or more individuals at least one day per week, including any such building owned by or leased to a Federal, State, or local government entity. Such term shall not include any building or portion thereof regularly used for residential purposes.

''(3) RESPONSIBLE ENTITY.—The term 'responsible entity' means, with respect to any public facility, the owner of such facility, except that in the case of any such facility or portion thereof which is leased, such term means the lessee.''.

SEC. 3. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Section 41706 of title 49, United States Code, is amended to read as follows:

"§ 41706. Prohibitions against smoking on scheduled flights

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit, on and after the 120th day following the date of the enactment of the Smoke-Free Environment Act of 1997, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

''(c) LIMITATION ON APPLICABILITY.—With respect to an aircraft operated by a foreign air carrier, the smoking prohibitions contained in subsections (a) and (b) shall apply only to the passenger cabin and lavatory of the aircraft.

''(d) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 60th day following the date of the enactment of this Act.

[From the New York Times News Service, May 20, 1997]

STUDY FINDS SECONDHAND SMOKE DOUBLES HEART DISEASE

(By Denise Grady)

Secondhand cigarette smoke is more dangerous than previously thought, Harvard researchers are reporting on Tuesday in a study with broad implications for public health policy and probable direct impact on at least one major lawsuit.

The 10-year study, which tracked more than 32,000 healthy women who never smoked, has found that regular exposure to other peoples' smoking at home or work almost doubled the risk of heart disease.

Many earlier studies have linked secondhand smoke to heart disease, but the new findings show the biggest increase in risk ever reported, and the researchers say that it applies equally to men and women.

The women in the study, who ranged in age from 36 to 61 when the study began, suffered 152 heart attacks, 25 of them fatal. The results mean that ''there may be up to 50,000 Americans dying of heart attacks from passive smoking each year,'' said Dr. Ichiro Kawachi, an assistant professor of health and social behavior at the Harvard School of Public Health and the lead author of the study, which was published in the journal Circulation.

By contrast, lung cancer deaths from passive smoking are estimated to be far fewer, at 3,000 to 4,000 a year. Because heart disease is much more common than lung cancer, even a small increase in risk can cause many deaths.

Before this study, it was known that passive smoking caused increased risk for several ailments, including asthma and bronchitis, as well as middle-ear infections in young children. But the increased risk for heath disease had been estimated at about 30 percent.

''This is a very important study,' said Dr. Stanton Glantz, a professor of medicine at the University of California at San Francisco, who has done extensive research on passive smoking but who was not involved in the Harvard study. ''It's exceptionally strong and from a very solid group.'' Glantz also praised the Harvard team for what he called its careful analysis of workplace exposure to smoke, which had rarely been done before.

:''That's important because of the effort to create laws controlling smoking in the workplace,'' he said.

Although the federal Occupational Safety and Health Administration has proposed nationwide workplace rules, they are not yet in effect. Regulations vary by state or city.

''This study will be of enormous help to legislative bodies, statewide and locally, who are trying to get limits on smoking, especially in controversial areas like restaurants and bars, where the tobacco industry has worked closely with restaurant associations to block legislation to make these places go smoke free,'' said Edward Sweda, a senior lawyer with the Tobacco Control Resource Center at Northeastern University in Boston.

The study may be particularly pertinent for one lawsuit.

''From our standpoint, that's a wonderful study,'' said Stanley Rosenblatt, a Miami lawyer representing flight attendants in a class-action suit against tobacco companies that will go to trial on June 2.

That suit is the first class-action suit based on the effects of secondhand smoke. The case could ultimately involve 60,000 former and current flight attendants, who will be seeking billions in damages, Rosenblatt said. The attendants contend they were harmed by smoke in airplane cabins when smoking was legal on most flights. Most of the plaintiffs have had lung cancer or respiratory ailments.

The Philip Morris Cos., which is named in the flight attendants' suit, declined to comment on the study. The Tobacco Institute, an industry group, said it could not comment on the study because it has not seen a copy of it.

The data being reported on Tuesday are from the Nurses' Health Study, a project that began in 1976 with 121,700 female nurses filling out detailed surveys every two years about their health and habits. To measure the effects of passive smoking, the researchers asked the women in 1982 about their exposure, and then monitored new cases of heart disease for the next decade. The analysis did not include all the study participants, but only the 32,046 who had never smoked and who at the onset did not have heart disease or cancer.

The women who reported being exposed regularly to cigarette smoke at home or work had a 91 percent higher risk of heart attack than those with no exposure. Even though the women worked in hospitals some were exposed to smoke on the job because at the time of the study many hospitals allowed smoking in certain areas. The study was set up to make sure that other risk factors like diabetes and high blood pressure did not account for the difference between the two groups.

Laboratory studies of the effects of passive smoke on the body support the survey findings, Glantz said.

In studies of both people and animals. Glantz and other researchers have identified several ways in which the chemicals in secondhand smoke can contribute to heart disease. Besides reducing a person's oxygen supply, the substances damage arteries, lower levels of the beneficial form of cholesterol known as HDL and increase the tendency of blood platelets to stick to one another and form clots that can trigger a heart attack. A study last year of healthy teen-agers and adults exposed to passive smoking for an hour or more a day detected artery damage. The higher the exposure was, the greater the damage.

But once the exposure ceases, the damage may quickly heal.

''In active smokers, the risk of heart disease drops immediately,'' half of the way to that of a nonsmoker within a year, Glantz said. ''It never gets quite back to the nonsmoker's level, but it comes close,'' he said. ''One would expect the same to be true for passive smoking.''

The Harvard study may supply ammunition for more lawsuit against the tobacco industry.

''I think it could have very profound implications legally,'' said John Banzhaf, a law professor at George Washington University and executive director of Action on Smoking and Health, an antismoking group. ''We now have proof which will meet the legal threshold requirement. In an ordinary civil suit, you have to prove something by what we call a preponderance of evidence, which means it's more probable than not.''

The doubling of risk shown on Tuesday's study satisfied that requirement, Banzhaf said, adding, ''You're right in that striking range with regard to the quantum of proof which we need.''

Because passive smoke can cause heart problems more quickly than it causes lung cancer, Banzhaf said, it will be easier to prove the connection to juries.

The study may also affect negotiations between Northwest Airlines and its flight attendants. The airline still allows smoking on many of its flights to Japan and has stated that it will continue to even after other American carriers ban smoking on those routes in July.

Flight attendants have protested the decision, but a spokesman for Northwest, John Austin, said the airline would maintain a smoking section because its major competitor on those flights, Japan Air Lines, permitted smoking.

''We believe that absent a smoking section we'll lose quite a bit of business in Japan,'' Austin said. But he added that Northwest's management had not yet seen the Harvard study. ''It'll certainly factor in,'' he said. ''But it's hard to say what the impact will be.''●

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 828. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NO TOBACCO FOR KIDS ACT

Mr. DURBIN. Mr. President, for more than 5 years now, the tobacco companies have said repeatedly, ''We do not want to sell our products to kids.'' They have bought full page ads in the Washington Post, the New York Times, and the Wall Street Journal, saying that they adamantly oppose the sale of tobacco to kids.

I don't know many kids who read the Wall Street Journal, the New York Times, or the Washington Post. What the tobacco companies have been doing is creating a sham that they are serious about reducing sales to kids.

Let's take a look at the record. From 1991 to 1996, the percentage of children who use tobacco increased by almost 50 percent. This means that, at the same time the tobacco companies have been saying they are dedicated to reducing the illegal sales of tobacco to kids, more and more children have been buying the tobacco products those companies sell.

That is not an accident. This multibillion dollar industry is made up of tobacco companies that design their marketing and advertising to lure new customers into this addiction. The fact that more and more children are smoking is clear evidence that the tobacco companies have failed, once again, to tell the truth. They need these new, young customers to prop up their profits as older customers die or quit using tobacco. And they continue to do what it takes to secure a new generation of young people who are becoming hooked on their products.

Today, I am introducing, along with Senator FRANK LAUTENBERG and Congressman HENRY WAXMAN, a new piece of legislation that says the only honest way to approach the reduction of tobacco sales to children is to make the tobacco companies put their profits on the line.

The NO Tobacco For Kids Act says we will do a survey of the tobacco products for sale and find out how many children are using those products and what brands they are using. Then, each year, we will update that survey to see which products continue to be purchased by children. Those companies that continue to sell their products to children will face a fine of $1 a pack on all their sales if they don't reduce the number of children using their brands in steps to reach a reduction of 90 percent over the next 6 years. Since current childhood users will cycle out of the underage population over that time, this measure will give the tobacco companies a chance to show whether they are serious about reducing the use of tobacco products by kids.

Unless the tobacco companies have their profits on the line, we will continue to get cheap talk from them about stopping sales to kids. This bill puts teeth into the campaign to stop selling tobacco products to children. It sets a very simple standard for the tobacco companies: stop selling cigarettes and spit tobacco to children, or pay the consequences.

In the past, every child hooked on tobacco was a new profit center for the tobacco industry. This legislation totally reverses the incentives for marketing to children. When this measure becomes law, every new child who picks up a cigarette or pockets a can of spit tobacco will become an economic loss to the company whose products the child chooses. With that reversal, the tobacco companies will have a strong economic incentive to stop marketing to children.

Mr. President, this legislation could be one the simplest yet most effective steps we can take to reduce teenage tobacco use. I invite my colleagues to cosponsor the NO Tobacco For Kids Act and help us put in place clear performance standards for the tobacco industry to stop selling their products to minors.

I ask unanimous consent that a summary of this bill and the text of the bill appear in the RECORD.

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

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NO Tobacco for Kids Act''.

SEC. 2. CHILD TOBACCO USE SURVEYS.

(a) ANNUAL PERFORMANCE SURVEY.—Not later than 1 year after the date of the enactment of this Act and annually thereafter the Secretary shall conduct a survey to determine the number of children who used each manufacturer's tobacco products within the past 30 days.

(b) BASELINE LEVEL.—The baseline level of child tobacco product use of a manufacturer is the number of children determined to have used the tobacco products of such manufacturer in the first annual performance survey.

SEC. 3. GRADUATED PERFORMANCE STANDARDS.

(a) PERFORMANCE STANDARDS FOR EXISTING MANUFACTURERS.—Each manufacturer which manufactured a tobacco product on or before the date of the enactment of this Act shall reduce the number of children who use its tobacco products so that the number of children determined to have used its tobacco products on the basis of—

(1) the second annual performance survey is equal to or less than—

(A) 80 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(2) the third annual performance survey is equal to or less than—

(A) 60 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(3) the fourth annual performance survey is equal to or less than—

(A) 40 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(4) the fifth annual performance survey is equal to or less than—

(A) 20 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater; and

(5) the sixth annual performance survey and each annual performance survey conducted thereafter is equal to or less than—

(A) 10 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater.

(b) PERFORMANCE STANDARDS FOR NEW MANUFACTURERS.—Any manufacturer of a tobacco product which begins to manufacture a tobacco product after the date of the enactment of this Act shall ensure that the number of children determined to have used the manufacturer's tobacco products in each annual performance survey conducted after the manufacturer begins to manufacture tobacco products is equal to or less than the de minimis level.

(c) DE MINIMIS LEVEL.—The de minimis level shall be 0.5 percent of the total number of children determined to have used tobacco products in the first annual performance survey.

SEC. 4. NONCOMPLIANCE.

(a) FIRST VIOLATION.—If a manufacturer of a tobacco product violates a performance standard, the manufacturer shall pay a noncompliance fee of $1 for each unit of its tobacco product which is distributed for consumer use in the year following the year in which the performance standard is violated.

(b) FEE INCREASE FOR SUBSEQUENT VIOLATIONS.—If a manufacturer violates the performance standards in 2 or more consecutive years, the noncompliance fee for such manufacturer shall be increased by $1 for each consecutive violation for each unit of its tobacco product which is distributed for consumer use.

(c) REDUCTION IN NONCOMPLIANCE FEE.—If a manufacturer achieves more than 90 percent of the reduction in the number of children who use its tobacco products that is required under the applicable performance standard, the noncompliance fee required to be paid by the manufacturer shall be reduced on a pro rata basis such that there shall be a noncompliance fee reduction of 10 percent for each percentage point over 90 percent achieved by the manufacturer.

(d) PAYMENT.—The noncompliance fee to be paid by a manufacturer shall be paid on a quarterly basis, with the payments due within 30 days after the end of each calendar quarter.

SEC. 5. USE OF NONCOMPLIANCE FEE.

(a) FUNDS FOR ENFORCEMENT AND EDUCATION.—The first $1,000,000,000 of noncompliance fees collected in any fiscal year shall go into a Tobacco Enforcement and Education Fund in the United States Treasury. Fees in such fund shall be available to the Secretary, without fiscal year limitation, to enforce this Act and other Federal laws relating to tobacco use by children and for public education to discourage children from using tobacco products.

(b) FUNDS FOR THE TREASURY.—Any amount of noncompliance fees collected in any fiscal year which exceeds $1,000,000,000 shall be paid into the United States Treasury.

SEC. 6. JUDICIAL REVIEW.

A manufacturer of tobacco products may seek judicial review of any action under this Act only after a noncompliance fee has been assessed and paid by the manufacturer and only in the United States District Court for the District of Columbia. In an action by a manufacturer seeking judicial review of an annual performance survey, the manufacturer may prevail—

(1) only if the manufacturer shows that the results of the performance survey were arbitrary and capricious; and

(2) only to the extent that the manufacturer shows that it would have been required to pay a lesser noncompliance fee if the results of the performance survey were not arbitrary and capricious.

SEC. 7. ENFORCEMENT.

Section 301 of the Federal Food, Drug, and Cosmetic Act (28 U.S.C. 331) is amended by adding at the end the following:

''(x) The failure to pay any noncompliance fee required under the NO Tobacco for Kids Act.''.

SEC. 8. PREEMPTION.

Nothing in this Act shall preempt or otherwise affect any other Federal, State, or local law or regulation which reduces the use of tobacco products by children.

SEC. 9. DEFINITIONS.

In this Act:

(1) CHILDREN.—The term ''children'' means individuals under the age of 18.

(2) CIGARETTE.—The term ''cigarette'' has the same meaning given such term by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)).

(3) CIGARETTE TOBACCO.—The term ''cigarette tobacco'' means any product that consists of loose tobacco that contains or delivers nicotine and is intended for use by consumers in a cigarette.

(4) MANUFACTURE.—The term ''manufacture'' means the manufacturing, including repacking or relabeling, fabrication, assembly, processing, labeling, or importing of a tobacco product.

(5) MANUFACTURER.—The term ''manufacturer'' means any person who manufactures a tobacco product.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(7) SMOKELESS TOBACCO.—The term ''smokeless tobacco'' has the same meaning given such term by section 9(1) of the Comprehensive Smokeless Tobacco Education Act of 1986 (15 U.S.C. 4408(1)).

(8) TOBACCO PRODUCT.—The term ''tobacco product'' means a cigarette, cigarette tobacco, or smokeless tobacco.

(9) UNIT.—The term ''unit'' when used in connection with a tobacco product means 20 cigarettes in the case of cigarettes and the smallest amount of tobacco distributed by a manufacturer for consumer use in the case of any other tobacco product.

THE NO TOBACCO FOR KIDS ACT (NOT FOR KIDS)

The NO Tobacco for Kids Act (NOT for Kids) will establish a clear performance standard for the reduction of youth smoking in America. For too many years, the tobacco companies have claimed they oppose youth smoking and spit tobacco use while continuing to hook new generations of kids on their deadly products. This bill sets out a schedule to reduce actual youth tobacco use and contains provisions that, for the first time, will give individual tobacco companies an economic incentive to stop marketing their products to children. Specifically, the bill provides that:

Within 1 year after enactment, the Secretary of HHS will conduct a survey to determine the number of children who used each manufacturer's tobacco products within the previous 30 days.

Each manufacturer will then face penalties if it does not reduce the number of children who use its tobacco products by specified percentages from this baseline level over the succeeding years. The performance standard for each manufacturer is as follows: Year 1: no standard, baseline survey is taken; year 2: 20-percent reduction from the baseline; year 3: 40-percent reduction from the baseline; year 4: 60-percent reduction from the baseline; year 5: 80-percent reduction from the baseline; year 6: 90-percent reduction from the baseline; and subsequent years: 90-percent reduction from the baseline.

Manufacturers that reduce use to a de minimus level—one-half percent of the current number of youth smokers—will be deemed in compliance.

If a manufacturer violates the performance standard, that manufacturer must pay a noncompliance fee of $1 per pack, pouch, can, et cetera, on all of their tobacco sales in the subsequent year—not just on sales to youth. If the manufacturer violates the performance standard for 2 or more consecutive years, the noncompliance fee is increased by $1 for each consecutive year of violation. A manufacturer who comes within 10 percent of the required reduction for a particular year will have its noncompliance fee reduced on a pro rata basis.

The first $1 billion of noncompliance fees collected in any fiscal year will go into a fund for enforcement and public education to discourage children from using tobacco products. Any additional fees will go to the Treasury for deficit reduction.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN and Mr. KENNEDY):

S. 829. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

THE CLEAN-FUEL VEHICLE ACT OF 1997

Mrs. BOXER. Mr. President, today I am introducing the Clean Fuel Vehicle Act of 1997 to provide a program of tax incentives and other changes to promote the use of clean fuel vehicles. I believe that, as a U.S. Senator, I have no greater responsibility than to support policies that will protect the health and safety of the American people. Today, I want to tell you why I believe that my bill, the Clean Fuel Vehicle Act, is an important part of meeting that responsibility.

More than 43 million people in the United States live in areas that fail to meet EPA's air quality standards for carbon monoxide. We have 13 million people in nonattainment areas for nitrogen oxide. And, in my State of California, nearly 26 million people live in a nonattainment area for one or more pollutants, out of a state of nearly 32 million people. Air pollution is a very serious problem. According to the EPA, the current annual average concentrations of fine particulate matter in southeast Los Angeles County may be responsible for up to 3,000 deaths annually, and more then 52,000 incidences of respiratory symptoms including 1,000 hospital admissions.

Young children constitute the largest group at high risk from exposure to air pollutants. They breathe 50 percent more air by body weight than the average adult. In California alone there are over 6 million children under the age of 14 and approximately 90 percent of them live in areas that fail to meet State and Federal standards. How are our children being affected? Studies show health effects ranging from 20 to 60 percent losses of lung capacity.

So much of our air pollution problem comes from automobiles and other vehicles that burn fossil fuel. Sixty-five percent of carbon dioxide emissions and 47 percent of nitrogen oxide emissions come from cars and trucks.

I believe we must reinvigorate—electrify if you will—our efforts for clean fuel vehicles. The role of the Federal Government should be to encourage the market for these vehicles for a limited period of time with tax incentives.

The Clean Fuel Vehicle Act would make it easier for both individual car buyers and government purchasers of auto fleets to purchase clean fuel vehicles. In summary, the bill repeals the luxury excise tax on clean fuel vehicles—a $320 savings this year on a $40,000, factory-built electric vehicle, and repeals the luxury tax depreciation cap. It provides a full tax credit of $4,000 on the purchase of an electric vehicle. It allows companies which lease electric vehicles to government agencies to take advantage of the tax incentives and pass on the savings. It makes electric buses and other heavy duty electric vehicles eligible for the same tax deduction already in place for other clean fuel buses and heavy duty equipment. It lowers the excise tax on liquified natural gas—used in heavy vehicles such as tractor-trailer rigs and buses—to the gasoline gallon equivalent of compressed natural gas so that it can be competitive with diesel fuel. And, it sunsets all these tax incentives by January 1, 2005.

According to estimates by the Joint Committee on Taxation, the bill would cost only about $22 million over 5 years. My bill is endorsed by the Union of Concerned Scientists, the Electric Transportation Coaltion, and the Natural Gas Vehicle/USA.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Clean-Fuel Vehicle Act of 1997''.

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, 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 Internal Revenue Code of 1986.

SEC. 2. EXEMPTION OF ELECTRIC AND OTHER CLEAN-FUEL MOTOR VEHICLES FROM LUXURY AUTOMOBILE CLASSIFICATION.

(a) IN GENERAL.—Subsection (a) of section 4001 (relating to imposition of tax) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed on the 1st retail sale of any passenger vehicle a tax equal to 10 percent of the price for which so sold to the extent such price exceeds the applicable amount.

''(2) APPLICABLE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the applicable amount is $30,000.

''(B) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—In the case of a passenger vehicle which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of

permitting such vehicle to be propelled by a clean-burning fuel, the applicable amount is equal to the sum of—

''(i) $30,000, plus

''(ii) the increase in the price for which the passenger vehicle was sold (within the meaning of section 4002) due to the installation of such property.

''(C) PURPOSE BUILT PASSENGER VEHICLE.—

''(i) IN GENERAL.—In the case of a purpose built passenger vehicle, the applicable amount is equal to 150 percent of $30,000.

''(ii) PURPOSE BUILT PASSENGER VEHICLE.—For purposes of clause (i), the term 'purpose built passenger vehicle' means a passenger vehicle produced by an original equipment manufacturer and designed so that the vehicle may be propelled primarily by electricity.''

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 4001 (relating to inflation adjustment) is amended to read as follows:

''(e) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—The $30,000 amount in subparagraphs (A), (B)(i), and (C)(i) of subsection (a)(2) shall be increased by an amount equal to—

''(A) $30,000, multiplied by

''(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the vehicle is sold, determined by substituting 'calendar year 1990' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $2,000, such amount shall be rounded to the next lowest multiple of $2,000.''

(2) Subsection (f) of section 4001 (relating to phasedown) is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(3) Subparagraph (B) of section 4003(a)(2) is amended to read as follows:

''(B) the appropriate applicable amount as determined under section 4001(a)(2).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after the date of enactment of this Act.

SEC. 3. EXEMPTION OF THE INCREMENTAL COST OF A CLEAN FUEL VEHICLE FROM THE LIMITS ON DEPRECIATION FOR VEHICLES.

(a) IN GENERAL.—Section 280F(a)(1) (relating to limiting depreciation on luxury automobiles) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR CERTAIN CLEAN-FUEL PASSENGER AUTOMOBILES.—

''(i) MODIFIED AUTOMOBILES.—In the case of a passenger automobile which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of permitting such vehicle to be propelled by a clean burning fuel (as defined in section 179A(e)(1)), the depreciation deductions specified in subparagraph (A) shall be increased by the incremental cost of the installed qualified clean burning vehicle property as depreciated pursuant to section 168 by applying the rules under subsections (b)(1), (d)(1), and (e)(3)(B) thereof.

''(ii) PURPOSE BUILT PASSENGER VEHICLES.—In the case of a purpose built passenger vehicle (as defined in section 4001(a)(2)(C)(ii)), the depreciation deductions specified in subparagraph (A) shall be tripled.

''(iii) INCREMENTAL COST.—For purposes of clause (i), the incremental cost shall be the equal of the lesser of—

''(I) the incremental cost of the installed qualified clean fuel vehicle property (as so defined), or

''(II) the amount by which the total cost of the clean fuel passenger automobile exceeds the sum of the amounts that would be allowed under subparagraph (A) for the recovery period determined by applying the rules under subsections (d)(1) and (e)(3) of section 168.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after the date of enactment of this Act and before January 1, 2005.

SEC. 4. GOVERNMENTAL USE RESTRICTION MODIFIED FOR ELECTRIC VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30(d) (relating to special rules) is amended by inserting ''(without regard to paragraph (4)(A)(i) thereof)'' after ''section 50(b)''.

(b) CONFORMING AMENDMENT.—Paragraph (5) of section 179A(e) (relating to other definitions and special rules) is amended by inserting ''(without regard to paragraph (4)(A)(i) thereof in the case of a qualified electric vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii) of this section)'' after ''section 50(b)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 5. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting '', other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)'' after ''section 30(c))''.

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles)is amended by adding at the end the following new paragraph:

''(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 6. ELECTRIC VEHICLE CREDIT AMOUNT AND APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 30 (relating to credit for qualified electric vehicles) is amended by striking ''10 percent of''.

(b) APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.—Section 30(b) (relating to limitations) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 7. RATE OF TAX ON LIQUEFIED NATURAL GAS TO BE EQUIVALENT TO RATE OF TAX ON COMPRESSED NATURAL GAS.

(a) IN GENERAL.—Paragraph (3) of section 4041(a) (relating to diesel fuel and special motor fuels) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) IMPOSITION OF TAX.—

''(i) IN GENERAL.—There is hereby imposed a tax on compressed or liquefied natural gas—

''(I) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

''(II) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such gas under subclause (I).

''(ii) RATE OF TAX.—The rate of tax imposed by this paragraph shall be—

''(I) in the case of compressed natural gas, 48.54 cents per MCF (determined at standard temperature and pressure), and

''(II) in the case of liquefied natural gas, 3.54 cents per gallon.'', and

(2) by inserting ''OR LIQUEFIED'' after ''COMPRESSED'' in the heading.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 4041(a)(2) is amended by striking ''other than a Kerosene'' and inserting ''other than liquefied natural gas, kerosene''.

(2) The heading for section 9503(f)(2)(D) is amended by inserting ''OR LIQUEFIED'' after ''COMPRESSED''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, and Mr. WELLSTONE):

S.J. Res. 31. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

MOST-FAVORED-NATION TREATMENT DISAPPROVAL JOINT RESOLUTION

Mr. HELMS. Mr. President, in offering this resolution, Mr. President, which formally disapproves President Clinton's renewal of MFN for China, I am pleased that the able Senator from Wisconsin [Mr. FEINGOLD] is a principal cosponsor of the resolution of disapproval.

In moving around my State during the Memorial Day recess I was impressed with the attitude of a majority of North Carolinians who are absolutely persuaded that the United States must conduct its policy toward China on the basis of morality as well as pragmatism. It has made no sense either morally or practically for the United States to have conducted its China policy as it has for so long.

There are many who are asserting the truth that the term MFN, which stands for most favored nation, is certainly a misnomer. MFN, in fact, means that a country gets trade treatment as good as anybody else's, not that it gets more favorable treatment than any other country. I accept that and I oppose MFN on exactly those grounds. China gets the same trade treatment that virtually everybody else gets. When a country like China gets normal trade relations with the United States it is getting better treatment than China deserves. That is just plain foolish.

Those who favor MFN for Communist China also like to point out that other countries with at least equally dubious records—like Iran, Iraq, Syria, Libya and Burma—qualify for MFN without an annual debate. Therefore, the proMFN crowd says China ought to get MFN without an annual debate.

I dissent. The trouble with that, Mr. President, is this. Those people who rely on the cases of these countries to make their points about MFN for China just have not done their homework. It is disingenuous at best for the proMFN lobby to create the impression that Iran, Iraq, Libya and Syria, enjoy MFN status, because they absolutely

do not. MFN for Iran, Iraq, Syria, and Libya is a moot point since nearly all trade is banned with them due to their involvement in state-sponsored terrorism.

Burma may technically have MFN status but it, also, is the subject of a ban on new United States investment. Syria and Burma both are denied low-tariff benefits under the generalized system of preferences. Besides that, policies against individual countries have evolved in response to historical developments and the needs of U.S. policy. No proponent of MFN renewal would say that the United States should treat every country exactly the same way regardless of specific conditions inside the country, the type of government it has, or the type of threat it poses to the United States or to the neighbors of the United States.

Now, China is a special case, Mr. President. When you stop to think about it there is no valid reason for the United States—this is the world's leader in freedom—offering the same trading terms for China that the United States offers to other nations that do honor their citizens' human rights and that do respect the rule of law. Now, there can be no such thing as normal trade with the world's largest country, a Communist system engaging in proliferation of conventional nuclear, biological, and chemical weapons.

A country of which our State Department can say, there was not a single dissident active in 1996.

A country which is violating commitments it made in an international agreement to preserve Hong Kong's institutions and way of life virtually intact.

A country whose economy is built on prison labor and Peoples Liberation Army joint ventures with U.S. companies.

A country which fires missiles across the Taiwan strait in an attempt to intimidate the people of Taiwan from conducting democratic elections.

A country which makes money from organ transplants taken from prisoners, who have just been shot in the head.

A country which has a policy of forced abortion.

A country which has systematically destroyed Tibet's religion and culture.

A country which violates international law in the South China Sea.

A country which has a huge and growing trade deficit with the United States.

It matters not whether one calls China's trade status most favored nation, or normal trade relations as the White House Office of ''newspeak'' wishes to call it. Either way, it's a bad policy, when one considers that in every important area of United States-China relations—from weapons proliferation, to human rights, to trade and intellectual property, to Hong Kong—the White House crowd has made the word ''engagement'' synonymous with the word ''appeasement.''

Let's talk for a little while about China's record of weapons proliferation. In April, a subcommittee of the Governmental Affairs Committee chaired by the able Senator from Mississippi, [Mr. COCHRAN], held a hearing which laid out the truth about Chinese proliferation, that this administration has repeatedly failed to impose sanctions required by United States law for China's transfers of equipment, components and weapons of mass destruction to Iran and Pakistan.

On human rights, the State Department acknowledges continued widespread abuse of human rights by China. This year's annual human rights report catalogues violations of rights of speech, assembly, and association, and abuses including extra-judicial punishment, prison labor, and religious repression.

Even more shocking than the extent of these abuses is the administration's refusal to use United States leverage to influence China, or even United States allies. This year, the United States failed to mount a credible campaign to introduce and pass a resolution condemning Chinese human rights abuses at the U.N. Human Rights Commission in Geneva.

The Commission's meeting is not a mystery. It is scheduled a year in advance. Yet this administration did almost no lobbying until the last minute. That's because the administration hoped against hope that the Vice President's trip to China would result in some concessions by the Chinese which would enable the administration to abandon the resolution once and for all.

But just guess what happened. China did not make concessions to Vice President GORE and the Clinton administration was left trying to put together a coalition at Geneva.

In trade, the story is the same. There is absolutely no improvement. The United States trade deficit with China climbed once again this year, to just under 40 percent. According to the President, that's an increase of 17 percent over last year. United States companies have precious little access to China's market, even as they are pouring investment into China. Sometimes, United States companies deal with the People's Liberation Army. Sometimes they deal with factories using with prison labor. That is the way the game is played—under cover, under the table.

The United States buys 30 percent of China's exports. Yet China makes up just 2 percent of the United States export market—30 vs. 2. This past year, United States exports to Taiwan, Hong Kong—and even to Belgium, if you believe that, were greater than United States exports to China, even though the populations of each of these countries are a tiny fraction of China's population.

Just the same, we hear the same old rhetoric from certain businessmen. They come to my office day after day. I like them. I am sorry I can't agree with them. But I tell them I do not agree with them. They sit there and contend that the United States needs to trade with China. It will open up society; that is to say, the Chinese society, they say. But what is going on in China isn't free trade but trade on the Chinese Government's terms, which can be changed every hour on the hour.

The Chinese military operates commercial enterprises. Let me repeat that. The Chinese military army, all the rest of it, they are in business. They do that so they can pay for the ever-growing cost of operating their military establishment—and, by the way, collect technology from the United States and other sucker governments who send it to them.

No rule of law protects Chinese or foreign investors. Official corruption is widespread, and everybody knows it. A disagreement with a business partner who has an official connection can land you in jail in China, or worse. You might be one of the guys hauled out on that field tomorrow morning with a bullet through your head so that one of your organs can be sold for $40,000 cash money.

Want a run down of stories you won't hear from those lobbying Congress for MFN?

In 1994, Revpower, a Florida company won an international arbitration award against a Chinese state-owned enterprise. Despite China's obligations as a party to the 1958 Convention on Recognition and Enforcement of Foreign Arbitral Awards, China has failed to enforce the award in its courts.

In 1994, James Peng, an Australian citizen, was seized by Chinese police in Macau—which is not yet under Chinese control—and taken to China. In this case, the court found Peng innocent of any wrongdoing, but local officials who saw an opportunity to extort money from Peng and his partners. Peng has been in jail ever since.

Troy McBride, a United States businessman, had his passport seized and was detained for several weeks in a hotel in China in 1995. You can read about this in last year's State Department Human Rights Report.

According to the Chicago Tribune, Philip Cheng, a Chinese-American, was jailed without charges in 1993 over a dispute with his joint venture partner. In the story about Mr. Cheng, a Western diplomat was quoted as saying:

> When a deal goes sour we only hear about the worst cases. But dozens, perhaps hundreds of businessmen have been mobbed, punched and even jailed to make them pay what the locals demand. In most cases the victims make no fuss because their companies want to keep doing business in China.

Zhang Gueixing, a U.S. resident immigrant was imprisoned for 2½ years in connection with a dispute over bicycles. While in prison, Zhang witnessed executions of prisoners.

China has steadily reneged on its commitments in the 1984 Joint Declaration. In that agreement, China

promised that Hong Kong would have an elected legislature, an accountable executive, an independent judiciary, and a broad range of personal and political freedoms including rights of speech, assembly, association, and religion. For the past several years China has first announced a violation of the joint declaration, then carried it out. This is all a matter of public record.

Yet, the United States has failed to prevent or reverse a single violation of the joint declaration. How can it when the administration's official position is that the United States is not entitled to say what does or does not violate the Joint Declaration?

Where the President will not lead, the Congress must act. An editorial from *The Weekly Standard* noted that:

> The Clinton Administration obstinately refuses to link U.S. China policy to anything the Chinese do or fail to do. Linkage must be reestablished; equilibrium must be restored to the relationship between the United States and its most troublesome and persistent challenger. That mission falls to the Congress by default.

For far too long, the United States has failed to recognize and use its leverage over China.

Mr. President, revoking MFN will not be the end of our China policy. MFN is the means toward restoring equilibrium in the relationship.

China scholar Harry Harding's book, ''A Fragile Relationship,'' chronicles the early 1990's, when there was a real threat of MFN revocation in response to the Tiananmen Square Massacre. In response to the threat Beijing ended martial law, released several hundred political prisoners, bought Boeing aircraft and let a prominent dissident out of the country.

The Congress should withhold MFN status for China this year, otherwise the administration will continue to acquiesce to every violation of international law, international agreement, bilateral agreement, and United States law. The administration's policy toward China has been an abject failure. Abject, means both ''utterly hopeless'' and ''shamelessly servile.'' Which, it seems to me, fairly sums up the situation.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The joint resolution will be appropriately referred.

• Mr. FEINGOLD. Mr. President, the Chairman of the Foreign Relations Committee [Mr. HELMS] and I have today introduced a joint resolution of disapproval for the President's decision to extend most-favored-nation status to China.

This is third year in a row that I will be introducing this joint resolution, and—I am pleased to say—the second time with Senator HELMS. I have joined with the chairman once again because I believe that trade policy is an effective tool that the United States can and should use with respect to the Chinese Government. I am pleased that Senators WELLSTONE and HUTCHINSON of Arkansas have joined us in introducing this bipartisan resolution.

Mr. President, on May 19, President Clinton announced his intention to extend for another year most-favored-nation trading status to China, which he formally requested from the Congress last week. Although we have expected the President to make such a decision for some time now, I can only say that I am once again disappointed in the President's decision. In fact, I have objected to the President's policy regarding the extension of MFN status to China since 1994, when he de-linked the issue of human rights from our trading policy. The argument made then is that trade rights and human rights are not interrelated. At the same time, it was said, through ''constructive engagement'' on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

That was a mistake.

Let those who support ''constructive engagement'' visit the terribly ill Wei Jingsheng in his prison cell, and ask him if developing markets for toothpaste or breakfast cereal will help him win his freedom or save his life. I do not see how closer economic ties alone will somehow transform China's authoritarian system into a more democratic one. Unless we press the case for improvement in China's human rights record, using the leverage afforded us by the Chinese Government's desire to expand its economy and increase trade with us, I do not see how conditions will get much better.

De-linking MFN has resulted only in the continued despair of millions of Chinese people, and there is no evidence that MFN has influenced Beijing to improve its human rights policies. Basic freedoms—of expression, of religion, of association—are routinely denied. Rule of law, at least as I would define it, does not exist.

Mr. President, shortly before the Memorial Day recess, the Foreign Relations Committee held several hearings on the current situation in China. We had, for example, an excellent hearing on the situation in Tibet, where China continues its cultural and political repression and still refuses to begin a dialogue with the Dalai Lama, a Nobel laureate. We also heard testimony about how China is not sticking to its commitments under a 1992 Memorandum of Understanding with the United States on the issue of the use of forced prison labor. It is unconscionable that American consumers have unwittingly been used to help finance the abhorrent Chinese policy of reform through labor.

And that is not all.

Virtually every review of the behavior of the Chinese Government over the past year demonstrates that not only has there been no improvement in the human rights situation in China, but in many cases, it has worsened.

Now, 3 years after the President's decision to de-link MFN from human rights, the State Department's most recent Human Rights report on China describes, once again, an abysmal situation. According to the report,

> The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms. . . . Abuses included torture and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights.

In October 1996, we were witness to yet another example of these policies, when Wang Dan, one of the leaders of the 1989 pro-democracy demonstrations in Tiananmen Square, was sentenced to 11 years in prison. This was, of course, after he had already been held in incommunicado detention for 17 months in connection with the issuance of a pro-democracy petition. Many political prisoners—some whose names we know, like Mr. Wang and Mr. Wei, and many of whose names we do not—have become ill as a result of their prolonged incarcerations, and are not receiving proper medical care.

The past year also saw the December arrest of Ngawang Choepel, a Tibetan musicologist and former Fulbright scholar who was the subject of a recent Moynihan resolution that I was proud to cosponsor. Also in December, a Beijing court sentenced activist Li Hai for collecting information on Tiananmen activists in prison. Li was trying to compile a list giving the name, age, family situation, crime, length of sentence, and the location of the prison in which these activists were held.

In June 1996, university teacher Zhang Zong-ai was arrested and later sentenced for meeting with Wang Dan and writing to Taiwanese leaders. Earlier this year, reports emerged from Tibet indicating severe torture of Tibetan nuns allegedly involved in separatist activities.

Freedom of expression is curtailed by other means as well. Although the government has recently encouraged the expansion of the Internet and other communications infrastructure, it requires Internet users to register and sign a pledge not to endanger security. Selected web sites, like those from news organizations based in Hong Kong and Taiwan, or those hosted by dissidents, are blocked by the government, and authorities continue to jam Voice of America broadcasts.

Mr. President, Beijing's contempt for United States values is evident in many fora: in the loathsome compulsory one-child family planning program, in the increased incidence of religious persecution, in the sales of nuclear equipment to Pakistan or missiles to Iran, and in China's utter disregard for agreements to end violations of United States intellectual property

rights. Lack of progress in these areas flies in the face of the United States policy of ''constructive engagement,'' with respect to China.

In my view—and I know that Senator HELMS agrees with me here—it is impossible to come to any other conclusion except that ''constructive engagement'' has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest.

At the May 13, 1997, Senate Foreign Relations Committee hearing on The Situation of Tibet and its People, Dr. Robert Thurman, a renowned expert in Tibetan culture who has traveled to the region numerous times over the past 35 years, presented compelling testimony about the Chinese Government's intentions toward the Tibetan people. Dr. Thurman explained quite clearly that, ''It is a calculated policy consistent [of the] Chinese Government . . . to eradicate those who might some day claim the land of Tibet back to them.'' In order to achieve this goal, Dr. Thurman explained, the Chinese Government engages in all kinds of activities to destroy Tibetan culture, Tibetan religion and Tibetan identity, and in so doing, attempts to assimilate Tibetans into the Chinese way of life.

But what was most striking about Dr. Thurman's testimony was his description of the behavior of the Chinese Government over the past 3 years, and in particular, Beijing's reaction to United States trade policy. Mr. President, allow me to read from his oral testimony:

> It is definitely a fact that anyone who goes to Tibet regularly—and I have been there eight times—anyone who goes there regularly will tell you that since 1994, when our Executive Branch misguidedly delinked . . . trade privileges from the Chinese behavior, the Chinese behavior accelerated in a negative direction to an extreme degree. Since 1994, the complete oppression of Tibetan religion and the Tibetan national identity has been reembarked upon by the recent and current administration in China. From 1994 to 1997, their policy has returned to being completely genocidal, no longer pretending even to tolerate Tibetan religion. . . . They have expelled many monks from monasteries. They have closed important monasteries. . . . [The Chinese] will never abandon [Tibet] when they feel we have no real will to do anything serious no matter what they do. . . . This has been proven in religious terms . . . in the last three years, since 1994. Once you delinked the money from their treatment of human rights, from their treatment of religion in Tibet, they just went and completely abused everything totally. They undid all sorts of liberties that had been allowed in the 1980s, in fact. They completely have undone them.

So, Mr. President, we have here compelling testimony of my main argument: that the delinking of trade privileges from human rights issues has actually led to a worsening of the human rights situation in China.

Perhaps equally disturbing, China continues to violate agreements with the United States on other issues. Violations of agreements on intellectual property rights cost U.S. firms an estimated $1.8 billion annually. Violations of the memorandum of understanding on prison labor, according to some estimates, have resulted in millions of dollars worth of tainted goods being imported into our country. And China's blatant disregard for international efforts to control nuclear proliferation cost us unimaginable sums in future international security.

We have so few levers that we can use against China. And if China is accepted by the international community as a superpower under the current conditions, it will believe it can continue to abuse human rights with impunity. The more we ignore the signals and allow trade to dictate our policy, the worse we can expect the human rights situation to become.

We know that putting pressure on the Chinese Government can have some impact. China released dissident Harry Wu from prison when his case threatened to disrupt the First Lady's trip to Beijing for the U.N. Conference on Women, and it similarly released both Wei Jingsheng and Wang Dan around the same time that China was pushing to have the 2000 Olympic Games in Beijing. After losing that bid, and once the spotlight was off, the Chinese government rearrested both Wei and Wang.

Examples such as this only affirm my belief that the United States should make it clear that human rights are of real—as opposed to rhetorical—concern to this country. Until Wei Jingsheng, Wang Dan, and others committed to reform in China are allowed to speak their voices freely and work for change, United States-China relations should not be based on a business-as-usual basis. Last Sunday, Fred Hiatt illustrated this point in a Washington Post editorial called The Skyscraper and the Bookstore. In recalling the 1993 tour of Beijing that Chinese leaders offered to Mr. Wei after he had been in prison for 14 years, Hiatt wonders whether the skyscraper, a powerful symbol of Western-style economic modernization, or a bookstore, in which Wei found little literary diversity, is the more significant portent for China's future. Hiatt's point is that the more the United States focuses on its trade and economic relations with China, the more skyscrapers might be built in Beijing. But despite massive urban development, there has not been massive development in the most basic freedoms of expression and ideas.

Mr. President, I ask unanimous consent that the full text of Hiatt's June 1, 1997, Washington Post op-ed be included in the RECORD.

Mr. President, this year—1997—is perhaps the most important year since 1989 with respect to our relationship with the Chinese Government. In less than 1 month, Hong Kong will revert to China, and already there are fears of what the transition may mean for democratic liberties in that city. There may also be significant developments with respect to China's desire to join the World Trade Organization. And of course, there are the myriad other issues I have already mentioned.

But even with all that is going on, the United States and others in the international community failed to pass a resolution regarding China at the United Nations Commission on Human Rights earlier this year largely because China lobbied hard to prevent it. That failure proves that it is even more important for the United States to use the levers that we do have to pressure China's leaders.

Mr. President, if moral outrage at blatant abuse of human rights is not reason enough for taking a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of real political and economic self-interest. We must not forget that we currently have a trade deficit of nearly $40 billion. Forty billion dollars. Political considerations aside, such a deficit represents a formidable obstacle to developing normal trading relations with China at any point in the near future. Plus, China is becoming more and more dangerously involved in nefarious arms dealings with Iran and Pakistan.

But, Mr. President, my main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar annual exercise of MFN renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, Mr. President, for those who care about human rights, about freedom of religion, and about America's moral leadership in the world, I urge support for the Helms-Feingold resolution disapproving the President's decision to renew most-favored-nation status for China.

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

[From the Washington Post, June 1, 1997]

THE SKYSCRAPER AND THE BOOKSTORE

(By Fred Hiatt)

After keeping him in prison for 14 years, Chinese leaders decided one day in 1993 to give their leading dissident, Wei Jingsheng, a tour of Beijing. For Wei, the tour produced a shock—and perhaps something of a reproof as well. Wei had been writing from his solitary cell that economic modernization could not take place without democracy; yet the sleepy capital he remembered from 1979, with only bicycles clogging its wide boulevards, had become a modern city with traffic jams, skyscrapers and fancy new hotels.

''The changes are enormous,'' Wei admitted. ''They made an old Beijinger like myself feel like a tourist—a stranger in his own hometown.''

But then Wei insisted that his keepers take him to a bookstore. There he found offerings no broader than they had been before the Cultural Revolution. The economy had

expanded, but freedom of thought and expression had not. ''But this is precisely your goal,'' Wei wrote to China's president. ''Widespread cultural ignorance is the foundation for dictatorship.''

The contrast Wei noted during his brief field trip from jail underlies Washington's current debate over extending most-favored-nation (MFN) trading status to China and, more broadly, U.S.-China relations. Which is the more significant portent for China's future, the skyscraper or the bookshop?

Those who favor MFN extension point to the skyscraper, arguing that economic modernization inevitably will lead to political liberalization—that if you get enough skyscrapers, eventually you'll get books and newspapers, too. This has been the pattern in South Korea and Taiwan, after all, where a rising middle class eventually insisted on democratic rights. Even in China, where authoritarian rulers maintain tight political control, market reforms have brought new freedoms—to choose one's place of work and residence, to live private and personal lives.

Yet a South Korea-style progression is not inevitable. Nazi Germany proved that a totalitarian political regime can comfortably co-exist with capitalism—with private shopkeepers, big corporations, a developed middle class.

Ah, but the advent of the information age has changed all that, the argument continues. Knowledge is the essential commodity of tomorrow's economies, and no nation that limits its flow can prosper.

It's a seductive argument, and it may be true in the very long run. The demise of the Soviet Union, where even a copying machine was considered subversive, gave currency to the view. But totalitarian regimes can use information technologies as well as be undermined by them as George Orwell realized some time ago. China's regime so far has proved far more adept than the Soviet Union at attracting commercial knowledge and technology from outside while controlling the political debate inside—intimidating print media in Hong Kong, monitoring Internet access in China, whipping up nationalistic fervor to promote its own survival.

So China might become more democratic; it also might become more fascist, a danger to its neighbors and to U.S. interests, too. Given that uncertainty, the debate shifts: Can other nations do anything to steer China toward the first outcome? Supporters of MFN extension argue that trade sanctions won't work; China ''has steadfastly resisted efforts to link its commercial interests to its behavior in other areas,'' Laura D'Andrea Tyson, President Clinton's first term economic adviser, wrote in the Wall Street Journal last week.

This isn't quite right either. In the few years after the Tiananmen Square massacre, when China's leaders believed Congress would impose serious sanctions, they released political prisoners and allowed a leading dissident to go into exile. Once President Clinton ''delinked'' trade and human rights, the concessions stopped.

Yet trade sanctions are surely an imperfect tool. Are there others? Tyson argues that ''with the limited means at our disposal, we can try to shape the kind of great power China will become and the path it will travel to get there.'' She doesn't say what those means might be, but in 1994 the Clinton administration produced a long list of possibilities. The United States would no longer use MFN as a lever, Clinton said then, but it would prod China in many other ways: supporting ''civic society,'' pushing human rights issues in international forums, working with U.S. businesses to develop voluntary principles for operating in China and more.

Unfortunately, most of these resolutions fell by the wayside, some right away, some after a few years. Clinton's promise to use non-trade methods to ''try to shape'' China, in Tyson's words, proved to be more spin than policy, so the concept was never really put to the test. As a result, political freedoms in China are, if anything, more restricted, and many in Congress see MFN as the only way to send a message.

Wei is back in prison and unavailable for comment on this turn of events. In his prison letters, though (recently published in this country), Wei maintained that a peaceful evolution toward democracy would be almost impossible for China unless other nations pushed in that direction, supporting those Chinese who share their values.

''One way to minimize losses and setbacks for all sides is for countries with related interests to exert pressure and help bring about internal progress and reform,'' Wei wrote in 1991. Six years later, Wei undoubtedly is still waiting.

The writer is a member of the editorial page staff.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 92

At the request of Mr. KERRY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 92, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 191

At the request of Mr. HELMS, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 232

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 232, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Hawaii [Mr. AKAKA] 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. 332

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 332, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 350

At the request of Mr. THURMOND, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 350, a bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

S. 358

At the request of Mr. DEWINE, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. GRAMM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 405

At the request of Mr. HATCH, the names of the Senator from Kentucky [Mr. FORD], the Senator from Nebraska [Mr. HAGEL], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 406

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 406, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 433

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator

from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 460

At the request of Mr. BOND, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 529

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 529, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 599

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 599, a bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

S. 621

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 621, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes.

S. 643

At the request of Mr. DURBIN, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 643, a bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco.

S. 657

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 673

At the request of Mr. BREAUX, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 713

At the request of Mr. DODD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 713, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes.

S. 731

At the request of Mr. BUMPERS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 731, a bill to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title—relating to missing persons—as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 772

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 781

At the request of Mr. HATCH, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Mississippi [Mr. LOTT], the Senator from Kansas [Mr. ROBERTS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 800

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. LEVIN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Delaware [Mr. ROTH], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. MOYNIHAN], the Senator from Louisiana [Mr. BREAUX], the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Mr. DURBIN], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as ''National Literacy Day.''

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT

BAUCUS (AND OTHERS) AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. KERREY, and Mr. LANDRIEU) submitted an amendment intended to be proposed by them to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to

provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

Beginning on page 1, strike line 3 and all that follows through page 28, line 16 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family-Friendly Workplace Act of 1997''.

SEC. 2. APPLICATION TO CERTAIN EMPLOYEES IN THE PRIVATE SECTOR.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(r)(1) An employee who is not a part-time, temporary, or seasonal employee (as defined in paragraph (13)(C)), who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations promulgated by the Secretary under paragraph (3)(D), may receive, in accordance with this subsection and in lieu of overtime compensation, compensatory time at a rate not less than 1½ hours for each hour of employment for which overtime compensation is required by this section.

''(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

''(A) pursuant to—

''(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other written agreement between the employer and the representative of the employee; or

''(ii) in the case of an employee who is not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employees of the employer which provides employees with a voluntary option to receive compensatory time in lieu of overtime compensation for overtime work where there is an express, voluntary written request by an individual employee for compensatory time in lieu of overtime compensation, provided to the employer prior to the performance of any overtime assignment;

''(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (3)(A) or in regulations issued by the Secretary under paragraph (3)(D);

''(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

''(D) if the agreement or plan complies with the requirements of this subsection and the regulations promulgated by the Secretary thereunder, including the availability of compensatory time to similarly situated employees on an equal basis.

''(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

''(B) Upon the request of an employee who has earned compensatory time, the employer shall, within 15 days after the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

''(C) Not later than January 31 of each calendar year, an employer shall provide monetary compensation to each employee of the employer for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through compensatory time or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such monetary compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to subparagraph (D).

''(D) The Secretary may promulgate regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to—

''(i) exempt such employees from the provisions of this subsection;

''(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A); or

''(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C);

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, where a pattern of violations of this Act may exist, or to ensure that employees receive the compensation due them.

''(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of, or eligibility to receive, monetary compensation for earned compensatory time shall not be used—

''(A) by the employer to oppose an application of the employee for unemployment compensation; or

''(B) by a State to deny unemployment compensation or diminish the entitlement of the employee to unemployment compensation benefits.

''(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1)—

''(A) for any reason that would qualify for leave under section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such Act or law; or

''(B) for any other purpose—

''(i) upon notice to the employer at least 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the operations of the employer; or

''(ii) upon notice to the employer within the 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

''(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

''(7)(A) When an employee receives monetary compensation for earned compensatory time, the monetary compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits.

''(B) When an employee uses earned compensatory time, the employee shall be paid for the compensatory time at the employee's regular rate at the time the employee performed the overtime work or at the regular rate earned by the employee when the compensatory time is used, whichever is higher, and the hours for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

''(8) Except in a case of a collective bargaining agreement, an employer may modify or terminate a compensatory time plan described in paragraph (2)(A)(ii) upon not less than 60 days' notice to the employees of the employer.

''(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

''(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

''(A) to discharge, or in any other manner penalize, discriminate against, or interfere with, any employee because such employee may refuse or has refused to request or accept compensatory time in lieu of overtime compensation, or because such employee may request to use or has used compensatory time in lieu of receiving overtime compensation;

''(B)(i) to request, directly or indirectly, that an employee accept compensatory time in lieu of overtime compensation;

''(ii) to require an employee to request such compensatory time as a condition of employment or as a condition of employment rights or benefits; or

''(iii) to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time in lieu of overtime compensation; or

''(C) to deny an employee the right to use, or force an employee to use, earned compensatory time in violation of this subsection.

''(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to subsection (b) or (c) of section 16, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as

may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the liability of the employer under this paragraph, but not against liquidated damages due.

''(12)(A) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual—

''(i) if the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time was more than 90 days before the cessation of business, as if such date was within 90 days before the cessation of business by the employer;

''(ii) if the date the employer was or becomes legally or contractually obligated to provide such monetary compensation was within 90 days before the cessation of business by the employer, as of such date; or

''(iii) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, as of the date of ceasing to do business.

''(B) The amount of such monetary compensation shall not be limited by any ceiling on the dollar amount of wage claims provided under Federal law for such proceedings.

''(13) In this subsection—

''(A) the term 'overtime compensation' means the compensation required by subsection (a);

''(B) the term 'compensatory time' means hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of overtime compensation;

''(C) the term 'part-time, temporary, or seasonal employee' means—

''(i) an employee whose regular workweek for the employer is less than 35 hours per week;

''(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

''(iii) an employee in the construction industry, in agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

''(D) the term 'overtime assignment' means an assignment of hours for which overtime compensation is required under this section.

''(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.''.

SEC. 3. CIVIL MONEY PENALTIES.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended by striking the second sentence and inserting the following: ''Any person who violates section 6, 7, or 11(c) shall be subject to a civil penalty not to exceed $1,000 for each such violation.''.

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by adding at the end the following:

''(c)(1) No provision of this Act or of any order thereunder shall be construed to—

''(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time in lieu of overtime compensation;

''(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time in lieu of overtime compensation; or

''(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

''(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from section 7(r), to allow employers to provide more compensatory time than allowed under subsection (o) or (r) of section 7, or to supersede any limitations placed by subsection (o) or (r) of section 7, including exemptions and limitations in regulations issued by the Secretary thereunder.''.

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (referred to in this section as the ''Commission'').

(b) MEMBERSHIP; COMPENSATION; POWERS; TRAVEL EXPENSES.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b) of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633(a)(1) and (2) and (b)). The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of such Act (29 U.S.C. 2634 and 2635). The members of the Commission shall be allowed reasonable travel expenses in accordance with section 305(b) of such Act (29 U.S.C. 2635(b)).

(c) DUTIES.—

(1) STUDY.—The Commission shall conduct a comprehensive study of the impact of the provision of compensatory time on public and private sector employees, including the impact of this Act—

(A) on average earnings of employees, hours of work of employees, work schedules of employees, and flexibility of scheduling work to accommodate family needs; and

(B) on the ability of vulnerable employees or other employees to obtain the compensation to which the employees are entitled.

(2) REPORT.—

(A) IN GENERAL.—A report concerning the findings of the study described in paragraph (1) shall be prepared and submitted to the appropriate committees of Congress and to the Secretary not later than 1 year prior to the expiration of this title.

(B) RECOMMENDATIONS.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et. seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise given special treatment under the provisions;

(II) a recommendation on whether additional protections should be provided, including additional protections to employees of public agencies; and

(III) a recommendation on whether the provisions should be applied to any category of exempt employees.

(C) SPECIAL RULE.—The Commission shall have no obligation to conduct a study and prepare and submit a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; CESSATION OF EFFECTIVENESS.

(a) EFFECTIVE DATE.—The provisions of this title, and the amendments made by this title, shall become effective 6 months after the date of enactment of this Act.

(b) CESSATION OF EFFECTIVENESS.—The provisions of this title, and the amendments made by this title, shall cease to be effective 4 years after the date of enactment of this Act.

KENNEDY AMENDMENT NO. 362–367

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 362

Beginning on page 10, strike line 17 and all that follows through page 26, line 18, and insert the following:

(b) TECHNICAL AMENDMENT.—Section 7(r) of the Fair Labor Standards Act of 1938 (as added by subsection (a)) is amended in paragraph (6)(A) by striking clause (ii) and inserting the following:

''(ii) In clause (i), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation.''

AMENDMENT NO. 363

On page 28, after line 16, add the following:

(d) PROTECTION FOR CLAIMS RELATING TO COMPENSATORY TIME OFF.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking ''$4,000'' and inserting ''$9,000'';

(2) by striking ''for—'' and inserting the following: ''provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—''; and

(3) in subparagraph (A), by inserting before the semicolon the following: ''or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))''.

AMENDMENT NO. 364.

On page 7, strike line 13 and insert the following:

''(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

''(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

''(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

''(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

''(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

''(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

''(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

''(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

''(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

''(C) An agreement or understanding that is entered''.

AMENDMENT NO. 365.

Beginning on page 3, strike lines 15 through 23 and insert the following:

''(B) In this subsection:

''(i) The term 'employee' does not include—

''(I) an employee of a public agency;

''(II) an employee who is a part-time employee;

''(III) an employee who is a temporary employee; and

''(IV) an employee who is a seasonal employee.

''(ii) The term 'employer' does not include—

''(I) a public agency; and

''(II) an employee in the garment industry.

''(iii) The term 'employer in the garment industry' means an employer who is involved in the manufacture of apparel.

''(iv) The term 'part-time employee' means an employee whose regular workweek for the employer involved is less than 35 hours per week.

''(v) The term 'seasonal employee' means an employee in—

''(I) the construction industry;

''(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

''(III) any other industry that the Secretary by regulation determines is a seasonal industry.

''(vi) The term 'temporary employee' means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer.''

AMENDMENT NO. 366

On page 10, strike lines 4 through 7 and insert the following:

''(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

''(11)(A) The term 'compensatory time off' means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

''(B) The term 'monetary overtime compensation' means the compensation required by subsection (a).''.

AMENDMENT NO. 367

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

''(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

''(i) for any reason that qualifies for leave under—

''(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

''(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

''(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will cause substantial and grievous injury to the operations of the employer; or

''(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer.''

NOTICES OF HEARINGS

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families will be held on Thursday, June 5, 1997, at 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Pre-to-3: Policy Implications of Child Brain Development.'' For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Aging will be held on Thursday, June 5, 1997, at 2:30 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Challenges of Alzheimer's Disease: The Biomedical Research That Will Carry Us into the 21st Century.'' For further information, please call the committee, 202/224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Oversight of SBA's Microloan Program.'' The hearing will be held on June 12, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the Need for Renewal of the Fast Track Trade Negotiating Authority on Tuesday, June 3, 1997, beginning at 10 a.m. in SD–215, Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 3, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 3, 1997, at 1:30 p.m. for a hearing on the Department of Commerce's Technology Grant Programs.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 9:30 a.m. on Second Generation Internet.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 2:30 p.m. on Universal Service.

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

ADDITIONAL STATEMENTS

ON ALL SHORES

• Mr. MOYNIHAN. Mr. President, on my recent trip to Israel, I read an illustrative article in the Financial Times of London. It seems financial experts in England have come to a conclusion many financial institutions in the United States have failed, thus far, to reach. Namely, that it is too late to solve the year 2000 computer problem completely, and that it is hopeless to rely on a ''silver bullet'' to solve the problem. Instead, officials in the United Kingdom have concluded that the world economy faces a very time-consuming, labor-intensive project—the scope of which is unparalleled in modern history.

Upon my return to the United States, I found that Newsweek had just published an important article that will increase awareness, I hope, to the point of action. Thus, I remind my colleagues of my bill (S. 22) to set up a commission responsible for ensuring that all executive agencies are compliant by 2000. I hope my colleagues recognize—as the British have begun to do—what we now face and what we must do to ensure the proper functioning not only of our Government, but of the economy.

I ask that the Newsweek cover story, ''The Day the World Shuts Down'' and the Financial Times of London's story, ''Millenium Bomb Ticks Away'' be printed in the RECORD.

The material follows:

THE DAY THE WORLD SHUTS DOWN

Drink deep from your champagne glasses as the ball drops in Times Square to usher in the year 2000. Whether you imbibe or not, the hangover may begin immediately. The power may go out. Or the credit card you pull out to pay for dinner may no longer be valid. If you try an ATM to get cash, that may not work, either. Or the elevator that took you up to the party ballroom may be stuck on the ground floor. Or the parking garage you drove into earlier in the evening may charge you more than your yearly salary. Or your car might not start. Or the traffic lights might be on the blink. Or, when you get home, the phones may not work. The mail may show up, but your magazine subscriptions will have stopped, your government check may not arrive, your insurance policies may have expired.

Or you may be out of a job. When you show up for work after the holiday, the factory or office building might be locked up, with a handwritten sign taped to the wall: OUT OF BUSINESS DUE TO COMPUTER ERROR.

Could it really happen? Could the most anticipated New Year's Eve party in our lifetimes really usher in a digital nightmare when our wired-up-the-wazoo civilization grinds to a halt? Incredibly, according to computer experts, corporate information officers, congressional leaders and basically anyone who's given the matter a fair hearing, the answer is yes, yes, 2,000 times yes! Yes—unless we successfully complete the most ambitious and costly technology project in history, one where the payoff comes not in amassing riches or extending Web access, but securing raw survival.

What's the problem? It's called, variously, the Year 2000 Problem, Y2K or the Millennium Bug. It represents the ultimate indignity: the world laid low by two lousy digits. The trouble is rooted in a seemingly trivial space-saving programming trick—dropping the first two numbers of the date, abbreviating, say, the year 1951 to ''51.'' This digital relic from the days when every byte of computer storage was precious was supposed to have been long gone by now, but the practice became standard. While any idiot familiar with the situation could figure out that the world's computers were on a collision course with the millennium, no one wanted to be the one to bring it up to management. And, really, which executive would welcome a message from nerddom that a few million bucks would be required to fix some obscure problem that wouldn't show up for several years?

So only now, as the centurial countdown begins, are we learning that the digit-dropping trick has changed from clever to catastrophic. Because virtually all the mainframe computers that keep the world humming are riddled with software that refuses to recognize that when 1999 runs out, the year 2000 follows. When that date arrives, the computers are going to get very confused. (PCs aren't as affected; sidebar.) So that seemingly innocuous trick now affects everything from ATMs to weapons systems. Virtually every government, state and municipality, as well as every large, midsize and small business in the world, is going to have to deal with this—in fact, if they haven't started already it's just about too late. Fixing the problem requires painstaking work. The bill for all this? Gartner Group estimates it could go as high as $600 billion. That amount could easily fund a year's worth of all U.S. educational costs, preschool through grad school. It's Bill Gates times 30!

That tab doesn't include the litigation that will inevitably follow the system failures. ''You can make some very reasonable extrapolations about litigation that take you over $1 trillion, and those are very conservative estimates,'' says Dean Morehous, a San Francisco lawyer. (Conservative or not, this is more than three times the yearly cost of all civil litigation in the United States.)

Come on, you say. *Two measly digits*? *Can't we just unleash some sort of robo-program on all that computer code and clean it up*? Well, no. Forget about a silver bullet. It seems that in most mainframe programs, the date appears more often than ''M*A*S*H'' reruns on television—about once every 50 lines of code. Typically, it's hard to find those particular lines, because the original programs, often written in the ancient COBOL computer language, are quirky and undocumented. After all that analysis, you have to figure out how to rewrite the lines to correctly process the date. Only then comes the most time-consuming step: testing the rewritten program.

It's a torturous process, but an absolutely necessary one. Because if we don''t swat the millennium Bug, we'll have troubles everywhere.

Electricity. When the Hawaiian Electric utility in Honolulu ran tests on its system to see if it would be affected by the Y2K Bug, ''basically, it just stopped working,'' says systems analyst Wendell Ito. If the problem had gone unaddressed, not only would some customers have potentially lost power, but others could have got their juice at a higher frequency, in which case, ''the clocks would go faster, and some things could blow up,'' explains Ito. (Hawaiian Electric revamped the software and now claims to be ready for the year 2000.) Another concern is nuclear power; the Nuclear Regulatory Commission says that the Bug might affect ''security control, radiation monitoring . . . and accumulated burn-up programs [which involve calculations to estimate the hazard posed by radioactive fuel].''

Communications. ''If no one dealt with the year 2000 Bug, the [phone] network would not operate properly,'' says Eric Sumner Jr., a Lucent chief technology officer. He's not talking about dial tones, but things like billing (watch out for 100-year charges). Certain commercial operations that run phone systems by computer could also go silent if the software isn't fixed.

Medicine. Besides the expected mess in billing systems, insurance claims and patient records, hospitals and doctors have to worry about embedded chips—microprocessors inside all sorts of devices that sometimes have date-sensitive controls. The year 2000 won't make pacemakers stop dead, but it could affect the data readouts it reports to physicians.

Weapons. Newsweek has obtained an internal Pentagon study listing the Y2K impact on weapons and battlefield technologies. In their current state, ''a year 2000 problem exists'' in several key military technologies and they will require upgrading or adjustments. One intelligence system reverts to the year 1900, another reboots to 1969. The report confidently states that as far as nuclear devices like Trident missiles are concerned, ''there are no major obstacles which will prevent them from being totally Year 2000 compliant by Jan. 1999.''

Money. Banks and other financial institutions generally will go bonkers if they don't fix the year 2000 problem. The Senate Banking Committee is even worried that vertiginous computers might automatically erase the last 99 years worth of bank records. Some Y2K consultants are advising consumers to make sure they don't enter the 1999 holiday without obtaining hard-copy evidence of their assets. According to Jack Webb of HONOR Technologies, Inc., ATMs won't work without fixes.

Food. In Britain computers at the Marks & Spencer company have already mistakenly ordered the destruction of tons of corned beef, believing they were more than 100 years old.

Air-Traffic Control. ''We're still in the assessment stage, determining how big the problem is,'' says Dennis DeGaetano of the Federal Aviation Administration. One possible danger is computer lockup: while planes well keep moving at 12:01 a.m. on Jan. 1, 2000, the screens monitoring them, if not upgraded, might lock. Or the computers might know where the planes were, but mix them up with flights recorded at the same time on a previous day. (''You can bet we're going to fix it,'' says DeGaetano.)

Factories. Ford Motor Co. reports that if the Bug isn't fixed, its buildings could literally shut down—the factories have security systems linked to the year. ''Obviously, if you don't fix it, your business will stop in the year 2000,'' says Ford's David Principato. Even if a manufacturing company aggressively solves its own problem, though, it might be flummoxed by a supplier who delivers widgets in the wrong century.

Just About Everything Else. Larry Martin, CEO of Data Dimensions, warns that if not adjusted, ''on Jan. 1, 2000, a lot of elevators could be dropping to the bottom of buildings,'' heading to the basement for inspections they believe are overdue. Similarly, automobiles have as many as 100 chips; if they are calendar-challenged, experts say, forget about driving. Computerized sprinkler systems could initiate icy midwinter drenchings.

Like leaves rustling before a tornado, there have already been harbingers of a bureaucratic meltdown. At a state prison, a computer glitch misread the release date of prisoners and freed them prematurely. In Kansas, a 104-year-old woman was given a notice to enter kindergarten. Visa has had to recall some credit cards with expiration dates three years hence—the machines reading them thought they had expired in the McKinley administration.

The $600 billion question is whether we'll fix the Bug in time. The good news is that the computer industry is finally responding to the challenge. For months now, squardrons of digital Jeremiahs have been addressing tech conferences with tales of impending apocalypse. The most sought-after is Peter de Jager, a bearded Canadian who scares the pants off audiences on a near-daily basis. ''If we shout from the rooftops, they accuse us of hype,'' he complains. ''But if we whisper in an alley, no one will listen.'' Last week in Boston de Jager demonstrated the rooftop approach: ''If you're not changing code by November of this year,'' he warned, ''you will not get this thing done on time—it's that simple. We still don't get it.''

But we're starting to. Most major corporations now have year 2000 task forces, with full-time workers funded by multimillion-dollar budgets, to fix a problem that their bosses finally understand. They're aided by an army of consultants and specialized companies. Some, like Data Dimensions, offer full Y2K service, providing tools, programmers and guidance. Others, like Peitus, sell special software to help find offending code and, sometimes, even convert it. (The final, most arduous stage, testing, still defies automation.) These firms are the new darlings of Wall Street. But buyer beware—consultants are coming out of the woodwork to exploit the desperation of late-coming companies.

Someone might promise a phalanx of brilliant programmers to fix the Bug, but ''for all you know, it could be 10 people in a garage doing it by hand,'' says Ted Swoyer, a Peritus exec. Still, the creation of a Y2K-fixing infrastructure is encouraging.

It's not uncommon to find gung-ho efforts like the one at Merrill Lynch: an 80-person Y2K division working in shifts, 24 hours a day, seven days a week. It'll cost the company $200 million, a sum that could hire Michael Eisner and fire Mike Ovitz. ''Our return on investment is zero,'' says senior VP Howard Sorgen. ''This will just enable us to stay in business.''

So maybe we're not in for a full-scale disaster. Let us assume—oh God let it be true—that those in charge of life-sustaining applications and services will keep their promises to fix what needs fixing. The costs and liabilities of not doing so are too huge not to. (On the other hand, when did you last see a huge software project that met its deadline and worked perfectly? Just asking.) Still, there will almost certainly be severe dislocations because of the mind-boggling enormity of the problem.

Even the most diligent companies don't have total confidence they can fix everything. Consider BankBoston, the 15th largest commercial bank in the United States. Early in 1995, the company realized that ''it was a problem that could bring an institution to its knees,'' says David Iacino, who heads the bank's Team 2000. To stop a meltdown, BankBoston has to probe 60 million lines of code. the harder BankBoston works at solving the problem—it now has 40 people working full time on it—the more complicated it seems. ''Every day, when we see something new we haven't thought about, we get additional angst,'' said Iacino.

Of the 200 BankBoston applications that need revamping, only a handful have been completed so far. BankBoston is now separating the essential work from the noncritical, and if the Bug causes less dire problems, like the heavy vault doors swinging open on New Year's Eve, it'll just cope: ''Vaults are physical things,'' says Iacino. ''If push comes to shove, we can put a guard in front.''

Now, if BankBoston, which started early and has been driving hard, is already thinking triage, what is going to happen to institutions that are still negotiating in the face of a nonnegotiable deadline? The Gartner Group is estimating that half of all businesses are going to fall short. ''There's still a large number of folks out there who haven't started,'' says Matt Hotle, Gartner's research director.

As businesses finally come to terms with the inevitable, it's going to be panic time. In about a year, expect most of the commercial world to be totally obsessed with the Bug. ''Pretty soon we have to just flat stop doing other work,'' says Leo Verheul of California's Department of Motor Vehicles.

But no amount of money or resources will postpone the year 2000. It will arrive on time, even if all too many computers fail to recognize its presence.

''It's staggering to start doing mind games on what percentage of companies will go out of business,'' says Gartner's Hotle. ''What is the impact to the economy of 1 percent going out of business?'' Or maybe more: Y2K expert Capers Jones predicts that more than *5 percent* of all businesses will go bust. This would throw hundreds of thousands of people into the unemployment lines—applying for checks that may or may not come, depending on whether the government has successfully solved *its* Y2K problem.

What is the U.S. government doing? Not enough. ''It's ironic that this administration that prides itself on being so high tech is not really facing up to the potential disaster that is down the road a little bit,'' says Sen. Fred Thompson. If Y2K indeed becomes a calamity, it may well be the vice president who suffers—imagine Al Gore's spending the entire election campaign explaining why he didn't foresee the crisis. (Gore declined to speak to NEWSWEEK on Y2K problem).

Here's the recipe for a federal breakdown: not enough time and not enough money. While the Office of Management and Budget claims the problem can be fixed for $2.3 billion, most experts think it will take $30 billion. Rep. Stephen Horn held hearings last year to see if the federal agencies were taking steps ''to prevent a possible computer disaster,'' and was flabbergasted at the lack of preparedness. His committee assigned each department a letter grade. A few, notably Social Security, were given A's. (The SSA has been working on the problem for eight years and now has it 65 percent licked; at that rate it will almost make the deadline.) Those with no plan in place—NASA, the Veterans Administration—got D's. Special dishonor was given to places where inaction could be critical, yet complacency still ruled, like the departments of Labor, Energy and Transportation.

State governments are also up against the 2000 wall. California, for instance, finished its inventory last December and found that more than half of its 2,600 computer systems required fixes. Of those, 450 systems are considered ''mission critical,'' says the state's chief information officer John Thomas Flynn. These include computers that control toll bridges, traffic lights, lottery payments, prisoner releases, welfare checks, tax collection and the handling of toxic chemicals.

As bad as it seems in the United States, the rest of the world is lagging far behind in fixing the problem. Britain has recently awakened to the crisis—a survey late last year showed that 90 percent of board directors knew of it—but the head of Britain's Taskforce 2000, Robin Guenier, worries that only a fraction really understand what's required. ''I'm not saying we're doomed, but if we are not doing better in six months, I really will be worried,'' he says. He expects the cost to top $50 billion. On the Continent, things are much worse; most of the information-processing energy is devoted to the Euro-currency, and observers fear that when countries like Germany and France finally tackle 2000, it might be too late.

Russia seems complacent. Recently Mikhail Gorbachev met with Representative Horn in Washington, expressing concern about how far behind Russia is in dealing with the Bug; Gorbachev raised its possible impact on the country's nuclear safeguards.

The list can go on, and on and on. ''It's like an iceberg,'' says Leon Kappelman, an academic and Y2K consultant. ''I would certainly be uncomfortable if Wall Street were to close for a few days, but I can live with that. But what if the water system starts sending water out before it's safe? Or a chemical plant goes nuts? Anybody who tells you 'Oh, it's OK' without knowing that it's been tested is in denial.''

It's tough out there on the front lines of Y2K. And in less than a thousand days, it might be tough everywhere. ''There are two kinds of people,'' says Nigel Martin-Jones of Data Dimensions. ''Those who aren't working on it and aren't worried, and those who are working on it and are terrified.''

Tick, tick, tick, tick, tick.

MILLENNIUM BOMB TICKS AWAY

(By Alan Cane)

Staff at a Scottish bank, curious to know what effect the millennium date change would have on their systems, turned the clock on their mainframe computer forward to a minute before the turn of the century—and watched.

At first, the system continued to process financial records as before. Then, as time ticked on, the bankers realised that the figures made no sense. It took some time for older staff to realise what was happening. The machine had assumed it was working in 1900 and was calculating in pounds, shillings and pence, the denominations replaced by the present decimal system in 1971.

(Do not try that this at home. Your personal computer might crash or destroy information held in programs which rely on dates.)

The ''millennium bomb'' is the consequence of the computer specialist's habit of storing the year in a date as two, rather than four, digits—97 rather than 1997. It was a way of saving space when computer memory was expensive. Few programmers expected systems written many years before the millennium to be in use after it.

The result? ''Never in human history have we shot ourselves in the feet so badly,'' says Mr. Brad Collier, a director of Millennium UK, a consultancy which specialises in the problem.

Nobody who has investigated the problem has any doubt that it is serious and complex and will touch the lives of virtually everyone. In the UK, the normally unemotional National Audit Office, the public spending watchdog, has warned that unless government systems are modified in time, salaries might not be paid, invoices might not be issued, collection of taxes could be put at risk, defence systems could malfunction and inaccurate hospital records could be created.

While the government is taking urgent steps to ensure that its systems will work after 2000, the NAO detected some indications that its programme was slipping behind schedule. Computers and software fresh out of the box today are as likely to fail a 2000 compliance test as older systems, so ingrained is the habit—which persists—of writing the year as two digits.

Then there is the problem of ''embedded processors''. These are silicon chips which control everything from traffic lights and medical equipment to power stations and electronically guided weapons. They may or may not be affected by the date change—the lack of information is a serious hindrance.

If hospital radiation equipment were affected, for example, it might deliver inaccurate doses or close down completely. Sir Robert Horton, the chairman of Railtrack, the company responsible for the UK's railway infrastructure, told a seminar this year that embedded systems could affect lifts, access controls, switchboards and facsimile machines.

Mr. Robin Guenier, head of TaskForce 2000, the unit set up by the government to raise awareness of the problem, says it is already too late to solve the problem in its entirety. But he counsels against despair or panic.

Yet it is important to realise that while fixing the millennium bomb is not technically difficult, it is tedious, time-consuming and detailed.

As a first step, it is sensible to protect your job by asking your employers what steps they have taken to deal with the problem. The next step is to protect your savings and investments by asking these same question of your financial services companies—banks, pension funds, brokers and so on. Only if they show no signs of understanding what you mean should you take extreme steps, such as withdrawing your funds.●

TRIBUTE TO THE PHILADELPHIA MARTIN LUTHER KING, JR. ASSOCIATION FOR NONVIOLENCE

● Mr. SANTORUM. Mr. President, our nation's children are turning to crime and violence at alarming rates. Perhaps more than ever before, young people need direction from good men and women in their communities who are willing to get involved. They need role models to help them understand that an honest life is not an easy life, but it is a better life. Fortunately, there are people and groups who are reaching out to at-risk youth. Today, I rise to commend the efforts of one such organization. The Philadelphia Martin Luther King, Jr. Association for Nonviolence is making a difference, one child at a time.

On April 4, the anniversary of Dr. King's assassination, the Association for Nonviolence sponsored a ''Youth and the Culture of Violence'' town meeting. This event brought a cross-section of the community together to discuss violence prevention programs, current statistics on youth violence, and new ideas for training young people to solve their problems peacefully. Teenagers from the Philadelphia area joined community leaders, educators, juvenile justice officers, psychologists, and other concerned citizens in this important outreach effort.

Almost 30 years ago, Dr. King gave his life for his dream of a non-violent world. Through peaceful protest, he changed the heart of a nation. Dr. King's dream of a just, peaceful society lives on through the work of those who continue to teach his principle of nonviolence. It is fitting that the organization which bears his name is reaching out and offering hope to a new generation.

Mr. President, I commend the Philadelphia Martin Luther King, Jr. Association for Nonviolence for addressing the issue of youth violence. I ask my colleagues to join me in recognizing the important work this organization has done and in extending the Senate's best wishes for continued success to the men and women who have dedicated their lives to preventing youth violence.●

TRIBUTE TO HENRY P. JOHNSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Henry P. Johnson of Meriden, NH, retired plant manager of Dorr Woolen Co., for his exceptional service as a volunteer executive in Krasnador, Russia.

Henry worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization that sends retired Americans to assist businesses and private enterprises in the developing world and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

Henry helped provide technical and managerial leadership to improve the lives of the citizens of Krasnador, Russia. He assisted Kubantex, a textile company, to set up a business and marketing plans. Henry was an ''international volunteer'' for our Nation and has represented our strong democratic beliefs and practices of a free-market economy.

His spectacular display of voluntarism provided active assistance for people in need and helped to build strong ties of respect and trust between America and Russia. Henry's mission will help to end the cycle of dependency on foreign assistance, by fostering private sector involvement in international development.

I commend Henry for his dedicated service and I am proud to represent him in the U.S. Senate.●

MARILYN MOORE, 1997 MISSOURI SMALL BUSINESS PERSON OF THE YEAR

● Mr. BOND. Mr. President, today I pay tribute to an exceptional small business person and fellow Missourian: Marilyn Moore. Marilyn recently received the Small Business Administration's [SBA] 1997 Small Business Person of the Year Award for Missouri. As chairman of the Committee on Small Business, it is exciting for me to congratulate such a respected and dedicated leader from my home State of Missouri.

The SBA honors one small business person from each State at national ceremonies during Small Business Week, June 1–7. These small business owners are acknowledged for their achievements and contributions to the Nation's economy. SBA uses several criteria to select the small business person from each State, these include; staying power, growth in number of employees, increase in sales and/or unit volume, current and past financial reports, innovative product or service, response to adversity, and evidence of contributions by the nominee to aid the community. The small businesses are nominated by trade associations, chambers of commerce, and business organizations. The SBA then selects from each State the business it feels has best met all of the criteria.

Missouri's representative, Marilyn Moore, is president of TeamRehab, Inc., located in Clayton, MO. Her company is dedicated to providing therapy services to physically challenged individuals. TeamRehab uses physical, occupational, and speech therapy to help these individuals, and its services extend to more than 35 nursing home facilities, outpatient clinics, and home health agencies in the greater St. Louis metropolitan area and southern Illinois. TeamRehab was established in 1982 with two employees, and since that time has grown to more than 135 employees. TeamRehab is committed to quality care as demonstrated by its mission to enhance the quality of life and dignity of our clients.

Marilyn's work in the St. Louis community is exemplary, and not only have TeamRehab's clients benefited from her work, but so have her employees. Marilyn is known for her fairness and commitment to a team effort. Her commitment to this team has proven successful as she continues to help her clients strive to remain as self-sufficient as possible.

Abraham Lincoln stated ''Always bear in mind that your own resolution to succeed is more important than any other one thing.'' TeamRehab's success and accomplishments are testimony to her resolve. She is a role model for all small business owners and I congratulate Marilyn Moore for this well-deserved honor.●

THE BUDGET

● Mr. KYL. Mr. President, I rise to speak for a few minutes today about the budget that passed the Senate a week-and-a-half ago—a budget that I opposed. In particular, I want to discuss what appears to have made it possible for congressional leaders and the White House to bridge their differences and produce a budget agreement that allegedly leads to balance by the year 2002.

Mr. President, it seems to me that it was a projected $225 billion surge of revenue from a strong and growing economy—an extra $45 billion in each of the next 5 years—that helped bridge the gap. Without that additional revenue, which was identified by the Congressional Budget Office the night before the agreement was reached, no deal would have been possible.

Of course, the negotiators did not reach balance by applying that revenue windfall to deficit reduction or tax relief, as you might expect. Most of it was used instead to accommodate higher levels of spending demanded by President Clinton and even some in Congress. In other words, balance would be achieved, but at a level of spending $45 billion higher per year than if all the additional revenue were applied to deficit reduction or tax relief alone. The fact that the budget deal enlarges Government is one reason why I voted against it.

Still, the budget negotiators rightly identified a thriving economy as one of the keys to solving our Nation's chronic deficit problem. And unlike previous budget agreements, they looked to economic growth to provide the additional revenue, avoiding the trap of tax increases, which limit the economy's potential and, in turn, make it harder to eliminate the red ink. They even found a way to provide a limited amount of tax relief.

But with the deal so dependent upon economic growth, and no significant changes in policy to prevent the already lengthy expansion from running its course within the next few years, many of us believe that it will be difficult, if not impossible, to ever realize the extra revenues that the budget agreement depends on to bring the budget into balance.

As you know, Mr. President, the agreement itself provides no tax cuts—no family tax credit, capital gains relief, death-tax relief, or education tax credit. It merely establishes the overall size of the tax cut that Congress will begin writing in a few weeks. It permits a net tax cut of $85 billion over the next 5 years—a minuscule amount considering that the Treasury will collect an estimated $8.6 trillion over that time period.

Considering that even the modest tax-cut package congressional leaders proposed earlier this year—a $500-per-child tax credit, a 50-percent cut in the capital-gains tax, estate-tax relief, and expanded Individual Retirement Accounts—will cost an estimated $188 billion, it is doubtful that Congress will be able to provide even that level of relief. It is more than twice the net tax cut allowed by the agreement. The limited amount of tax relief is another reason that I voted against the budget agreement.

Rather than spread tax relief so thin that it does no one much good, some of us are now suggesting that we focus relief on just a few things that will do the most good for the economy overall—that is, on capital formation. After all, not one business can begin, not one company can expand, not one new job can be created, not one wage can be increased without the capital to start.

With that in mind, the single best thing we could do would be to provide a deep reduction in the tax on capital gains. Ideally, the reduction should match that which was recommended by Democratic President John F. Kennedy as part of his economic growth plan in 1963—a 70-percent exclusion for gains earned by individuals, and an alternative tax rate of 22 percent for corporations. Ironically, President Kennedy's plan, which I introduced this year as the Capital Gains Reform Act, S. 72, proposed even deeper capital-gains cuts than the Republican Congress passed a year-and-a-half ago.

Capital-gains reform will help employers and employees. The American Council for Capital Formation estimates that a Kennedy-like plan would reduce the cost of capital by at least 8 percent, leading to as many as 150,000 new jobs a year.

It will also help the Treasury. Between 1978 and 1985, the top marginal tax rate on capital gains was cut by almost 45 percent—from 35 percent to 20 percent—but total individual capital gains tax receipts nearly tripled—from $9.1 billion to $26.5 billion annually. That may come as a surprise to some people, but the fact is that when tax rates are too high, people merely hold on to their assets to avoid the tax altogether. No sale, no tax. But that means less investment, fewer new businesses and new jobs, and—as historical records show—far less revenue to the Treasury than if capital-gains taxes were set at a lower level.

Research by experts at the National Bureau of Economic Research actually indicates that the maximizing capital-gains tax rate—that is, the rate that would bring in the most revenue to the Treasury—is somewhere between nine and 21 percent. The Capital Gains Reform Act, by virtue of the 70 percent exclusion, would set an effective top rate on capital gains earned by individuals at about 12 percent.

President Clinton recognized the importance of lessening the capital-gains tax burden by proposing to eliminate the tax on most gains earned on the sale of a home. That is a step in the right direction, but if a capital-gains tax cut is good for homeowners, it should be good for others who save and invest as well. I believe we ought to follow the Kennedy model and provide a permanent, broad-based capital-gains tax cut.

Mr. President, estate-tax relief is the second item that should be accommodated within the limited amount of tax relief available under the budget agreement. I have proposed that such death taxes be repealed outright, as recommended by both the Clinton-sponsored White House Conference on Small Business in 1995 and the Kemp tax-reform commission in 1996.

The respected liberal Professor of Law at the University of Southern California, Edward J. McCaffrey, recently observed that polls and practices show that we like sin taxes, such as on alcohol and cigarettes. ''The estate tax,'' he went on to say, ''is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long-term savings.'' The estate or death tax thus discourages the very activity that is necessary to help our economy grow and prosper.

The tax is particularly harmful to small businesses, including those owned by women and minorities. It is imposed on a family business when it is least able to afford the payment—upon the death of the person with the greatest practical and institutional knowledge of that business's operations. It should come as no surprise then that a 1993 study by Prince and Associates—a Stratford, CT consulting firm—found that 9 out of 10 family businesses that failed within 3 years of the principal owner's death attributed their companies' demise to trouble paying death taxes.

In other words, instead of passing a hard-earned and successful business on to the next generation, many families have to sell the company in order to pay the death tax. The upward mobility of such families is stopped in its tracks. The proponents of this tax say they want to hinder concentrations of wealth. What the tax really hinders is new American success stories.

The Heritage Foundation estimates that repeal will, over the next 9 years, spur $11 billion per year in extra output, lead to the creation of an average of 145,000 additional jobs, and increase personal income $8 billion a year over current projections.

Mr. President, I know that my two bills—one providing a deep reduction in the capital gains tax, and the other eliminating death taxes—will probably not pass in their current form. The small amount of tax relief allowed by the budget agreement will not permit it if we are to provide child-tax credits, education credits, and other tax relief as well. But it is capital-gains and estate-tax reform that could help keep the economy on track, producing the revenues needed to bring the budget into balance.

As President Kennedy put it, ''An economy hampered with high tax rates will never produce enough revenue to balance the budget, just as it will never produce enough output and enough jobs.'' Capital-gains and estate-tax relief should be at the top of the list when it comes time for Congress to write a tax bill in the coming weeks.●

MSGR. KENNETH VELO

● Ms. MOSELEY-BRAUN. Mr. President, it is my pleasure to congratulate Msgr. Kenneth Velo, president of the Catholic Church Extension Society and priest of the Archdiocese of Chicago, as the Joint Civic Committee of Italian Americans honors him on June 7, 1997 as the recipient of the Joseph Cardinal Bernardin Humanitarian of the Year Award.

Monsignor Velo, who was born on Chicago's south side, was ordained as a Catholic priest in May 1973, after attending St. Mary of the Lake Seminary in Mundelein, IL. Monsignor Velo served as associate pastor of St. Angela Parish in Chicago from 1973 to 1980 and as associate pastor of Queen of All Saints Basilica from 1980 to 1981. In 1981, he assisted the Archdiocese of Chicago as assistant chancellor, and from 1983 to 1985 served as vice-chancellor of the Archdiocese of Chicago.

Known for his ability to remember not only names and faces, but the circumstances of the people he encountered, Monsignor Velo was asked by the late Joseph Cardinal Bernardin, Archbishop of Chicago, to serve as the Cardinal's executive assistant in 1985. Monsignor Velo would serve the Cardinal in this capacity for 14 years. Monsignor Velo was, at times, the Cardinal's sounding board, driver, eyes and ears. Ultimately, it would be Monsignor Velo who would orchestrate Cardinal Bernardin's death rites and care for the Cardinal's mother after his death. No one will ever forget the powerful and moving eulogy the Monsignor delivered in memory of his friend.

In 1994 Pope John Paul II, moved by his reputation as a public servant, appointed Monsignor Velo to be President of the Catholic Church Extension Society, a national philanthropic organization that has helped isolated and impoverished missions throughout the United States since 1905. As president of the Catholic Church Extension Society, Monsignor Velo has only reaffirmed his reputation as an individual dedicated to helping others.

Monsignor Velo is a true humanitarian. Today, I extend my sincere congratulations to Monsignor Velo for receiving the Joseph Cardinal Bernardin Humanitarian of the Year Award. Through his extraordinary personal effort for the betterment of our community, Monsignor Velo truly has personified the humanitarian nature of Joseph Cardinal Bernardin. I am proud to join the Joint Civic Committee of Italian Americans in recognizing Monsignor Velo's achievements.●

TRIBUTE TO DR. RUDY ELLIS

● Mr. McCONNELL. Mr. President, today I rise to mourn the death and celebrate the life of a close friend, Dr. Rudy J. Ellis, Sr., who passed away this past Monday, June 2, 1997.

Dr. Rudy Ellis was an inspiration to those who knew him. He was a respected orthopedic surgeon in Louisville, KY, and was the team physician for University of Louisville athletics. Through the years, Rudy touched the lives of many people in the community as well as the thousands of Cardinal athletes that he treated during his 35 years as U of L's team doctor.

I had one thing in common with Rudy, we both started at the University of Louisville at about the same time. He became the U of L team physician in 1961. Since that time, he treated athletes in all sports, except when he stepped down from the Cards' football and baseball teams in 1986. Dr. Rudy Ellis has done more good for more people through the university than virtually anyone else.

As a U.S. Senator, I get to travel across Kentucky and meet many great people who have made a difference in the State. And if I had to make a list of the truly great Kentuckians, Dr. Rudy Ellis would rank in the Top five.

A former member of the U of L's board of trustees and board of overseers, Rudy was one of the pioneers in sports medicine in Kentucky. He opened the Rudy J. Ellis Sports Medicine Center in 1980. And over the years, he has been an integral part of the athletic programs at many Jefferson County high schools, by providing free annual physical examinations for the 4,000 athletes in the school system. In 1993, to show their appreciation for his hard work and compassion for the young athletes, the athletic directors from across Kentucky created an award for people who provide distinguished service to high school sports. Who better to receive the first award than the man they named it after, Dr. Rudy Ellis.

High school gyms and the University of Louisville weren't Rudy's only stomping grounds; he also participated in the athletic programs at Bellarmine College, Lindsey Wilson Junior College, Hanover College, St. Catherine College, Spalding University, Louisville Redbirds, Kentucky Colonels Basketball Team, CBA Catbirds Basketball Team and Louisville Shooters Basketball Team. And in 1994, Rudy was recognized for all his work when he was inducted into the Kentucky Athletic Hall of Fame.

Mr. President please join me in extending my heartfelt sympathy and prayers to the Ellis family, his wife Ruth Anne and his four children, John, Jim, Linda and Amy, and to all those whose lives he touched. He will be missed very, very much.

Mr. President I ask that two articles from the Louisville Courier-Journal be printed in the RECORD.

The articles follow:

[From the Courier-Journal, June 3, 1997]

ELLIS, BELOVED U OF L TEAM DOCTOR, DIES AT 78

(By Ashley McGeachy)

Dr. Rudy J. Ellis, the caretaker of University of Louisville athletes for more than 35 years, died of an apparent heart attack yesterday morning. He was 78.

Details of Ellis' death were sketchy, but he and his wife, Ruth Anne, were in Vicksburg, Miss., over the weekend for his high school reunion. He died there.

Ellis was said to be in fine health as he embarked on the trip. He had suffered a heart attack five years ago to the day of his death, but he had suffered no serious health problems since.

An orthopedic surgeon, Ellis became the team physician for all U of L sports in 1961 and worked with all athletes through 1986 when he stepped down from the Cards' football and baseball teams. He was a U of L institution who never was paid for his work.

As news of Ellis' death spread throughout the U of L community, there was sadness over the loss of the soft-spoken, gentle man who healed whoever was ailing.

''He loved athletes whether it was a high school kid or a professional,'' said Cardinals basketball trainer Jerry May, who worked with Ellis since joining U of L as a student trainer in 1971. ''He loved to make sure that they were taken care of. He probably never got paid much for any athlete he ever saw, but the prerequisite wasn't whether they could pay. The prerequisite was them being hurt.''

May drove the Ellises to the airport Thursday night for their trip to Mississippi and was scheduled to pick them up last night.

''He was like a father to me,'' May said. ''We were very close. We roomed together (on road trips) and have ridden many a mile together.''

Said a teary Sherry Samenick, a U of L trainer who worked with Ellis for 17 years: ''He's the epitome of loyalty, dedication, love, friendship and selflessness. . . . He didn't turn anybody down.''

Ellis helped everyone from the biggest stars at U of L to high school athletes to ailing fans and media members. He helped Darrell Griffith and Scooter McCray when they had knee problems, Dwayne Morton when he broke his hand, Samaki Walker when he fractured his foot and, most recently, DeJuan Wheat when he sprained his ankle during the NCAA Tournament in March.

''I don't care how long you're at it, you never get used to it,'' Ellis once said of dealing with players' injuries. ''You get real close to these kids, kind of feel like they're your own children, and you get a little frightened every time they take a spill.''

When Scott Davenport, an assistant basketball coach at U of L, broke his arm at age 6, Ellis fixed it. When Davenport's son, Doug, fractured his leg seven years ago, Ellis' son, John, fixed it.

''One generation set one; one generation set the other,'' Davenport said, adding, ''How many people do you meet in a lifetime who have never had anything bad said about them?''

Said U of L athletic director Bill Olsen: ''Dr. Ellis meant a lot to this program. . . . His caring and compassion for people extended beyond athletes. Everyone had a lot of confidence in Doc. He was your best friend; he was a father figure to many student-athletes and in many ways was a coach.''

Jock Sutherland, the longtime radio announcer for U of L, added: ''He was a great person. There aren't many people outside of your family that you can say you love. I actually love Rudy Ellis. I love everything he stands for.''

The university honored Ellis in 1995 with a scholarship in his name. He was inducted into the Kentucky Athletic Hall of Fame in 1994.

A native of Mississippi, he attended Mississippi State on a football scholarship and was the Bulldogs' starting quarterback from 1938 through '40. He graduated from U of L's medical school in '43 and became the Cards' team physician in 1961 at the behest of Peck Hickman, then the basketball coach.

He opened the Rudy J. Ellis Sports Medicine Center in Louisville in 1980, and he served at times as team physician for the Louisville Redbirds and the old Kentucky Colonels. He worked with Bellarmine College, Lindsey Wilson College, Hanover College, St. Catharine College and Spalding University in addition to the Jefferson County Public Schools.

Pearson's Funeral Home on Breckinridge Lane is handling the services, although the family didn't plan to make arrangements until today.

Ellis is survived by his wife and four children, sons John and Jim, and daughters Linda and Amy.

LOUISVILLE HAS LOST A DOCTOR TO US ALL

(By Rick Bozich)

I didn't want to call Dr. Rudy Ellis' home at 10:45 on a Tuesday night during Super Bowl week. But when you're a newspaper person on deadline, where else were you going to turn for an explanation of how an anterior cruciate ligament works and how you repair it?

You called Rudy Ellis, doctor to us all.

The first thing he did was tell me to stop apologizing for calling at that hour.

The second thing was to explain everything he knew about the anterior cruciate ligament, how he repaired one and how long the recovery is.

And, finally, after he asked how I was enjoying New Orleans, the third thing he did was make me promise to call back later that evening if I had further questions about anything he had just patiently explained in incredible detail for 20 minutes.

''Don't worry about it, paaaart-ner,'' Ellis always said in that soft comforting drawl that rolled all the way back into his boyhood days in Mississippi. ''We'll take care of it.''

Ellis did not believe in the doctor-patient relationship. He believed in the friend-friend relationship. He was an orthopedic surgeon who handled sports-related problems, but his real specialty was his warm and compassionate personality.

It did not matter whether you were a University of Louisville Cardinal, a Louisville Redbird, a Kentucky Colonel, a five-morning-a-week jogger or a substitute third baseman in a Sunday night softball league—you lost a tireless friend when Rudy Ellis died yesterday.

Ellis was as concerned about your knee as Darrell Griffith's knee, as worried about your shoulder as Felton Spencer's shoulder, as interested in your day as he was in anything he was doing in the most action-packed retirement I have ever seen.

You were just as likely to find him and his associates at the Streetball Showdown as you were at Freedom Hall, where he served so many years as the U of L team physician.

Jim Watkins, the athletic director for Jefferson County Public Schools, cannot remember when this state has conducted finals for any sport without representatives of Ellis' office on the scene.

In 1993 athletic directors across Kentucky created an award for friends of high school sports, outside of school personnel, who provide distinguished service. Not only did the athletic directors give Ellis the first award, but they also named it the Dr. Rudy J. Ellis Award.

''Nobody could be more deserving,'' Watkins said. ''Or more humble.''

Ellis never sent the high schools a bill. He only sent every patient on the way with a smile, convincing you that if you followed his instructions you'd be hanging on the rim again soon. No wonder so many local athletes who have become professionals never let another doctor take their temperature until they checked with him.

Griffith was not Dr. Dunkenstein, the 1980 college basketball player of the year, when he met Ellis. Griffith was a terrified Male High School sophomore wincing from every breath after taking a hard shoulder to his chest at practice.

''You look a little worried, son,'' Ellis said after Wade Houston, the Male coach, brought Griffith to the office. ''Well, you're going to live. In fact, you'll be fine.''

''Dr. Ellis wasn't in medicine for the money,'' Griffith said. ''He was really in medicine to help people. When you looked in his eyes, you saw he really cared about you.''

Ask any high school athlete who attended Super Saturday. For at least the past 15 years, Ellis organized a battalion of local doctors and trainers who provided physical examinations for any high school athlete. He insisted that the Super Saturdays be staged three times a year so athletes from fall, winter and spring sports were covered. Watkins said the doctors examined 1,500 to 2,000 students at each session.

At each free session, that is.

''There aren't many people like Rudy Ellis,'' Watkins said. ''He truly believed it was his responsibility that every athlete had quality medical care.''

''Louisville has lost a great man,'' Griffith said.

And Louisville has lost a great friend.●

TRIBUTE TO WILLIAM E. BREW, MINORITY GENERAL COUNSEL, SENATE COMMITTEE ON VETERANS' AFFAIRS

● Mr. ROCKEFELLER. Mr. President, I note with great sadness the departure of someone who had become a veritable institution on the staff of the Senate Committee on Veterans' Affairs—minority general counsel, William E. Brew.

Bill retired from the Committee on April 4, 1997—19 years and 1 day after he came for what he believed, at the time, was a less than 2-year commitment. How fortunate we all have been that those 2 years stretched out for almost 2 decades!

When Bill joined the committee staff as associate counsel in April 1978, the Committee was still fairly young—it had only been established in 1971. So, the fact is, Bill has been with the Committee for almost as long as the Committee itself has been in existence. Ask him about any piece of legislation that came before the committee during his tenure, and he can most likely give you a blow-by-blow description of its legislative history, the major players involved, subsequent modifications, etc. Everyone who has heard of Bill's departure has commented on how great the loss of his institutional memory will be.

Bill is truly a fountain of knowledge about veterans legislation. But his is no dry history lesson. Bill is a wonderful storyteller, whose recounting of the past is full of humor and the little details that bring those events to life.

And no one shares his knowledge more generously and willingly than Bill. He is a gifted teacher. Countless young—and not so young—legislative staffers have benefited from his unique expertise. Bill's patience is legendary. No matter how many times he explained something, he was always willing to take time to go over it again. His mentoring of younger staffers was particularly meaningful to many with whom he discussed not only work issues, but life goals and philosophies.

Bill anchored the committee through times of change. He saw the committee through several shifts of control from Democratic to Republican Congresses, and although a committed Democrat himself, won the respect and appreciation of both Democratic and Republican chairmen alike. He was tremendously helpful to me at the time I assumed chairmanship of the committee in 1993. He has truly been a mainstay of the committee.

Bill is a graduate of Notre Dame (B.A.) and Catholic University School of Law (J.D.), a two-term veteran of the Navy, including 18 months duty in Vietnam, and a devoted family man, the father of five children. He is a role model of old-fashioned values—honesty, integrity, fairness, service to others, modesty. He is a true team player. He never claimed the spotlight, but was always there, behind the scenes, to offer his wise counsel, expert guidance, and astute judgment.

Bill thoroughly understood the legislative process and was a highly effective advocate for veterans. He is a master of negotiation, able to sort through complex issues and focus on realistic solutions that weigh the ideal vs. the attainable. Whether or not they agreed with him on an issue, all who dealt with him knew him to be fair-minded, balanced, and an often calming voice of reason in the heat of intense discussions that shaped important legislation.

Bill's accomplishments are many. Most significant among them are legislation leading to establishment of the U.S. Court of Veterans Appeals for judicial review of veterans claims, and the Veterans' Claims Adjudication Commission to conduct a comprehensive review of the claims process; expansion of programs relating to the readjustment needs of Vietnam and post-Vietnam veterans, including creation of a National Center on Post Traumatic Stress Disorder; implementation of several initiatives to address the problem of nurse shortages at VA hospitals; changes in VA's procedures responding to the needs of women veterans sexually assaulted while on active duty; and revision of VA health care eligibility rules. He also collaborated with the General Accounting Office to design and conduct a study evaluating the supervision of VA surgical residents, and then worked with VA to carry out recommended changes leading to increased quality of surgical care.

Bill left behind big shoes to fill. He is enormously missed by all of us who worked with him.●

RECOGNITION OF CFIDS AWARENESS DAY

● Mr. SANTORUM. Mr. President, I rise today to reaffirm my support for the tireless effort of the Chronic Fatigue Syndrome Association of Lehigh Valley to fight chronic fatigue and immune dysfunction syndrome [CFIDS], or Chronic Fatigue Syndrome [CFS].

For five years, the CFS Association of Lehigh Valley has been dedicated to finding a cure for CFIDS, increasing public awareness, and supporting victims of this disease. The Lehigh Valley organization is actively involved in CFS-related research. In addition, they regularly participate in seminars to train health care professionals. Public education is an essential aspect of the association's mission. For instance, they arranged the broadcast of a video documentary about CFIDS on public television. Likewise, the Lehigh Valley organization raises public awareness through the International CFIDS Awareness Day, which is held on May 12 each year. I would also note that the CFS Association of Lehigh Valley received the CFIDS Support Network Action Award in both 1995 and 1996 for their initiatives in public advocacy.

Although researchers have made some advances in the study of this condition, CFIDS remains a mysterious illness. Presently, there is no known cause or cure. Victims experience a wide range of symptoms including extreme fatigue, fever, muscle and joint pain, cognitive and neurological problems, tender lymph nodes, nausea, and vertigo. Recently, the Centers for Disease Control gave CFIDS ''Priority 1'' status in the new infectious disease category, which also includes cholera, malaria, hepatitis C and tuberculosis. Until this disease is obliterated, the CFS Association of Lehigh Valley will continue its research and education campaigns.

Mr. President, I urge my colleagues to join me in commending the Lehigh Valley organization and in supporting the following proclamation, which I ask be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome (CFS) Association of the Lehigh Valley joined the Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Association of America, the world's largest organization dedicated to conquering CFIDS, in observing May 12, 1997 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley, a member of the Support Network of the CFIDS Association of America, is celebrating their fifth year of service to the community; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley recently received the CFIDS Support Network Action Award for Excellence in Service in the Area of CFIDS Awareness Day 1996 and for Excellence in Commitment and Service to the CFIDS Community in the Area of Public Policy; and

Whereas, CFIDS is a complex illness which is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue, and numerous other symptoms that can persist for months or years and can be severely debilitating; and

Whereas, estimates suggest that hundreds of thousands of American adults already have CFIDS; and

Whereas, the medical community and the general public should receive more information and develop a greater awareness of the problems associated with CFIDS. While much has been done at the national, state, and local levels, more must be done to support patients and their families; and

Whereas, research has been strengthened by the efforts of the Centers for Disease Control, the National Institutes of Health, and other private institutions, the CFS Association of the Lehigh Valley recognizes that much more must be done to encourage further research so that the mission of conquering CFIDS and related disorders can be achieved.

Therefore, the United States Senate commends the designation of May 12, 1997 as CFIDS Awareness Day and applauds the efforts of those battling the illness.

Mr. SANTORUM. I appreciate the Senate's consideration of this issue, and I thank my colleagues for their attention.●

JEWEL S. LAFONTANT-MANKARIOUS

● Ms. MOSELEY-BRAUN. Mr. President, today I would like to offer my sincere condolences to the family, friends, and colleagues of Jewel S. Lafontant-Mankarious. I especially want to convey my most heartfelt condolences to Mrs. Lafontant-Mankarious's son and my dear friend, John Rogers.

On Saturday, May 31, 1997, our Nation lost one of our finest citizens. Mrs. Lafontant-Mankarious, a native of my hometown Chicago, will be remembered by many as a courageous woman who broke barriers for African-American women in law and government.

Jewel Lafontant-Mankarious was born of a distinguished family of African-American professionals and leaders, who had a long history of American patriotism. It was only natural that she would want to follow in this tradition of leadership. Mrs. Lafontant-Mankarious' desires led her to pursue an undergraduate degree in political science at Oberlin College, and later a law degree from the University of Chicago, where she graduated in 1946. Due to the level of institutional racism and sexism that existed in the legal field at that time, however, Mrs. Lafontant-Mankarious found herself unable to secure a job in a major firm, obtain office space in the downtown area, or even join the Chicago Bar Association. Mrs. Lafontant-Markarious was resilient, however, and would later rise to become a senior partner in the firm of Stradford, Lafontant, Gibson, Fisher & Cousins, senior legal partner at Vedder, Price, Kaufman & Kammholz, and a partner in the law firm of Holleb & Collef. Just this past year, in fact, Mrs. Lafontant-Mankarious was cited as one of the top female attorneys in the city of Chicago.

Her success never interfered with her commitment to public service. Mrs. Lafontant-Mankarious, has been remembered as ''a regal woman, a person of the highest integrity,'' who ''gave her legal services to the downtrodden people who couldn't fight for themselves.''

It was this sense of fairness that led Mrs. Lafontant-Mankarious in her other endeavors. A longtime civil rights activist, Mrs. Lafontant-Mankarious was a founding member of the Congress for Racial Equality, held office in the Chicago chapter of the NAACP, and was on the board of the American Civil Liberties Union. In this capacity she is remembered for showing the same sort of tenacity and resilience that brought her success in her legal career, and is known for using innovative, yet peaceful, methods to bring about change. In later years, Mrs. Lafontant-Mankarious would continue to be active in countless civic endeavors, using her influence and her legal skills to help African-American entrepreneurs.

Mrs. Lafontant-Mankarious' activism was consistent and tenacious. She not only fought for the rights of African-Americans during the civil rights era, but fought to ensure that women, in particular, had a voice. In fact, by 1969, at a time when very few women had any real power in the corporate world, Mrs. Lafontant-Mankarious sat on the boards of 15 major corporations, including TWA and Mobile Oil. She elegantly broke barriers of both race and gender in all of her endeavors.

Mrs. Lafontant-Mankarious was extremely active in Republican politics. A close friend of Presidents Eisenhower, Nixon, and Bush, Mrs. Lafontant-Mankarious served as the first African-American woman to hold the position of assistant U.S. attorney during the Eisenhower administration. In 1972, Mrs. Lafontant-Mankarious became the highest female appointee named in the second Nixon administration, when she was selected as Deputy Solicitor General in the Justice Department. Years later, during the Bush administration, she would serve as U.S. Ambassador-at-Large for 4 years, visiting 28 countries. President Bush also appointed her to serve as Coordinator for Refugee Affairs for the State Department.

We should all be proud of the life that Mrs. Jewel S. Lafontant-Mankarious led. She was a woman of integrity, valor, and achievement, and was a personal heroine and role model to me. She rose above adversity, used her God-given talents to fight for the rights of others, and served as an example for following generations of what a strong heart and mind can achieve. Mrs. Lafontant-Mankarious will be sorely missed by all Americans who believe in the value of a true democratic society, who oppose discrimination, and who support the notion that we can all serve the good of humanity.

Today, I salute Jewel S. Lafontant-Mankarious for her many achievements, and thank her for her legacy.●

MAURICE SORRELL

● Ms. MOSELEY-BRAUN. Mr. President, I would like to extend my heartfelt congratulations to Maurice Sorrell, the dean of black photojournalists, as colleagues, friends, and family gather to celebrate his retirement from a lifelong commitment to capturing history on film.

Mr. Sorrell, a D.C. native, first noticed his love for photography as a youngster, when he often watched his uncles taking amateur pictures of his parents. His first job in photography was at the Pentagon in the 1950's, where he was permitted to work only in the darkroom because of racial segregation policies that existed. In 1957, Mr. Sorrell decided to strike out on his own as a freelance photographer. It was in this capacity that Mr. Sorrell served the Afro-American Newspapers and the Washington Afro-American Newspaper.

In 1962, Mr. Sorrell joined Johnson Publishing Co., Inc., as a staff photographer. Mr. Sorrell's artistic but honest portrayal of most civil rights events, as well as other issues of importance to the African-American community, has made him a landmark figure at Johnson Publishing Co., Inc. For the past 35 years, his work has appeared regularly in Ebony and Jet magazines. In addition to having received numerous awards and citations, Mr. Sorrell has earned a reputation among his colleagues for being a truly gifted photographer, with a unique eye for capturing the essence of the moment with a single portrait.

Among his many firsts, Mr. Sorrell has the distinction of being the first African-American to gain admittance in the prestigious White House News Photographers Association in 1961, as well as the honor of being the photographer who took the first group photo of the Congressional Black Caucus.

Over the course of his extensive career, Mr. Sorrell has visited more than

24 countries, covered nine presidents, photographed the March to Selma, AL, with Dr. Martin Luther King, Jr., shot the World Series and NFL games, and covered many other events. His work has gained him the confidence of some of our Nation's most memorable and influential people.

Maurice Sorrell is truly an American legend. Today, I commend him for his accomplishments, and applaud his contributions to the field of photography. Through his dedication to his art, and by his desire to capture our Nation's history on film, he has touched the lives of countless Americans.●

HELEN MAYBELL ANGLIN

● Ms. MOSELEY-BRAUN. Mr. President, it is indeed my pleasure and privilege to join the family and friends of a distinguished citizen of Chicago, IL, Mrs. Helen Maybell Anglin, in celebrating her 50th anniversary in the restaurant business. Mrs. Anglin has always held that the ''good things in life ought to be enjoyed by all people, especially good food.'' As owner and manager of the Soul Queen Restaurant, a popular soul food eatery located on the Windy City's Southside, Mrs. Anglin works her special magic to turn simple, down home fare into something spectacular.

Aside from being a local legend, Mrs. Anglin has been nationally recognized for her culinary talents. Her recipes have been published in numerous sources, including the Ladies Home Journal. She has also appeared on local and national television programs, including the Oprah Winfrey Show, to demonstrate her masterful cooking techniques. Throughout her career, Mrs. Anglin has been instrumental in exposing the public-at-large to delicious soul food cuisine.

In addition to being a successful restauranteur, Mrs. Anglin has been a committed civic leader for decades. She is one of the original board members of the PUSH Foundation and has been an active supporter of the NAACP, the League of Black Women Voters, and the United Negro College Fund. She is well known for inspiring young people to maximize their educational opportunities and has provided financial assistance to help many achieve their goals.

Mrs. Anglin combines her private passion for good food with her public commitment to the common good. Her community work and civil rights advocacy represent a singular distinction for this woman of and for the people. She has distinguished herself as one of Chicago's most valuable leaders through her extraordinary talent, innovation, and compassion. Her achievements and dedication to quality in all her endeavors are a shining example to us all, and I am honored to know her.●

ORDERS FOR WEDNESDAY, JUNE 4, 1997

Mr. ASHCROFT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 3 p.m. on Wednesday, June 4. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 4, the Family Friendly Workplace Act; and further the time until 4 p.m. be equally divided with Senator KENNEDY or his designee in control of the first 30 minutes and Senator ASHCROFT in control of the second 30 minutes; and further at the hour of 4 o'clock the Senate proceed to the vote on the motion to invoke cloture on the substitute amendment to S. 4.

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

Mr. ASHCROFT. I ask unanimous consent that it be in order for Senators to file second-degree amendments until 3:30 on Wednesday in order to qualify under the provisions of rule XXII.

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

PROGRAM

Mr. ASHCROFT. For the information of all Members, there will be a cloture vote tomorrow afternoon at 4 p.m. on the substitute amendment to S. 4, the Family Friendly Workplace Act. It is the hope of the majority leader that cloture will be invoked and the Senate will be able to make progress and hopefully complete action on this important legislation. Additional votes are expected on or in relation to the pending amendments as well as additional amendments that may be offered.

As a reminder, it is still the hope of the leader to complete action on the budget resolution conference report as soon as that report becomes available. In addition, the majority leader has stated that the Senate may also complete action on the supplemental appropriations conference report when that report is available.

ADJOURNMENT UNTIL 3 P.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, June 4, 1997, at 3 p.m.

NOMINATIONS

Executive nomination received by the Senate June 3, 1997:

DEPARTMENT OF JUSTICE

BETH NOLAN, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER.