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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 3, 1997, at 12:30 p.m.

Senate

MONDAY, JUNE 2, 1997

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, the Rock of Ages who gives us an unchanging source of stability and strength, You are our security in the ups and downs of life. You have placed a homing spirit in us that makes us restless to return to You in prayer. You are everything to us: Light in the darkness of our doubts, nourishment for our spiritual hungers, peace in our pressures, guidance in our confusion, hope when we feel helpless, healing of the hurts of our lives.

Lord, we are moved by Your majesty and motivated by the magnitude of the responsibilities You have entrusted to us. We often express our trust in You, but today we are stunned by the trust You express in us. It is awesome to realize the confidence You put in the women and men of this Senate and those who work with them. May their humility match Your willingness to help, their dependence equal Your dynamic power.

Lord, we return to the work of this Senate creatively carefree. You have called us, You have promised to give us wisdom, and You have assured us that You will never let us down or never leave us; that You will never give us more to do than we can do with Your power. So we commit to You all that we have and are to realize Your very best for this Nation. In the name of our Lord and Savior. 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.

Thank you, Chaplain, for your wonderful opening prayer. We appreciate it, as always.

CONGRATULATIONS TO SENATOR THURMOND

Mr. LOTT. Mr. President, since this is the first time I have seen the distinguished Senator from South Carolina since it has been official, I want to congratulate him, as all Americans do, on the record you have set. We are very proud of you. And I want to say that I enjoyed seeing you on television when we were home, too.

It is a magnificent record, and you are a magnificent human being.

We look forward to commending you further later on this week, Mr. President.

The PRESIDENT pro tempore. Thank you for your kind remarks.

Mr. LOTT. Thank you, Mr. President.

WELCOME BACK

Mr. LOTT. Welcome back, all of you. I hope that you are all rested and recharged physically and in spirit because we do have a little work that we need to get done this week.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in session today for a period of morning business to give Senators an opportunity to speak.

At 2:30 the Senate will resume consideration of S. 4, the Family Friendly Workplace Act. I encourage any Senator who intends to offer an amendment to this legislation to be prepared to offer the amendment during today's session. Any votes ordered on amendments offered today will be set aside with the possibility of votes occurring on those amendments after 5 p.m. today.

In addition, a cloture motion on S. 4 will be filed today. Therefore, the Senate can expect a vote on cloture on S. 4 to occur on Wednesday morning.

As a reminder to all Senators, tomorrow from 9:30 until 12:30 a.m. the Senate will honor the services of our President pro tempore, Senator THURMOND, the longest serving Member of the Senate. I encourage all Senators to participate in this important tribute on Tuesday morning.

For the remainder of the week Senators can anticipate Senate action on the concurrent budget resolution, the supplemental appropriations conference report, and possibly the adoption of legislation.

As Members are aware, this is the first week of a 4-week legislative period prior to the Fourth of July recess. The Senate has a number of important issues which need to be considered prior to that next recess. We anticipate action on the budget reconciliation bills, both on the spending side and the tax cut bill.

The DOD authorization should be ready, and the chairman of the committee has asked that we try to reserve

time in the latter part of June to do that, if at all possible.

Product liability legislation is pending, as well as various appropriations bills, including the legislative branch, foreign ops, and Treasury-Postal Service as they become available.

So we are looking at those three appropriations bills that we would like to be able to finish in the Senate before we go out for the Fourth of July recess.

As all Members know, this is not an exclusive list that the Senate may consider. There are other issues that are pending legislatively and executive matters as they are cleared. For instance, I understand the national missile defense legislation has cleared the Armed Services Committee. That is an issue that we may be able to take up before the Fourth of July period.

Therefore, I encourage all Members to adjust their schedules for a busy month of Senate work. That could very well include some votes on Monday afternoons late and evenings on Friday. But later on this week, probably tomorrow, we will try to give Senators some clear idea of what Mondays and Fridays they should expect to be in session. At a minimum, the Friday that we are scheduled to go out for the Fourth of July recess—that would be Friday, June 27—is clearly one that we will likely have to be in session to complete our work on reconciliation bills.

MEASURE READ FOR THE FIRST TIME—H.R. 867

Mr. LOTT. Mr. President, I understand that H.R. 867 has arrived from the House.

I ask for its first reading.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The legislative clerk read as follows:

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

Mr. LOTT. I now ask for its second reading and will object to my own request in behalf of the other side of the aisle.

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

TRIBUTE TO BILL SHIELDS OF THE NATIONAL PARK SERVICE

Mr. KENNEDY. Mr. President, it is privilege to take this opportunity to commend Superintendent Bill Shields for his 32 years of distinguished leadership in the National Park Service. His service has been renowned in many different aspects of the park system, and every region of the country is in his debt.

One of the biggest challenges Bill has faced has been managing national parks in urban settings. In fact, Bill spent the majority of his career in urban park environments, and he has met special needs of these parks with great skill, wisdom, and understanding. As superintendent of Rock Creek Park, he had jurisdiction over 95 separate local parks which are prized by communities throughout the Washington area. He has skillfully balanced the needs of the parks with the needs of the general public and park neighborhoods. With parks such as Meridian Hill and Montrose and Dumbarton Oaks, he has dealt with many complex issues with diplomacy and exceptional judgment.

Bill Shield's retirement after 32 years with the Park Service will be a great loss. But because of his guidance and leadership, many parks in the Nation, and especially in the Nation's Capital, will be enhanced and preserved for future generations.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business be extended until 2:30 p.m. today.

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

Mr. LOTT. I have no further requests at this time.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:48 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

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 PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I am pleased to have the opportunity to stand and speak on behalf of the Family Friendly Workplace Act. It is a way of helping people resolve tensions that exist between the home place and the workplace. Most American families encounter two basic tensions. One is the tension that is financial, that drives both adults in the family, if there are two adults in the family, into the workplace; certainly if there is only one adult in the family, that one adult has tremendous pressure to be in the workplace. The other pressure which exists for most American families is the social pressure that comes when you have all of the adults in the family in the workplace. You have tension between the workplace and the home place.

How in the world are we going to be able to meet the needs of the home, when people are not at home when they are needed the most—particularly when there are times when their presence is very, very important. For example, when someone is getting an award, or when someone needs to speak to the counselor or with a teacher at school, or when someone needs to go to the doctor. Most families understand that when you have this kind of a need you should have the opportunity to be away from work. If both adults in the family are involved in the workplace it makes it very tough to do.

There are times when certain conditions will justify the use of what is known as family and medical leave. The Family and Medical Leave Act was passed by the U.S. Congress and it allows people to take time off without pay. But I have found in my family, and I am sure most Americans have found as well that when you take your child to the doctor, that is not a time when you can go without pay. That is a time when you actually need all the resources you can get. To put people in the position of having to take a pay cut in order to go see the teacher about a problem at school or to watch the student get an award at school or to be able to take a child to the doctor—to ask a parent to take a pay cut in a setting like that is to make a parent make a choice that we should not be asking a parent to make.

Fortunately, there already exists in this culture a clear model of a system that can work, that works effectively and works very well. It is in the Federal Government. Legally, all Federal employees have the ability to have what is called flexible working arrangements. They can take time off with pay later if they have earned that time off by working more hours earlier. They can arrange their schedule to work a couple hours extra one week and take a couple hours off the next week. As a matter of fact, Federal workers have the ability to take advantage of the scheduling option which allows them to work 45 hours one week, 35 hours the next week. That way they have every other Friday off. Of course, that is really a tremendous boon to people who need to be able to do things during the normal working hours, whether it is to go to the motor vehicle registration place to get the

car plates renewed or to take a child to a doctor or go see a child get an award or confer with a teacher at the high school—those kinds of days that can be scheduled flexibly for Federal employees have worked well to solve problems for Federal employees.

Unfortunately, what is standard operating procedure for people who work for the Federal Government turns out to be outright illegal for people in the private setting. Let me give an example. If you work for a Federal agency and you want to go see your daughter get an award on Monday afternoon next week you can say to the boss this Friday, ''I would like to work a couple extra hours and then I can take off early next Monday.'' Now, your boss can let you work 2 hours this week and you can take the 2 hours off next week, that is fine, you can see your daughter get the award. For a private employer to do that is violating the law. It is against the law for a private employer to be able to cooperate with his or her employee in such a setting.

Now that really shocks most of us to think it is against the law for an employer to help an employee in that respect, but it is the truth. Similarly, if the private employer says if you would really like every other Friday off we will let you work 5 days at 9 hours a day, that would be 45 hours one week, and then the next week you only have to work 35 hours and you can do that by working 4 days, take the fifth day off the second week, that private employer, to pay a person the standard wages for doing that, is in violation of the law. Now you might add, ''Gee, this is astounding. That should not be against the law.'' It is against the law in the private sector. It is not against the law for Federal Government employees.

What is interesting is when you talk to Federal Government employees, they endorse this system overwhelmingly. The General Accounting Office, which is the Office which makes assessments about how well Government is functioning and what works and what does not work—too often they find out what does not work—they made a study of this particular proposal and the way this works in the Federal Government. It was amazing that at a 10-to-1 ratio, Federal Government employees said this is something that really helps, this is something we like. This is something we want. This works. Not only did the employees say it was something that helped, that they wanted, that worked, the employees also were found by the General Accounting Office to be more productive, their morale was higher, and, obviously, those are the kinds of things we would like to extend all across our economy.

Now, private, hourly paid workers in America are deprived of these benefits. It is just that simple. It is against the law. People say, how in the world did we get a law that would make it against the law for an employee and an employer to cooperate in this way? Well, back in the 1930's on the heel of the Great Depression, when only 2 out of every 12 mothers of school-age children were in the work force, a law was created that set up the Fair Labor Standards Act. This act gave some important protections to American workers. However, it also made these kinds of adjustments, this kind of workplace flexibility illegal. The world is so different now than it was then, it is almost impossible to imagine. Instead of 2 out of 12 mothers of school-age children being in the workplace, it is 9 out of 12 mothers of school-age children being in the workplace. So we flipped the statistics totally but we are still operating with the same approach—not totally operating that way. We changed it for Government workers.

Of course, Government workers are not the only people that have flexible schedules. The people in the boardrooms have flexible schedules. The boss never seems to have trouble with his salary if he takes time off to play golf, let alone to see a child at school. People on salary, the managers and the supervisors—as a matter of fact, the majority of American citizens—have flexible scheduling. It is estimated about 66 million people have flexible scheduling and only 59 million who are the hourly paid working people of America do not have the ability for flexible schedule. It is no wonder that the Pugh Foundation said that 81 percent of the working mothers said, ''We need flexible working arrangements for the private sector.'' Obviously, that would be a great help to them.

It would be a great help, they believed, because they think that is what would help them. When you look at Federal workers who have had this plan—now, for well into the 1970's—the 1980's and the 1990's, they say at a 10 to 1 ratio, ''This is the best thing since sliced bread. This is something that is very important to us.''

So, we are talking about a proposal which would extend to workers and working families the capacity to harmonize these competing demands between the workplace on the one hand and the home place on the other hand. I might add that I believe we are going to continue to have lots of people working outside the home in America. As a matter of fact, I do not know that America could be very competitive in the world economy if we did not. These two-parent families where both parents are working outside the home and the single-parent family where the only parent is working outside of the home are part of the muscle and fiber of the American economy. We cannot do without them. The truth of the matter is we need to find ways to help them harmonize the competing demands. They need more time and more flexibility.

What is interesting about the Federal system is that it allows you to earn your time off by earning a little bit at one time and taking it off at another time. These flexible working arrangements give workers the ability to take time off without having to take a pay cut. Now the family and medical leave provisions are good, they are fine, they are part of the law right now, but if you take time off under the family and medical leave provisions you lose pay, and when you lose pay that way it is not only not good for you, it is not good for the country.

Let me just talk to you about what happens in the family and medical leave situations where they have taken time off. Now, the family and medical leave Commission stated that the method that hourly employees used to recover lost wages when taking family and medical leave is that 28.1 percent borrowed money. So, families had to go in debt to meet their needs. And 10.4 percent, 1 out of every 10 hourly workers who took time off under family and medical leave had to go on welfare because of the money they lost. 41.9 percent, almost 42 percent, 4 out of every 10 people, deferred paying their bills. Now, most Americans do not like not paying their bills. People would rather have the flexibility of keeping their payments on time and on schedule. It is cheaper when it comes to the interest you are paying, finance charges, and the like. Yet we put people in a situation where 41 percent put off paying their bills, over 10 percent went on welfare, and another nearly 30 percent had to borrow money. I think it is far preferable to be in a situation where we allow people to have the flexibility of taking time off with pay instead of taking time off without pay.

Now, there seems to be some developing consensus about the idea that there should be some capacity for comptime. Comptime is one of the items in this bill. It merely is the right to say to your employer, ''I would rather be given some time off with pay later on than be paid for overtime.'' We know that the law requires that you be paid for overtime at time and a half. This bill would allow a person to say, ''I would like to take time and a half off with pay later on, instead of being paid time and a half for the overtime.'' People are shocked to learn it is against the law now to say I would like to have some time off later on instead of being paid time and a half now—time off with pay later on.

Interestingly enough, the comptime part of this bill only addresses a pretty narrow group of American citizens because the number of people who get regular overtime in our culture is pretty low. As a matter of fact, in the 1996 Current Population Survey, women who work on an hourly basis—and there are 28.9 million women who are paid on an hourly basis in this country—only 4.5 percent of them said they get overtime work in a typical work period. Even if you multiply that by five times, say you get up to 20 percent, you are dealing only with one out of every five women in the work force who would qualify for using comptime as a way of assuaging some of these tensions.

Since this system is a voluntary system for both employers and employees, it is very easy to say that we will just move ourselves beyond comptime—not to say it is not valuable, that it wouldn't be important, that it wouldn't be wonderful to have. But if we give ourselves the capacity for flexible working arrangements, where especially people could schedule over a 2-week period instead of a 1-week period to average out the 40-hour week, indeed, people do have some of these benefits who are not traditionally the recipients of overtime.

Another thing that stuns me is the fact that most of the people who get overtime are men. Overtime typically focuses on industries that are male dominated. There are about two men getting overtime for every woman that is getting overtime. So even if you are talking about the fact that overall, on balance, you might be entitled to a third of all the hourly workers who get some type of regular overtime, or enough of it to make a difference to help compensate meeting the demands of their family and the home place and the workplace, one-third really is really not addressing the problem of what we ought to address. We need to address this problem in a way which is comprehensive.

So having flexible working arrangements for the entire population, and not just focusing the opportunity to assuage attention on those individuals who are regularly recipients of the opportunity for overtime, is very important. That is why the flextime part of this bill is important. If we really want this bill to address the needs of women, of which only 4.5 percent get overtime in any typical workweek, according to the 1996 Current Population Survey, we really ought to make sure that we do more than just have comptime legislation, that we have flextime legislation as well.

President Clinton and many Democrat Senators have voiced support for flextime, the central idea within the Family Friendly Workplace Act. Polls show that the vast majority of Americans favor flexible work schedules. They want legislation that would give them parity with Federal Government workers.

Incidentally, comptime is available to every State local government worker. The Federal law makes it available as well.

People would like to have legislation that would give them the opportunity to choose scheduling options that would help their families.

Penn and Schoen, the President's own pollsters, have reported that 75 percent of America wants the choice of comptime.

Last month's Money magazine published a poll revealing that 64 percent of the public overall, and 68 percent of the women, would occasionally prefer time off in lieu of overtime if they have a choice.

Nothing in this bill would make someone forever choose that it had to be one way or another. You could maintain the opportunity to have overtime pay most of the time when you had overtime, but you could on occasion say, ''I would really prefer to take this time and a half off later than to have the time and a half in pay.''

From the remarks we hear from the Democrats, I think they say they want the same thing. I believe they do have an appreciation for the need of workers in this setting.

If this is really the case, if everybody wants flextime, some have specific difficulties with this bill, I hope that Senators would come down and offer amendments. We are at a point where we need to begin to work out, fine tune, and develop a bill which will result in the workers of this country having the benefits which all of us believe they need and want.

According to all the accounts I have heard, people want this bill on both sides of the aisle. The President has been heralding the benefits of flextime for the last 2 years. In his State of the Union Address, as part of his campaign, and as recently as the last several weeks, he spoke very favorably, saying that flexible working arrangements are very important. Mrs. Clinton has made statements on national television over and over again.

Now we have a situation where we have gridlock in the Nation's Capital. I think it is time for us to break that impasse. I think it is time to work out this measure. It is time for individuals who say they have objections to the bill to come to the floor and offer those kinds of compromises that would adjust the bill so as to make it acceptable.

We want a bill. The Democrats have said they want a bill. I think it is time to work together and to work out Senators' concerns here on the Senate floor in the process in which the Senate is best served to undertake, and where the Senate works at its best, it works to the benefit of the American people.

So let's work together and hammer out our concerns on the Senate floor. If Senators dislike specific provisions or language in the bill, I say come down and offer your suggestions, your amendments. Let's make sure that we don't allow this bill to be one which fails to move because none of us is willing to consider change. Let's try to say that since we all want this, let's move it forward, place it before the Senate, and ask the Senate to act in its wisdom on proposals and amendments so that the will of the Senate might work out the will of the people.

This particular opportunity we have is a good one. It is one which I believe can really benefit the working people of this country and will help us as a nation as we move into the next century.

If the studies of the GAO were correct, and 10-to-1 people think that this is a good system when they have had a chance to live under it, and the morale goes up and the productivity goes up, this is a policy that is a win-win situation and should be extended to all workers. It is a policy change which should be considered high on the agenda of the Senate, not on one party or the other, but high on the agenda of the American people and should, therefore, be high on the agenda of the Senate.

Let's work together. Let's come to the floor. Let's make proposals for amendments. Let's work out our differences so that we can respond to the President, who said he wants to have a measure that addresses this issue, and let's find a way to do it in a way which will benefit the people of this country.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would like to talk for 5 to 7 minutes just to augment the remarks of my colleague, the Senator from Missouri, who has done yeoman's service on this issue.

Senator ASHCROFT has worked on this issue for probably 6 months now, trying to educate people on the importance of allowing this stress relief valve to be passed into law in America. I commend him for it. What he said was very, very important because, in fact, the question I get asked when I am home and talking about this bill is, ''Why is it necessary to have a law? Why can't people go in and ask their boss to take time off on Friday afternoon to see their children's soccer game and make it up on Monday?''

Most people in this country believe that you can do this already. The biggest surprise is that 60 million hourly workers in this country do not have this option. They do not have this option because the U.S. Congress in 1938 passed a law when only 10 percent of the women, the mothers in this country, worked. It said you have a 40-hour workweek, and employers and hourly employees cannot violate the 40-hour workweek unless you pay time and a half for overtime work. Federal employees have the ability to go in and say, ''I would like to work 38 hours this week and 42 hours next week.'' Salaried employees have the same option. But 60 million hourly employees—the ones who need flexibility the most—are not able to do it because of a law passed in 1938 when 10 percent of the mothers in this country worked. Today, two-thirds of the working women in this country have school-age children.

When I talk to my friends who still have school-age children, they say what they need more than anything else is time. They need time more than they need money. They need time with their children more than anything else. The stress of not being able to go to the football game or the soccer game is what hurts them the most.

So why wouldn't we give them the ability to go in and talk to their employer and have the flextime or the comptime that was described so ably

by the Senator from Missouri? Why wouldn't we do that? It is just good, old-fashioned, common horse sense. That is what it is. The people out in the country know that. They can't even believe we are talking about it. Only inside the beltway in Washington, DC, would it be a question that two adults would be able to sit down and say, ''I would like to work 38 hours this week and 42 hours next week, or I would love the ability to work 2 extra hours 4 days a week and take Friday off,'' as Federal employees are able to do. People want the ability to manage their own time without taking a pay cut.

You know when the President talks about flextime, he is talking about nonpaid time. We don't want a person to have to forego the mortgage payment or the car payment. We want people to be able to budget, to know, ''This is what I am going to have for spending, this is what I am going to have to spend, this is my budget, and I do not want to give up the 2 hours of pay. But if I can keep on an even keel with my budget and be able to have the flexibility in time, that is what I need most in the world right now.''

Mr. President, the Senator from Missouri and the Senator from Texas are going to try to make sure that the 60 million employees in this country who are not now able to sit down with their employer and ask for their flextime or this comptime do, in fact, have that ability. That is what this is about.

The Senator from Missouri came up with the idea that we should finally, once and for all, since 1938, come into the real world. And the real world is that two-thirds of the working women in this country have children in school. They need relief.

So the Senator from Missouri and I are going to try to give it to them by enacting flextime and comptime so people can work their normal hours or have the flexibility to change their hours but keep their salaries constant. And it is always at the option of the employee to say, ''I would rather have time or I would rather have money.''

That is something that the Senator from Missouri was very careful to make sure in his bill that be protected. That is the right of the employee to say, ''No, I do not want time-and-a-half time; I want time-and-a-half money.'' That should be the right of the employee. But if the employee says, ''Oh, thank goodness. What I really want to do is to go to my child's soccer game on Friday afternoon, and now I can go and ask my employer for that time off and make it up next week and not have to worry about the car payment,'' that is what we are trying to do. That is the simple fact. It is why this bill is necessary. And I commend the Senator from Missouri for working to make this happen.

Why we are having so much trouble getting this bill on the floor for debate is because it is being filibustered on the other side, which I don't understand. I don't know why the unions would be against it. This doesn't interfere with union contracts. If there is a closed shop, a contract shop, a union shop, then this law isn't in effect. The union is able to do the negotiating.

But if there isn't a union, why should Government be in the way of allowing people the ability to have that time with their child at their soccer game or their football game or their Little League Baseball game? Big brother Federal Government should not be in the way, nor should big brother unions be in the way, because this does not affect union contracts. But there are a lot of people in those 60 million hourly employees who do not have a union contract that also are precluded by law from this flexibility. And, Mr. President, we don't think it is right. We want to do something about it.

That is what the Ashcroft bill does for the working people of this country.

I hope that our colleagues on the other side of the aisle will allow us to get this bill on the floor. Stop filibustering it. Stop stonewalling. Let us get this bill on the floor. Let us have the debate. Let us have the amendments. Whatever is appropriate we will work with if we can just get it on the floor. Right now, for the last 4 weeks, 5 weeks, we have just been trying to get the Democrats to agree to let us bring it up. It is being filibustered. The time has come for everybody to stand up and say, OK, I will put my amendments out there. We will vote them up or down. But let us let the working people of America, the 60 million hourly employees, have the same opportunities as Federal employees, State employees, and salaried employees to be able to take off 2 hours on Friday afternoon and make it up on Monday.

That is what this bill is about, and I hope that our colleagues will allow us to debate it and pass it and give this stress relief valve to the working people of America.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as we start off today on this issue, I remind our colleagues and friends, there was really no effort on anyone's part to delay the consideration of this legislation. If you go back and review the amount of time we have taken on the legislation, you will find no more than 4 or 6 hours of debate in total on the Senate floor.

We are being faced now with the bill is being brought up this afternoon with a cloture motion. We have already been notified there will be no time tomorrow morning as the Senate will pause to pay tribute to an outstanding Senator, our good friend and colleague, Senator THURMOND, who has had a long record in the Senate. We also know that we will be displaced tomorrow afternoon should the budget report come back before the Senate.

So we are in a situation where this legislation is put in the Chamber, pulled back, put in, pulled back, put in, and then a cloture petition is filed. We had a series of amendments that were offered in the Labor Committee. These amendments have been filed on the floor as well. I will address the purposes of these amendments later. We voted on this bill in the committee, and there was no effort to delay. There were only, I believe, six or eight amendments, and I think there have been just about that number that Senators on this side of the aisle have filed on the legislation. So we should be under no illusion that there is any interest in undue delay on the measure.

Madam President, it is very difficult to disagree with the needs of the parents in the situations described by my good friend and colleague from Texas, Mrs. HUTCHISON, or my friend from Missouri, Senator ASHCROFT. They discuss cases where the parent needs a little extra time for the meeting with the schoolteachers or for the dental appointment or for other kinds of activities. We are all in agreement on the importance of those needs.

But that is not what this bill is all about. That is what the Federal employees protections are all about, which we support, but that is not what this legislation is all about. I will just take a few minutes to review what this bill provides.

I would think reasonable people could say that we should not abolish the 40-hour workweek, which has been in effect for nearly 60 years to protect workers from exploitation—that is why it was put into effect. We all understand the need to look at the new global economy and consider new programs, but I do not think we ought to get away from old values. The old values were that 40 hours of hard work for men and women in this country is enough over the course of the week if workers are going to have any time at all for their families. If employees need to work overtime, they should be compensated at time-and-a-half in order to provide additional income for the family, particularly because they are going to be denied the opportunity to be with that family.

So, if we are going to abolish the 40-hour workweek, I think we need to understand where we are going. That has been a protection for many, many years. If we are going to abolish overtime pay in a 2-week period, as this bill does, I think we ought to be able to discuss that. I think it is fair to review once again who really has the whip hand in deciding whether that worker is going to be able to get time off to participate in that teacher conference or see that school play. Is it the employee? Or can the employer just say, no, you are not going to be able to do that. Then what recourse is available to that employee? You would think that two people sitting down would be able to work out an accommodation so that one person would be able to go to

that teacher conference, but if the employer is able to say, no, you cannot go, how does that benefit the employee? There is virtually no hindrance to that employer simply saying, well, you are just not getting off next week or the week after for that basketball game or for that teacher conference. There is no remedy. If the employee had the decision, then we would be talking about an entirely different bill.

That is not what is before us in S.4. That is not what is before us. That is why I think we ought to be cautious when we talk about ending the 40-hour workweek, when we talk about ending any premium pay for overtime with the flexible credit hours in this legislation, and when we skew the decisionmaking process in favor of the employer rather than the employee. It seems to me that we ought to examine this and try to address it. That is what I want to speak about this afternoon, about the different amendments that have been advanced and which I hope will be included in the bill. Then I hope the legislation will move forward. I would like just to mention those this afternoon to the Senate.

Prior to the recess, the sponsors of S. 4 attempted to invoke cloture, and they failed badly, not by one or two votes but by seven votes. Every Democrat opposed cloture because the provisions of S. 4 are clearly hostile to working men and women. Two courageous Republicans broke with their party and joined with us in opposing cloture. That vote should have sent a strong signal to the Republican leadership that their bill contains provisions which are unacceptable to a great many Senators.

Those 47 Senators who opposed cloture will not allow the advocates of S. 4 to eliminate the 40-hour workweek. Those Senators will not allow the sponsors of S. 4 to impose a pay cut on American workers, and that is what this legislation is really all about. Those Senators will insist upon a comptime bill which is fair to working men and women, one which allows employees—employees—to make the real decisions and choices.

Whether we take 1 more cloture vote or 10 more cloture votes, the result, I believe, will be the same. It should be clear to all Senators that the extreme provisions of S. 4 will never be approved by the Senate and they will never become law.

That is why many of us had hoped by now the advocates of S. 4 would have moved away from their extreme position toward a more moderate, reasonable comptime proposal.

The real debate in the Senate has never been about whether workers needed more flexible schedules. All 100 Senators could concur in that goal. What this debate has been about is how best to provide that flexibility, how to design a system which genuinely empowers workers rather than enhancing the control of their bosses. It is time to turn to the real issues. What are the standards by which we should evaluate a comptime proposal? I think it would be useful if we could establish fairness as the criterion and then make the decision as to what legislation advances that goal. I believe there are certain basic questions of fairness which should be asked about each of the pending comptime proposals. Does the proposal prevent an employer from discriminating in allocating overtime work between those workers who choose time off and those who choose overtime pay? Will it reduce the pay of employees who are currently working overtime and want to continue to receive overtime pay? Is the proposal designed to ensure that those workers who choose comptime actually get a net increase in time off to spend with their families? Does the plan protect employees who use comptime from any reduction in their health or retirement benefits? Does the legislation contain strong penalties to deter employer misconduct in the operation of the comptime program? Is the value of an employee's accrued comptime protected if the employer should become insolvent?

The answers to these questions will tell us whether a particular version of comptime will truly empower workers. The Republican bill flunks this simple test. S. 4 does not give the workers real choices. It gives the employer the final say on when employees can use their accrued comptime. It will result in a pay cut, and it jeopardizes the health and retirement benefits of many workers. It will not even guarantee that those who use comptime get a net increase in the amount of time off they have to spend with their families. And the Ashcroft bill would abolish the 40-hour workweek, one of the most fundamental principles of American labor law for nearly 60 years.

Fortunately for American working men and women, there is a comptime proposal which passes this fairness test. The Democratic comptime proposal offered by Senator BAUCUS, Senator KERREY, and Senator LANDRIEU guarantees the genuine employee choice, which the Republican bill fails to provide.

The substitute corrects the most serious defects in the Ashcroft bill. It incorporates many of the ideas proposed by the Democratic members of the Labor Committee as amendments during the markup. Unfortunately, each was rejected on a party line vote. Let me highlight the key improvements.

First, the 40-hour week is preserved. This bedrock principle would be eliminated by the Republican bill. The Democratic alternative preserves the 40-hour workweek and ensures that every hourly employee who works more than 40 hours will receive time-and-a-half in either pay or comptime. If the real purpose of comptime legislation is to provide employees with the option of additional time off in lieu of extra pay, it should not reduce the historic standard of compensation for overtime worked. The Republican bill would result in both lower pay and less time off for workers than the Democratic alternative. It is easy to see which piece of legislation is truly family friendly.

Second, the Democratic proposal makes it illegal for employers to discriminate in allocating overtime work. Employers would have to make overtime work equally available to those employees who want to receive overtime pay and those who want to receive comptime. This is an essential protection for workers who have been receiving overtime pay and need the money. Nearly half of the hourly workers earn $16,000 a year or less; 80 percent of them earn less than $28,000. Overtime pay on average constitutes 10 or 15 percent of their annual income. Their families need those dollars to make ends meet. The Republican bill would allow an employer to offer all the overtime work to those employees who choose comptime and none to those who choose extra pay. In many businesses, S. 4 would mean the end of overtime pay. Such discrimination is terribly wrong, yet the Ashcroft bill would allow it. The Democratic alternative makes this discrimination illegal, and it is easy to see which legislation is truly family friendly.

On that point, we offered an amendment in the committee to try to address that issue and it was rejected on a straight party line vote.

(Mrs. HUTCHISON assumed the Chair.)

Mr. KENNEDY. Madam President, thirdly, any creditable proposal to deal with employees' desire for more time off to spend with their families must ensure the employee can take the time when he or she needs it most. A working mother needs a particular day off so she can accompany her child to a school event or doctor's appointment, not a day when it is convenient for her boss. Nothing in the Republican proposal requires the employer to give her the day she requests. He can deny her request and she has no effective recourse. The Democratic alternative provides for real employee choice in using accrued comptime.

If the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. When the time is being used for other reasons, the employee can take the time if he or she has given 2 weeks notice and the absence will not cause substantial and grievous injury to the business. The difference between the Democratic and the Republican positions on this crucial issue is dramatic. Under the Democratic plan, employees can take the time when they need the time, and it is easy to see which proposal is truly family friendly.

We saw the resistance of our Republican friends to the very modest amendment of our friend and colleague, Senator MURRAY from the State of Washington, that said let's just have a 24-hour guarantee that a

mother or father who is working would be able to take up to 24 hours to go to a parent-teacher conference or go to a school event—just 24 hours. That was rejected. And why? The reason it was rejected, I believe, is because it provided for the employees' protection.

You can say all you want that this legislation leaves it up to the employee, but the fact is, it does not. If those who support S. 4 say that it does, we have the clarifying language to make sure it does do that. But they resisted that in the markup; they resisted the very reasonable proposal of the Senator from Washington for a 24-hour period over the course of a year. That would have given the discretion to the employee. Republicans resisted it because, under their proposal, the employer is going to be the one who makes that decision. That, I believe, is a very important and significant difference.

Fourth, if employees are really going to be able to increase the amount of time spent with their families, comptime hours must count as hours worked. The way the Ashcroft bill is drafted, if an employee uses earned comptime to take Monday off, she can still be required to work 40 hours during that week. The boss can require her to work on Saturday and not even have it count as overtime.

I want my colleagues to understand that the boss can say, ''OK, you can take comptime off on Monday,'' and then can say, ''Well, you will work on Saturday,'' and not even have it count as overtime pay. That can be 48 hours during that one week. Of course, the bill eliminates the 40-hour workweek in any event, so there are any number of hours that employees can be forced to work. Or, the employer can require the employee to work 10 hours a day Tuesday through Friday and not have it count as overtime. Thus, under the Republican comptime scheme, she would not even gain extra time to be with her child. The hours gained on Monday would be lost by Saturday. There would be no net benefit in time off to the employee. This absurd result is due to the fact that the authors of S. 4 have refused to count hours of comptime as hours worked. That little change, comptime as hours worked, would avoid that. We offered that as an amendment. It was rejected. My Republican colleagues rejected an amendment to give the employees the ability to make the decision about the time off. My colleagues on the other side of the aisle rejected our amendment to count comptime hours when used as hours worked, which would provide that protection from exploitation. That was rejected by the supporters of S. 4. Thus, the employees using the comptime will enjoy no increase in their free time. Our Democratic alternative provides that protection. Again, it is easy to see which proposal is truly family friendly.

The Baucus-Kerrey-Landrieu legislation corrects a number of other flaws in S. 4 as well. It shows how hollow the promise of the Ashcroft bill really is. This debate has never been about whether employees needed the option of more time off. We all agree, as I mentioned earlier, that they deserve more time to spend with their families. The debate has always been about how to make that opportunity real. It is about how to truly empower workers, not how to give increased control to their bosses. The Democratic alternative achieves the goal of empowering workers; the Republican bill falls dramatically short.

Madam President, with those kinds of alterations or changes, we would have legislation that would be out of here in very short order. It seems to me that if we are going to do what is the stated purpose of this legislation—to give the employees the power to be able to make those decisions, to make sure they are protected in terms of hourly pay—then we need to provide those protections. We need to prevent discrimination against workers where the employer says, ''I'm always going to give overtime work to Jimmy here because he always takes the comptime, and I'm not going to give any to Sally because she always takes the overtime and I don't want to pay that out.'' We just need to provide some protection so we don't have that kind of discrimination.

These are basic elements of protection for employees. Every one of these proposals that I have mentioned provides additional power to the employee. As I understand it, having listened to the debate, giving employees some power is the primary reason at least some say they support this legislation.

I think it is important to emphasize the extent of flexibility in the 40-hour workweek at the present time. If employers—and this is today—genuinely want to provide family friendly arrangements, they can do so under current law. The key is the 40-hour week. Normally, employees work five 8-hour days a week, but more flexible arrangements are possible. Employers can schedule workers for four 10-hour days a week with the 5th day off and pay them the regular hourly rate for each hour. No time-and-a-half is required. They can arrange a work schedule of four 9-hour days plus a 4-hour day on the 5th day so they can have Friday afternoons off, again without paying a dime of overtime. That can be worked out today without a dime of overtime.

Under the current law, some employees can even vary their hours enough to have a 3-day weekend every other week. Once again, the employer does not have to pay a dime of overtime. That flexibility is totally legal under current law.

Employers can also offer genuine flextime. This allows employers to schedule an 8-hour day around core hours of, say, from 10 to 3. Let employees decide whether they want to work from 7 a.m. to 3 p.m. or from 10 a.m. to 6 p.m. This is a very popular option for Federal employees. This, too, costs employers not a penny more. But only a tiny fraction of employers use these or many other flexible arrangements available under the current law. The Bureau of Labor Statistics found that only 10 percent of hourly employees are allowed to use these or other flexible schedules. Only 10 percent. We hear S. 4's proponents say, ''Let's give them half the day off on Friday, let's give them more flexibility during the course of the week, let's let them have an extra day off every other week''—all that is possible today, without a dime of overtime. You know something? Only 10 percent of employees are permitted to do that at the present time. Current law offers a host of family friendly flexible schedules, yet virtually no employers provide them.

Madam President, this bill has a different purpose, and that, I suggest, is to cut workers' wages. Employer groups unanimously support it. Obviously, it is not just the small businesses which wish to cut pay and substitute some less expensive benefit instead. I have here, which I will have printed in the RECORD, a letter signed by 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; and the Women's Legal Defense Fund. These have been the organizations, during the time I have been in the Senate, that have fought for gender equity, gender fairness, pay equity, nondiscrimination against women. They have been the ones who have fought for the increase in the minimum wage, day care programs, expansion of Head Start—the whole range of different family friendly programs. They are on record in each and every one of them. This is their conclusion in reviewing this legislation:

> We believe that 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 * * *
>
> Nearly half of the workforce 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 comp time bill will cut women's options and women's pay. For example:
>
> Someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut.

That is the example I used earlier.

> Supporters argue S. 4 is voluntary and the employees have a ''choice,'' yet working women, who 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 even retaliation;

As I mentioned in our earlier debate on this bill, in 1996 more than 170,000

workers received backpay because their employers failed to pay overtime—in violation of Federal law. Those employees received over $100 million for those violations, in the last year alone. That is what is really happening in the workplace.

Because employees do not control when and if they 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 * * *

Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40-hour work week.

Madam President, I ask unanimous consent to have printed in the RECORD this letter I just referred to.

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

AMERICAN NURSES ASSOCIATION,
Washington, DC, May 30, 1997.

Hon. TRENT LOTT,
Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

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 employees. 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 workforce 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 comp time bill will cut women's options and women's pay. For example: someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut; supporters argue that S. 4 is voluntary and the 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 even 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.

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.

Mr. KENNEDY. Madam President, this isn't just my own conclusion. The observations made today reflect a wide range of different groups, those groups primarily that have been fighting for the working men and women of this country. The groups opposing this bill include not only the League of Women Voters, but the National Women's Political Caucus, the National Council of Senior Citizens, the National Council of Churches, and the Disability Rights Education and Defense Fund. The list goes on and on, for these reasons: this bill, S. 4, gives the ultimate decision to the employer rather than the employee.

This isn't Federal employees where the employee has the right to take the time off. This is a different arrangement which, under any fair reading, would give the employer the control. Without the protections that I have mentioned, this would be the result.

We have to ask today whether we want to risk abolishing the 40-hour workweek, effectively abolishing overtime pay for workers who are on the lower rungs of the economic ladder. Some 60 percent of those workers earn $16,000 a year; 65 percent of them have no college education. In so many instances, they are working not just one job but two or three jobs in order to make ends meet. Those are people who are struggling at the bottom rung of the ladder and depend upon the overtime just to get those resources to be able to try to bring up a family. Sure, they would like to spend more time with their family and, sure, they ought to have some opportunity to do that. We support that. But we are going to make sure that when that judgment is made, that that employee is the one who is going to make the judgment, not the employer because they want to see a pay cut for hard-working Americans.

That is basically what the issue is before us in the U.S. Senate. Without these kinds of protections that we have talked about today, that would be the result, a significant pay cut for those that are working on the bottom economic rungs of the ladder. That is wrong. That is unfair.

The measure that has been introduced by the Democrats as a substitute provides protections to deal with those issues. But we have been unable to be able to get acceptance of that proposal. Therefore, we stand in opposition to S. 4.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Madam President, it is with a great deal of enthusiasm that I rise to voice support for S. 4, I think the aptly named ''Family Friendly Workplace Act.'' I think that is exactly what this bill does. It provides some friendliness in the Fair Labor Standards Act for the employees, for the workers in this Nation.

I want to compliment and commend the Senator from Missouri for his leadership on this issue. I know of no one in this body more committed and more dedicated to the American family than the Senator from Missouri. And he demonstrated that I believe in his sponsorship and his championing of this cause and this bill.

This bill will give American workers the flexibility to take paid time off for any reason by simply working those hours in advance, paid time off. I know there are many in this body who have worked hard for family and medical leave. That is unpaid family medical leave. Most in the U.S. Senate voted for the Family and Medical Leave Act, the unpaid Family and Medical Leave Act. Therefore, it puzzles me that so many of those who championed family and medical leave on a voluntary and unpaid basis will now oppose this legislation which will provide workers paid time off for any reason by simply working those hours in advance.

It would make it possible, this bill, for modern families to harmonize the ever-increasing demands of family life and the workplace. Many employers have done their best to try to build some flexibility under the current law. And they have found themselves repeatedly in a virtual straitjacket.

This legislation will provide them that much-needed flexibility to work with and on behalf of those whom it is their best interest to help, their employees, their own workers. This is an issue which has been recognized by those on both sides of the aisle as being crucial to the future of the American family in this country. Mothers need to be able to leave work early to attend parent-teacher conferences or whatever else may be important to the welfare of their families. Fathers need to be able to take off work early to go coach their children's Little League team or some other worthy activity that will benefit their families.

S. 4 amends the Fair Labor Standards Act that applies to private-sector employees. That is those employees currently not eligible for comptime or flexible work programs. The individuals that I am referring to hold hourly positions such as clerical workers, mechanics, other low- or mid-level jobs that provide the backbone of our work force. The very individuals who need flexibility the most are those who currently are denied it under the current law.

The Labor Department recently concluded a report to the Nation and to President Clinton entitled ''Working Women Count.'' Hundreds of thousands of working women were surveyed and the results speak volumes about the priorities of these women in the work force today. The No. 1 issue for these women was how difficult it is to balance work and family obligations.

Their concerns are exactly what S. 4 is designed to address, how to continue meeting their responsibilities at work while also meeting their responsibilities at home to their families.

Why do we need a bill like the Family Friendly Workplace Act? The current laws dealing with the workplace were developed in the 1930's. There are some who feel content. They feel that those 1930 laws, as well-intended as they were, should be set in concrete forever, never amended, never changed except to make periodic changes in the minimum wage.

But the fact is, life in America has changed dramatically in the last 60 years. The structure and the composition of the typical American family has changed dramatically in the last 60 years. And it is time that we reflected those changes in the Fair Labor Standards Act.

In 1940, just 2 years after the passage of the Fair Labor Standards Act, 67 percent of all American families were comprised of a husband that worked outside the home and a wife that did not. More than two-thirds of American families fit that basic model in 1940, just 2 years after the passage of the Fair Labor Standards Act, and only 9 percent of families had two working spouses. Today that is no longer the case. Not only is it no longer the case it is just about the reverse, it is just about the opposite of that.

By 1995, only 17 percent of families had husbands that worked while the wife stayed at home. In 1995, only 17 percent had that kind of classic Ozzie and Harriet household. Only 17 percent fit that model 2 years ago. In addition, almost 70 percent of single women headed families with children.

So again, I point out, Madam President, the Department of Labor's own study revealed that the No. 1 issue women wanted to bring to the President's attention is the difficulty of balancing work and family obligations.

Recent polling data reflects that 81 percent of women support flextime proposals, and 31 percent of women who work full time say the ability to work flexible hours is the single most important policy reform that could be instituted in the workplace to ease this dilemma, this struggle of balancing a family and work pressures, to reduce stress, and to increase productivity.

So, 8 out of 10 women support the concept of this bill championed by Senator ASHCROFT of Missouri. Nearly one out of three put flextime at the very top of the list of workplace reforms that will provide help to the family.

I know I have been talking mostly about how this bill will benefit women in the work force. But it is not just women who feel so strongly about this issue. A poll conducted by Penn & Schoen Associates showed that most Americans prefer options in compensation for working overtime. They want options, they want more flexibility.

In fact, 75 percent favor allowing employees the choice of getting time and a half either in wages or as time off, 75 percent favor that. Madam President, 57 percent would take time off instead of being paid if that option were made available to them. Not by coercion. I heard that word. Not by pressure. I heard that word. But they voluntarily desire that option and would take it were it made available to them.

Then Money magazine recently conducted a poll which concluded that 64 percent of Americans and 68 percent of women would rather have their overtime in the form of time off rather than cash wages. Madam President, the evidence is overwhelming, the American people want more flexibility in their work schedules.

This bill provides it. The Family Friendly Workplace Act guarantees all Americans the right to have this flexibility. Unfortunately, many misconceptions have been perpetrated about what this bill actually does.

Let me just set the record straight on what I believe are some gross mischaracterizations of this legislation. The single most important thing that the American worker needs to know about the Family Friendly Workplace Act is that its provisions are completely—completely—voluntary.

As I was listening to debate here on the Senate floor I was turning through the bill. It is always helpful to read the bill. I believe the language is very plain and unequivocal:

> An employer that provides compensatory time off under paragraph 2 to an employee shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten or coerce any employee.

So the most important thing to remember is that the provisions of this bill are entirely completely voluntary. No employer can force a worker to take time off rather than overtime pay. In fact, S. 4 imposes criminal and civil penalties on employers who attempt to coerce or intimidate their employees into taking time off in lieu of overtime pay. Those penalties are increased. Flexible time can only be initiated at the employee's request. So worker protections would really be greater under this legislation than under current law. And it is, I say again, totally—totally—voluntary.

Another misconception is that workers would only be able to take the time off at the discretion of their employers. S. 4 allows an employee to take time off within a reasonable period after making the request as long as their absence would not unduly disrupt the employer's operations.

This standard has been used since 1985 for Government employees. It has resulted in very few disputes, and most notably has won rave reviews from these Federal workers who have had this option made available to them. They have not seen themselves as the pawns of management. They have not seen themselves abused, but rather they have seen this as an option that they wanted to take advantage of. They have approved of it. It has worked admirably. It has won rave reviews.

It is interesting to note that Federal employees have enjoyed a compensatory time-off option since 1945, and flexible work schedules since 1978, while private-sector employees must still operate under the rules established almost 60 years ago.

Furthermore, the comptime and flextime provisions of the bill are completely voluntary and do not affect collective bargaining agreements.

Some would like to portray this bill as a coercive attempt to undermine the unions. Nothing could be further from the truth. S. 4 is a bill that recognizes the importance of one particular union, and that is the union of family, a mother, a father, children, and the relationship that they have to their employer. And this bill will enhance that contractual agreement. It will enhance that union that exists within family. It will put a modicum of flexibility and reasonableness into labor law and into workplace management.

So let me just say, in concluding my remarks, there are two things I think are absolutely essential to remember. No. 1, it is voluntary. I am so tired of hearing the words ''pressure'' and ''intimidation'' and ''coercion'' because the language of this bill is absolutely plain and clear that that is not only not tolerated, it is illegal, whether it is implied or otherwise, and the sanctions and the penalties are actually enhanced over current law.

The second thing that I urge my colleagues to remember is not only is it voluntary, but it is tried and it is proved and has been successful. Federal employees have enjoyed this, and it is high time that we gave the workers of America the same benefits that Federal employees have enjoyed for years. And it is voluntary. You cannot coerce it. It is absolutely and totally voluntary and it has been proven it works. It is time we extend those benefits to others.

This bill takes a giant step in altering the all-too-obvious dilemma American workers presently face in trying to balance family and work responsibilities. I urge my colleagues to put families first and support S. 4.

Madam President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I was very interested in the comments that the good Senator was making, saying this is a completely voluntary provision. Let me point this out. If an individual worker says, ''Well, if I'm going to work overtime, I want my time and a half. And, therefore, since the system is completely voluntary, I'm not going to sign up for the comptime. I'm not going to sign up for flextime. I'm going to maintain the 40-hour week, and anybody who thinks that this is going to allow discrimination just doesn't understand it because I'm going to be able to maintain my rights.''

Well, that is a wonderful rhetorical statement, but it just does not take into account what is happening out in the workplace. Because you have Johnny over here who says, ''I'm going to

maintain my rights, I'm not going to let the employer decide when I can take comptime or flextime. I'm going to take the overtime pay after 40 hours a week.'' The employer says, ''OK, if you do that, I'm going to give the work to Bill and Harry over here. So you, Johnny, you're not going to get any overtime work because Bill and Harry are going to take comptime and they're going to take flextime. So you'll never get overtime work as you get today.''

That is the reality of the workplace. You can stand up here all day long—and I have heard Senators say, ''This is completely voluntary, because if I don't want to participate I don't have to. I'll be protected by the 40-hour week. I'll be able to get my overtime.'' But that does not reflect what is happening out there in the workplace today.

You have the three workers. He says, ''I'm going to stick with the 40-hour week. And I want my overtime pay.'' The others say, ''I'll do the flextime. I will not take the overtime,'' The flexible credit hour provision provides what they call straight time, which means they will work overtime but they will still get paid the same amount they got for the first 40 hours. That is in the bill. Or the next one says, ''I will take that in comptime and I will take that time off next week.''

Now, who is the employer going to choose when it comes to awarding overtime work? What the Democrats said is, ''OK, if you are going for these programs, we want a provision in there that you will not discriminate against that person who needs the overtime pay.'' Were the Republicans willing to take that? Absolutely not. Absolutely not. The Republicans claim that workers are going to be able to make a decision on their own, without coercion. But the fact is that they are going to be discriminated against in the workplace because they are not going along. When we tried to remedy that situation with an amendment, the Republicans said no.

Now, I find it difficult to believe that this is really voluntary and it really will not affect those workers who do not want to participate. Of course it will affect those workers. They will have their pay cut because they will never get the overtime work. Those who need the overtime pay the most will never be assigned overtime work again. They will be hurt the worst.

That is why we are trying to bring in that provision, so we will not discriminate. This bill allows that. I think it demonstrates what the bill's real purpose is.

This is, basically, Madam President, about reducing overtime pay. That is the testimony we had before the committee. The National Federation of Independent Business, one of the prime organizations that supports this told our committee that ''Small businesses can't afford to pay overtime.'' That was the National Federation of Independent Businesses's explanation of why they support this bill.

Who are the people affected by this legislation? To understand the real-world impact of the bill, you have to look at the workers currently depending on overtime pay to make ends meet. Forty-four percent of those who depend on overtime earn $16,000 a year or less. More than 80 percent have annual earnings of less than $28,000 a year. That is, 80 percent of them earn less than $28,000 a year. A single mom with two children, $28,000 a year. That is at the top level of those who are working overtime. These are people who need every dollar they can earn just to make ends meet, men and women supporting families.

If this bill passes, many will lose the overtime dollars they need so badly. Employers will give all the work to the employees who agree to take the comptime. There will not be overtime work for those who insist on being paid.

Under the Ashcroft bill, discrimination in awarding overtime work will be perfectly legal. Does anyone honestly believe it will not happen? Does anyone honestly believe if the employer has the choice between paying someone 1½ times or paying someone in flexible credit hours, which is straight time, does anybody believe the employer will not choose the less expensive option?

Mr. ASHCROFT. Will the Senator yield?

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

Mr. ASHCROFT. If you mean for the question to be totally rhetorical, I would not. But I believe there are reasons in the bill which indicate that such coercion would not exist. First, I do not think it is automatic that it costs an employer less to have an employee to accept comptime and have to maintain books for the compensatory time and also have the cash available for an employee to be paid the compensatory time at the worker's option.

If you look at the bill on page 15, it says, ''Prohibition of Coercion,'' and it says, ''shall not directly or indirectly intimidate, threaten, coerce or attempt to do so,'' and again on page 39, ''an employer shall not directly or indirectly intimidate, threaten, coerce or attempt to do so.''

Mr. KENNEDY. If I could, please tell me where coercion is defined in the bill. I would be interested.

Mr. ASHCROFT. Page 40—thank you for asking—definition: ''The terms intimidate, threaten or coercion include promising to confer or conferring any benefit, such as an appointment, promotion, or compensation, or affecting or threatening to affect any reprisal such as deprivation of appointment, promotion, or compensation.'' It seems to me that is exactly what you are talking about.

Mr. KENNEDY. No, it is not. Are you are saying that the definition of coercion includes discrimination in the award of overtime work, or are you saying that the issue of coercion is different from the issue of discrimination?

Mr. ASHCROFT. No, what I am saying——

Mr. KENNEDY. Do you agree that you can have discrimination without coercion?

Mr. ASHCROFT. Not under the bill.

Mr. KENNEDY. Then why do you not add the word ''discrimination''? If you added that this afternoon, that would be real progress. I think there is a difference between coercion and discrimination. Without coercing somebody, I can say I will not give overtime work to that person. That is not coercing that person, as I interpret it. That is discriminating against that person because they will not take comptime or they will not go along with the flexible credit hours, which is straight time. I call that discrimination, not coercion.

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. Sure.

Mr. ASHCROFT. This defines intimidation, and it says it includes ''promising to confer or conferring any benefit such as appointment,'' which means to appoint the person to do the overtime, or promotion, or compensation, to give a person a benefit, which the overtime is clearly a benefit. That is the whole thrust of your argument.

If you do that, your discrimination qualifies as intimidation under the definition on page 40. But maybe we can clarify this with an amendment. That is one of the reasons I have said I would welcome Members to come to the floor.

Mr. KENNEDY. I would be more than glad to offer that amendment this afternoon to make that clear, and we could accept that this afternoon and move ahead. I would consider that very important.

With all respect to the Senator, I find an important difference in the definitions of coercion and discrimination. If the Senator believes that other parts of the bill's definition of coercion somehow prohibit discrimination, and therefore employers cannot discriminate, perhaps we could clarify that issue by using those words, discrimination. If we could achieve that, we would have made very important progress. I offered an amendment to accomplish precisely this. My amendment made it unlawful for an employer ''to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for acceptance of compensatory time off in lieu of monetary overtime pay.'' So if you are willing to include those words, I think we would have made some very important progress. That is one of the important improvements that we are trying to achieve.

Mr. ASHCROFT. I am happy to try to work together with our staffs to see if we can meet a mutual understanding of language. It is not my intent to draft a measure that would allow the employer to withhold the benefit of additional

overtime or opportunities from an individual based upon their commitment to take either comptime as opposed to paid time or paid time as opposed to comptime. The decision should be neutral.

Mr. KENNEDY. I appreciate the Senator's position on that. I do feel that has to be spelled out in the legislation because of the types of industries that we have been talking about here, for those individuals working in those industries have been subject to a great deal of exploitation, as the Senator knows—I will not take the time now, because I mentioned it earlier—both in terms of meeting minimum wage standards and also in terms of overtime standards. We are talking about hundreds of thousands of workers every single year.

I certainly appreciate what the Senator says about his desire to make sure that the legislation is not going to lend itself to exploitation. It is my own experience, and I think the experience of many others, particularly those people who are working in those working conditions, that there would be, in too many instances, a contrary result. I am sure there will be many employers who would not abuse this system, but I think we need to provide those kinds of protections. We will welcome the chance to work on this.

I was addressing, Madam President, the overtime provisions. I will not be long. It does reflect the vulnerability of these individuals in the work force. We are talking about these individuals who do not have the protection of any of the unions and are subject to, in too many instances, harsh working conditions.

As I mentioned, the people who will be hurt the most are the most vulnerable workers. Fifty-six percent have only a high school diploma or less. You know how hard it is to get ahead, no matter how hard you work, without more education. Millions who rely on overtime earn only the minimum wage. Sixty percent of them are women. One-third of them are the sole breadwinner in their families, and 2.3 million children rely on parents who earn the minimum wage, parents who hope their children will not get sick because they cannot afford a doctor and cannot afford the health insurance.

Interviews conducted by the Women's Legal Defense Fund demonstrate the sacrifice American women make in support of corporate flexibility, such as a waitress who is involuntarily changed to a night shift despite the fact she has no child care for evening hours. One working mom says, ''My life feels I am wearing shoes two sizes too small.'' Thousands of these workers already work two jobs to make ends meet, and they need to work every hour they can.

Let me give a few examples of these people: 400,000, half of them women, work two jobs in the food service industry; 200,000 are cleaning and building maintenance workers. These are classic low-wage jobs. These employees really need the money they earn from overtime.

We discussed in our committee how the new economy, Madam President, was creating two categories of workers. The highly educated people are doing well, but those with limited education are struggling, and it is increasingly difficult for them to earn a good living. They depend on overtime. Their jobs are hard, but they perform them with dignity and commitment. They are doing their best to provide for their families. We cannot pass a bill to allow employers to cut the pay those workers receive now.

Madam President, I think if we were to go across the face of this country, we would find that most workers feel they are working longer hours. They are working longer hours than they were 20 years ago, about 200 hours a year more than they were working 20 years ago. Most of them feel they are working longer, they are working harder, and they are not making much progress toward reaching the American dream.

I saw the National Association of Business Economists was talking about poll results that for the first time found that more than half of the American people believe that the future for their children is not going to be as good as their own standard of living. We have always, as a country and a society, believed that future generations were going to have better opportunities for success, and there are a variety of measures that impact the well-being of those workers. Obviously, there are wages, the key element; the education of their children; decent health care; whether they will have any kind of pension system down the road. Of course, very, very few of these workers, ever have any kind of pension. That does not exist for the kind of workers we are talking about here today. The challenges they are facing in terms of inner cities, of rural communities, in terms of safety and security, wondering about the air they breathe, the water they drink, all of those issues are out there. They are facing an extraordinarily challenging time for themselves and for their families, working harder and not getting very far ahead.

Now we are asking them to roll the dice on legislation. Will we offer them legislation that will abolish what protection those workers have under the 40-hour week, and allow employers to tell them they will work 60 hours 1 week and 20 hours the next? Or will we give workers the right to decide whether they want to work longer and maybe get that additional money, maybe not see their children as much, but at the least offer their children a better quality of life? Sixty hours of work in one week—where are workers going to get the day care under such a schedule? Where are they going to be during that week if their child gets sick? How does it help them to work 20 hours the next week?

The key to this legislation is very clear. What is the power of the employee? Is the employee going to be making the judgment, as provided in the Democratic alternative bill, as to when that time can be taken off? Or is it going to be the employer who will choose, as S. 4 provides? The Ashcroft bill says that, when an employee has accrued the comp time and wants to use it, the employee ''shall be permitted by the employer of the employee to use it within a reasonable period of time.''

Does that mean workers are going to be guaranteed the ability to go to that school meeting next Monday afternoon, or go to the dentist a week from Wednesday, or go to that school play, or go to that athletic event in the middle of next week? It says, ''shall be permitted by the employer of the employee to use such time within a reasonable period after making the request, if the use of the time does not unduly disrupt.'' What is unduly disrupt? The employer says, ''I have to get those products out to the market. We can't have you leaving in the middle of next week.'' That is the end of the story. Is there any opportunity for this employee to say, ''Wait a minute; let someone else, a neutral person, make a decision on this?'' Absolutely not. The employer makes that judgment. It is stated here.

If the employer makes that judgment that the employee's use of comptime will unduly disrupt, he will give the time off 3 weeks from now rather than the time when that individual wants and needs it. Those are the provisions of the legislation. It does not give the choice to the employee.

That is the dramatic difference between this bill and the bill that has been proposed by the Democrats. The Democratic alternative would provide for the employee to be able to take that time. It would guarantee that workers could take that time if they needed it to take care of a sick child or a family member. That is an absolute right. And when the time is being used for the other reasons; that is, the ball game, the parent-teacher conference, the employee can take the time off if she has given at least 2 weeks notice and the use of the time will not cause grievous injury to the business. That is the difference.

Are we going to risk abolishing the 40-hour week, or are we willing to give the employee greater flexibility to be able to do the kinds of things that have been identified which parents want to do and need to do for their children's upbringing? That is the basic question.

I think we ought to at least be able to consider the Democratic alternative before we obtain cloture. I understand that we would not be able to consider the Democratic alternative prior to cloture.

It is my understanding that we will be having a cloture motion filed this afternoon.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, we may or may not be able to have the cloture motion filed this afternoon. But to make a difference in terms of working out some of these measures, I would be pleased to see the cloture motion held over until Tuesday so that the cloture vote could be held until Thursday.

I think it is important for us to get together and work on this measure. It is important for us to understand that we agree that families need more time. I believe we have an agreement that we want workers to have a real choice and a choice that is meaningful to workers.

That is one of the reasons we put the second level of choice into the bill. We allow a worker to choose to say, ''I would like to have this as comptime instead of overtime pay.'' But we put a second choice into the bill that says any time after the worker has said that they want it as comptime and not as pay later, the worker can say, ''I change my mind. I will take that as pay.'' That is to avoid any potential coercion or abuse.

But the idea that an employer might say we are only going to let overtime go to people who will choose compensatory time, or even to say we are only going to let overtime go to employees who are going to choose to be paid because they don't want to mess with the hassle of keeping the overtime—if the employer wants to participate at all, the employer shouldn't be able to intimidate the employee's choice in this matter.

One of the things that I think I would like to point out that the Senator from Massachusetts has raised is that he wants this to be something that helps families. He talks about the need to help families. But the kinds of items that they are proposing that deal only with comp time and don't deal with flexible working arrangements like the Federal employees have or don't deal with anything like the Federal employees have, maybe we will address the needs of at best maybe a third of the employees. I think we are forgetting the data from the 1996 current population survey, which indicated that only 4.5 percent—that is one out of every 25 women—who work by the hour have overtime in a typical workweek. That means, yes, in a typical work period and in a week's time. But say you get four times or five times that 4.5 percent that get it over the course of time so that they would be able to build up some comptime, they are still talking about 20 percent of the women in the culture who are working in those hourly jobs.

If you have 28.8 million women working in hourly jobs and you are only going to help 5 to 6 million of them, we have not done much in this bill. We need to address the problems that inure to the families of all of the workers, not just the ones that get regular overtime. The men are in a little bit better shape in our culture. They get more of the overtime than the women do. There are about two men getting overtime for every woman getting overtime.

But if we do nothing more than pass the comptime part of this bill, we are going to leave behind too many men and too many women. We need to have flexible working arrangements on a broader level to meet the needs of the families, the families with children, that do not have regular overtime. They get sick. Children in families that do not have regular overtime get awards—they have parent-teacher conferences.

Of course, in one respect it is important to say that, if you have comptime or flextime under this bill, you don't even have to have children to benefit. If you want to go fishing and your boss can agree that it does not unduly disrupt the business' purposes, you can swap the time off, and especially if you schedule to take every other Friday off.

The Senator from Massachusetts talked about the fact that there are certain ways in which flexible benefits can inure under the current situation. He says that only a tiny fraction of the employers provide flexible work schedules. That is because they are unworkable. It is a simple matter of fact.

The flexibility outside of S. 4 is limited to arranging 40 hours of work in a 7-day period. Exchanging hours from week to week is not permitted, even if the employee requests such an arrangement. For example, an employee who wants to work 45 hours in one week in exchange for only working 35 in another in order to attend a child's soccer game or to take the child to a doctor or to go fishing makes the employer agree to pay 5 hours of overtime for the longer workweek. Most employers can't do that.

Sally Larson, a human resource professional at TRW, tesified before the Employment and Job Training Subcommittee that her company instituted a program where hourly workers would take every other Friday off. She also stated it took a team of lawyers a year to change over their payroll systems and to make sure that the program complied with Federal law.

Most hourly workers aren't working in settings like that where they work for an employer who can have a team of lawyers that go through that kind of enterprise. Small businesses—or any business, for that matter—should not have to hire a team of lawyers in order to cooperate.

The point is that current law is unworkable. It is obviously not in broad utilization. It doesn't happen. We need something better.

The fact is that the system which we are promoting, the system which we are offering to the American public, is not an untried system. It is a system that has been place in the Federal Government since 1978. Through the last years of the 1970's, all through the decade of the 1980's, now well through the 1990's, we have had the system in place.

I have been in the Senate now going on 3 years. I have yet to have a single Federal employee come and complain to me about this system. There is no bill pending in the U.S. Congress that would change this system. This is a benefit. It is a clear, unmistakable benefit. It is something that workers use. They subscribed to the flexible working arrangements benefits so aggressively early on that it has provided some difficulty in getting people to work on Friday. It has taken cooperation and some scheduling. But that has happened.

There is much talk about the fact of the suggestion that we are without protections in this bill. But the bill which I have proposed for private industry has many protections which are not included in the bill which relates to the public. What I find amusing is that many of the people who are most aggressive in their opposition to this bill for private industry were sponsors of the bill which does not have the protections for people who work for the Government.

Look at this.

''Workers can be required to participate in compensatory time as a condition of employment.'' This goes to the comptime bill for State and local workers. ''Can be required to participate.'' Under my bill it is strictly voluntary, and cannot be required.

The very sponsors of the bill which are complaining, saying there is not enough volunteer choice here, cosponsored the bill for State and local employees which allows them to be required to participate as a condition of employment. Under the State and local law, which was sponsored by the same opponents of the bill currently, ''management can decide whether a worker must use comp time.'' Not so. ''Workers cannot be coerced into using their comp time. Penalties are doubled for direct or indirect coercion'' under our bill.

It is important that people have choice. If someone were to try to coerce a worker into using comptime, the worker would have to do but one thing: Say, ''I want the money,'' because we allow for that second choice. Until you actually use comptime under S. 4, you have the right to cash that time in at any time.

So you want the money? Just say you want the money. This is a structural opportunity. This structural capacity to take the money mitigates against coercion.

''Comptime is paid in cash only when a worker leaves the job.'' Under Senate 1570, Public Law 99–150, you have to quit if you are a State government employee in order to get your pay in cash. We didn't think that was enough protection. We thought that workers ought to have a different protection than that. ''Comptime must be cashed out on the request of the employee,'' and ''must be cashed out at the end of the year.''

I just raise these issues as a means of saying that our effort is to make this measure one which will provide a basis upon which people can spend time with their families, can arrange their work schedules, can meet these competing demands of the workplace and the home place. And we have sought to place not only legal inhibitors to coercion in the bill, we have also sought to put structural things in the bill—the right of the worker to cash out, just to say I want the money; I am entitled to it; give me the time-and-a-half, I want to take my money instead of leaving the hours in the bank. That right is there all the time. It never is extinguished.

The only way the right of the worker—there are two ways the right of the worker to get that money out is extinguished. Two ways. The first is if the worker takes time off with pay. You would not expect to take time off with pay and get paid time and a half for overtime. You cannot have your cake and eat it.

The second way you do not have a right to cash out your employment is if you are going to get cashed out at the end of every year. At the end of every year the employer must give out the money. He cannot carry it over as comptime. So if the worker cannot be forced to take it as comptime and at the end of the year the employer must give it out as cash, then the employer does not have any real incentive to try to get people to work without, by saying they will take comptime instead of paying them overtime. A business is going to have to hold the cash ready to pay it out at the end of the year, hold it ready to pay it out at the employee's request, at any time the worker says I have decided I want the money instead of cash.

As I said to the Senator from Massachusetts, Mr. President, I hope we will be able to work to provide further assurance that we do not intend for employers to be able to coerce or intimidate. This is a measure which I think would really affect people where they live. I have been getting lots of letters from people around the country. This one says:

I'm writing this letter in regard to S. 4, the Family Friendly Workplace Act. I ask that you support the bill as I think it would be of great benefit to all the citizens of this country. Time and again parents relate to me—

And this comes from a public school principal—

parents relate to me that they cannot come to school for conferences or other meetings because they have to work. This bill would seem to allow some flexibility in the workplace.

The principal knows the value of parents being able to come and participate in the child's education.

She also goes on to say:

I'm also the child of an elderly parent who needs constant care. Many of my baby boomer friends are in the same situation of caring for parents. A family friendly workplace would relieve some of the worry and frustration of this situation. Thank you for your time.

Here is a letter from a 25-year-old single mother of twin 2-year-old daughters—A 25-year-old single mother of twin 2-year-old daughters. Now, this is the definition of having your hands full.

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

She is right there. The employer would have the option of doing that.

As a 25-year-old single mother of twin 2-year-old daughters, the Family Friendly Workplace Act would be extremely beneficial to my situation.

Listen to her situation.

My children were born with a congenital heart disease and they need to attend checkup appointments on a 3-month basis with a cardiologist. These appointments have to allow a full day since our specialist is in Springfield, MO, and especially because both of my children attend the appointments. Also, since my children have a heart disease, they need special attention if they are ill. As a single mother, it's very difficult to lose any days financially.

Let me read that again.

As a single mother, it is very difficult to lose any days financially.

Let me interrupt this letter for a moment. Now, you might say, well, this woman can take time from Family and Medical Leave. I think she could qualify for the serious medical problems that Family and Medical Leave may cover. But Family and Medical Leave makes you take the time off without pay. So here is this single mother, with twin 2-year-old daughters with congenital heart disease, having to make regular doctor appointments and having to take a pay cut in order to take her kids to the doctor, and she says:

My understanding of this act is that I will be able to have the flexibility in my work schedule giving me the opportunity to make up work hours lost because of illness in the family and doctor appointments.

I can understand her desire to make those things up.

As a single mother—

She goes on to say—

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

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

Absent the Family Friendly Workplace Act, people like that have to take family and medical leave, which is time off without pay.

Now, before the current occupant of the Chair came in, I went to the Report of the Commission on Family and Medical Leave. The Commission report stated in order to make up for the pay cuts that people have to endure because they are not allowed to make up their salaries, they are not allowed to bank flextime and they are not allowed to have banked comptime—here is how they make up for those losses—28 percent have to borrow money; over 10 percent went on welfare when they took family and medical leave; 42 percent put off paying bills.

Do you know what putting off paying your bills does for you? It increases your payments. The interest goes up. You are paying for a longer period of time. And it just occurs to me that we should not put people in the position of having to take a pay cut in order to be a good mom or dad in America. We should have a situation where we can give people the option of working some time in advance and then using that time, or when they have overtime required of them, putting that time in a bank so they can take time and a half off at some later date. It seems to me that makes a lot of sense.

Now, I do not understand how it is that those who oppose this bill say this is a bill for a pay cut. This is not a pay cut. This is a way for you to work time in advance so that when you need to take time off later, you do not have to have a pay cut. You do not have to take Family and Medical Leave time, which is unpaid leave. You can take flextime off or comptime off, or you could just cash in your flextime or comptime and have the money that you had earned earlier there to sustain you when you would be gone.

So the suggestion that this is a bill which provides for pay cuts I think ignores the real facts of life. The real fact of life is that when you have your 25-year-old mother, single mother of twins going to the doctor under Family and Medical Leave, she takes a pay cut. And that pay cut is never restored. But if she had the ability to have flexible working arrangements, that would be a pay cut which she would not have to endure.

I believe we do have a lot of agreement here. We agree that American families need the opportunity for flexible working arrangements. S. 4 provides the potential of flexible working arrangements to all the workers in the culture.

Because the suggestions from the other side only address people who traditionally work overtime, you are only talking about a third of the people in the culture there. I think we ought to find a way to help all Americans balance the needs that they have between their families and the workplace, and we ought to look very carefully at the data from the 1996 Current Population Survey which indicates that only 4.5 percent, 4.5 percent of the private sector working working women report getting regular overtime. Even if you multiply it 4 or 5 times, get it up to 20 percent, get it up to 25 percent, multiply it by seven times or eight times,

get it up to 32 percent, you are still ignoring two-thirds of the individuals in that population.

I think it is time for us to provide a way to accommodate the needs of families that respects all of the families in the United States of America and does so without requiring them to take a pay cut, because, in my judgment, we should not be asking people to take pay cuts. We should be providing people with ways that they can sustain their income and sustain their families in the same situation.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I listened with great interest to my friend and colleague. I will be glad over the evening to examine further that 4 percent of the workers, if I quote the Senator right, who regularly get overtime and are women. We debated the increase in the minimum wage last year going from $4.25 an hour up to $5.15 an hour, and we found out that two-thirds of them were women. I cannot believe that these are not individuals who are working the overtime. Maybe we have a semantic disagreement, but it is difficult for me to believe at this time that only 4 percent of the overtime is being made by women in this country.

Mr. ASHCROFT. Will the Senator yield?

Mr. KENNEDY. I yield for that.

Mr. ASHCROFT. The data which I cite was that only 4.5 percent of the working women reported that they get overtime in a regular work period. That is the data in the Current Population Survey.

Mr. KENNEDY. I have heard that and I will try to review over the evening what we have in terms of those regularly working overtime, how those matters are defined, because it is virtually impossible for me to believe that the majority of the hourly workers are not women in our society. It is just very, very difficult. And that the majority of overtime hours worked is not worked by women.

Now, Mr. President, I am someone who was here strongly in support of the Family and Medical Leave Act. I supported the leadership that was provided by my friend and colleague from Connecticut, Senator DODD, who is the real leader on this issue. When we proposed that legislation, we tried to start out with a limited program that provided pay for people who used family and medical leave. Every other industrialized country in the world provides paid leave. We were absolutely stopped in our tracks by Republican opposition. Now we hear on the floor this afternoon, can you imagine, that someone who uses family and medical leave is going to have to go on welfare to use it. I wish we did provide some financial help when workers use leave for the type of family emergency that the Senator has pointed out. Every other industrialized society provides that kind of reimbursement. But we met total Republican opposition to that proposal. And American workers do not get paid family and medical leave.

It is difficult for me to understand, with all respect to my colleague, why it is worth more to that worker to work for compensatory time so that they will be able to take the time off, should they be given the chance to use it, in looking after a sick child rather than getting time and a half and putting the money in their pocket and having it in their pocket when that medical emergency happens. It seems to me that ought to be the choice that people would want to have. The Senator is saying, well, we are giving them a new opportunity. They can work and not even put that money in their pocket. I don't find that very convincing.

Mr. President, as the Senator has pointed out, we have mentioned Federal employees a number of times. I will just read the statute governing Federal employees. In this instance, the statute refers to flexible credit hours. In the Federal program, ''Credit hours means flexible schedule which are in excess of the employee's basic . . . and which the employee elects to work.'' The employee elects to work.

In the Senator's bill, it is the employer and the employee who jointly designate hours. That is a big difference. I am all for Federal employees making the decision, but I am not for S. 4, which provides that the time off shall be permitted by the employer instead of the employee. That is what it says. Time off shall be permitted by the employer instead of the employee, for the employee to use within a reasonable period of time after making the request. The example that was given by Senator ASHCROFT is actually protected by the Democratic substitute bill.

In the substitute bill, it provides that if the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. Put that in your bill, I say to the Senator; put that in your bill. Put it in this afternoon; put it in right now. We just heard that story. Put it in right now. Put in the other provision on nondiscrimination that you mentioned. Discrimination, is it the same as coercion? Yes, it is; no, it isn't. Put in those words. Put in now just what I read here from my amendment; put that right in. If the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. That is not in the Ashcroft bill. That is not in the Ashcroft bill, and he cannot stand up on the floor of the U.S. Senate this afternoon and say it is.

So that parent out there who may be listening to this debate, read what is in the bill. You don't have the guarantee under his bill to use the time for your desperately ill children. You do under the Democratic alternative. It is written right in there. If the time off is needed to care for a sick child or other family member, the employee has an absolute right to take the time. When the time is being used for other reasons, the employee can take the time if he or she has given 2 weeks advance notice and the absence will not cause grievous injury to the business. The presumption is in favor of the employee. That is not in the Ashcroft bill.

That is the essence of this, after all is said and done, Mr. President. Those are really essential parts: whether we are going to risk abolishing the 40-hour week, and the dangers that will take place without specifying that the employer cannot discriminate against those workers who refuse to play ball with the employer, and that makes the decision primarily a decision to be made by the employer. I think that is really the essence of the difference in our approaches.

I commend my colleagues on our side for studying this issue, for providing the protection for all employees, giving the employee the kind of protections that they need to assure that comp time hours when used will be considered hours worked so they are not going to be shortchanged at the end of the week. These are the kind of protections that exist for Federal employees. That protection was in our amendment. That was rejected. That was rejected by our Republican friends in the markup. We have offered it. We will offer it again. We will have a chance to do that.

Mr. President, I appreciate the chance for this debate and discussion. The conditions affecting working families in this country are enormously important. We have seen the assaults that have been made on the earned-income tax credit.

We have seen the assaults that have been made with regard to increasing the minimum wage.

We have seen assaults made in terms of some of the education programs in the last Congress.

And we have seen the assaults made in terms of the pay that goes to those who work in the construction trades, who average $28,000 a year, protections in terms of the prevailing wage not being undermined.

These are all working families in this country. It doesn't seem they have too much protection. They have, in many instances, too little. I believe that this proposal will substantially reduce the amount of overtime that is paid to workers who are willing to work hard, play by the rules, and try to make that little extra money to be able to provide for their families.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, first of all, I thank my colleague from Massachusetts for engaging in this debate. I think it is important to do that, to refine what we are talking about, to learn what works and what won't work and learn where we might need to modify what we are doing. I am eager to

have amendments offered by those individuals who want to change this proposal, and I think we will be getting to that very shortly, and I am grateful.

I just point out that he indicated that the situation with the mother of twin 2-year-old daughters would be covered under the Democratic proposal. Her company doesn't provide for overtime. Her company just doesn't ask people to work overtime, and the Democratic proposal simply doesn't address the needs of the vast majority of individuals in the country who don't get overtime. I think we need to do that. There are lots of companies who just don't do it. They can't afford for their labor costs to go up by 50 percent by having overtime, so they hire enough workers, schedule enough people, pay enough benefits.

But this young mother says, ''My company doesn't schedule overtime.'' So the only way for her to have the capacity to develop the ability to serve her daughters without taking a pay cut would be if we had some kind of flextime proposal similar to the one offered in the U.S. Government to Federal employees. It has worked well here. As a matter of fact, 10 to 1 the workers say it is very, very good. The General Accounting Office, which assesses whether things work or don't work in the Federal Government, indicate because people have the kind of flexibility they need, these workers in the Federal Government are more productive and their morale is better. I think that would be the same kind of thing in which private employers would want to engage. They would want to help their workers be more productive, have better morale, and extend to them the same kind of benefits that are available to Federal employees.

You may just say all the various things you want to say about this, but there are a couple key facts. It is totally voluntary, and not only do you have your first choice, but you have your second choice. If you choose to bank some hours and then you choose to cash them in later, you can cash them in. So your first choice is whether or not to put hours in the bank instead of taking the pay. But any time later, before you take the hours off, you can cash them in. That is choice No. 2. This isn't a plan that is just characterized by choice, this is a plan characterized by choice squared. This is two choices, and I believe in this case two choices are better than one because they provide insurance.

Second, it is a plan which would give people an opportunity to take time off without taking a pay cut, and that is something that we need. It is a plan that would deal with all the work force in the country, not just the few who regularly get, or with some frequency get, overtime pay. In my judgment, those are very important components, and I think given the fact there is substantial agreement about the needs—and I don't think anybody will come to us and really say the needs are focused only on people who get overtime in their work—it is pretty clear that people who don't get overtime, their kids have problems, they have the needs for the parent-teacher conferences, just like other folks, and I think it is time now to work together.

I hope the amendments will begin to be brought to the floor, and we will vote on these amendments. I am not in favor of curtailing the amount of time available to this bill. I think we ought to run this through the series of proposals, and the Senator has been kind enough to mention a number of them, that apparently will be coming forth. Frankly, we are going to be working this evening and into the day tomorrow to try and make sure if there are misunderstandings or clarifications that can be the basis for agreements, that we will provide those. I thank the Chair.

Mr. KENNEDY. Mr. President, before yielding the floor, I thank my colleague for a very positive and constructive approach on this legislation. We certainly want to try and find out what possibilities there are, but he certainly has indicated a willingness to consider different alternatives, and I thank him very much for the interesting debate and for his willingness to try and find common ground. I yield the floor.

Mr. CRAIG. Mr. President, I rise in support of S. 4, the Family Friendly Workplace Act. I was proud to be an original cosponsor of this bill when it was introduced. I commend Senator ASHCROFT, for his leadership as the principal author of the bill, and Chairman JEFFORDS, for guiding it through the Labor and Human Resources Committee.

In a word, this bill is about freedom. Mothers, and fathers and their families, need more freedom in the workplace—more flexibility in balancing the demands of work and family.

What has the Federal Government all too often given them instead?

Rules and regulations that are rigid, arbitrary, and one-size-fits all.

Increasingly over the last 60 years, Federal employment law has reflected the paternalistic attitude of a government that thinks it knows more about work-and-family needs than do the families and workers themselves.

The apologists of the failed regulatory state will argue that freedom is something granted to the people by the Government; and that freedom is a zero-sum game. For instance, you can't give employees more flexibility without creating an entitlement at the expense of the employer.

They will offer amendments to this bill next week, asking us to impose more legal straitjackets on workers and employers. We should reject those amendments and opt, instead, for freedom for our workers and their families.

This bill shows how Government, in its zeal to regulate, has failed our families; and how maintaining basic labor standards, while adding a little dose of freedom and flexibility, will create a win-win situation for employees and employers.

This bill does not create a right or grant an entitlement. It does not take away from a single worker or employer. It simply removes an obvious example of overkill—of the Government acting as the national nanny. It gives back to workers and their families some of the freedom that was taken away when an earlier Congress went too far in regulating the workplace.

This bill restores employee choice in an area where, for most private sector workers, the Government had taken it away from them. It allows the employee to arrange flexible work schedules to meet important family needs. It allows the employee the choice between one kind of overtime compensation or another. The employee will still receive time-and-a-half compensation for overtime. Only now the employee will have the freedom to negotiate when and how.

The apologists of the regulatory state want to expand Federal control over the lives of workers and their families:

They want the Federal Government, increasingly, to become the personnel manager for every workplace, and the collective bargaining agent for every worker.

They want the Federal Government to decide a family's priorities for taking time off. But what qualifies Washington, DC, to choose a parent-teacher conference, yes; but the school science fair, no? Dentist appointment, yes; but going to the DMV, no? Some kinds of elder care, yes; versus other kinds, no?

And you have to take a pay cut if you take their Government-approved leave, because the entitlement mandated under the Family and Medical Leave Act is unpaid leave.

They want Congress to say to employers with 25 to 49 workers: In 1993 we thought you were a small business. In 1993 we said you didn't have the economies for scale to afford federally mandated leave. Now we think you're a big business and we want to run your employees' benefit package.

Public employees have the freedom and flexibility that this bill would extend to private sector workers. Flextime and comptime have worked for public employees. These arrangements are overwhelmingly popular with the workers who have been eligible for them.

Now is the time to pull back a little on the long arm of big brother. Now is the time to give back some of the workplace freedom that previous Congresses took away.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

DISASTER RELIEF

Mr. DORGAN. Mr. President, I was interested in listening to the debate of my colleagues, and this is, indeed, an important issue and it is very important to understand what are the facts, what precisely is being proposed and how exactly will it affect workers in our country. I expect in the coming days that we will hear a great deal more about this, see amendments and have votes. We already had one cloture vote on this issue as the Presiding Officer knows. I came to the floor, however, just to visit a few moments about the disaster relief bill, the supplemental appropriations bill that we will be dealing with this week in Congress.

As my colleagues know, the Congress left for a Memorial Day recess, which was all of last week, without having passed the supplemental appropriations bill or the disaster bill, as we refer to it, because the legislation contains a substantial amount of money to respond to the disasters that occurred in our part of the country; namely, the blizzards and the flooding and the fires that occurred in North and South Dakota and Minnesota.

Mr. President, I spent all of last week in North Dakota. Most Americans, having watched for a couple of weeks the disaster that occurred, especially along the Red River Valley and most especially in Grand Forks, ND, and East Grand Forks, MN, remember the images of the massive flooding that occurred that caused the evacuation of a city of 50,000 people on the North Dakota side of the border and the evacuation of 9,000 people from East Grand Forks on the Minnesota side of the border.

The American people saw this flood that consumed the Red River Valley, a small red river which flows north became a lake 150 miles long by nearly 20 and 30 miles wide in parts of it. Of course, channeling it through the communities of Wahpeton, Fargo, and eventually Grand Forks was successful until it got to Grand Forks, and then the dikes breached and the town of Grand Forks and East Grand Forks became almost totally flooded and both communities were totally evacuated.

In the middle of that evacuation, a fire broke out in downtown Grand Forks and destroyed 11 of the larger buildings in downtown Grand Forks, ND. Firefighters were fighting fire in water that was terribly cold, water up to their chest, standing in the streets, trying to fight fires in nearly three city blocks in downtown Grand Forks, ND.

The story is well known that the folks in Grand Forks and East Grand Forks left town, many of them with only the shirts on their backs. They were housed in aircraft hangars at the Grand Forks Air Force Base, 4,000 people originally sleeping on cots and hangars at the Air Force base, and people all around the region taking families in, living with relatives, doing all the things necessary because they have lost their homes and had to find somewhere to go.

That occurred weeks ago, and the Congress began working on a disaster relief bill. President Clinton went to Grand Forks and East Grand Forks in the middle of the flooding. I went with President Clinton on that visit. He proposed $100 million in community development block grants and other substantial aid through FEMA and other Federal agencies. We added to that.

And my colleagues here in the Senate, on a bipartisan basis, constructed a disaster relief bill that was very significant and very important for the recovery of that region. Regrettably, the Congress was not able to agree on the bill and left for the Memorial Day recess.

Among the areas in this legislation that caused some difficulty is an amendment dealing with a Government shutdown issue that has nothing to do with this bill but nonetheless will engender a Presidential veto. The President has already indicated he could not sign a bill even a disaster bill if it included a controversial amendment like this. So, that is where we left it as we left town about a week and a half ago.

I was in Grand Forks, ND, last week. And here is an editorial from the Minot Daily News that describes what I saw as well. It talks about the biggest mess in history in North Dakota.

Garbage is almost everywhere—talking about Grand Forks—thousands of piles several feet high—crumbled drywall and brickwork, water-damaged appliances and furniture and anything else that could be hauled out to the curb and beyond. Streets that were once wide enough to accommodate two-way traffic and a row of parked cars are now so narrow as to permit only one vehicle at a time.

What I saw in Grand Forks, which is a very pretty city, was every single street of that community lined with garbage, having been pulled out of all of these homes that were inundated, basements, first floors, and in some cases the entire homes inundated by flood water. And now it is all taken out to the curb as they are starting to try to clean up.

I was down in one part of Grand Forks where I had previously traveled by Coast Guard boat where the homes were totally submerged in water. And our boat was going at the top of the home level on water. I was back there last week, and the water is gone and these homes are totally destroyed—600 of them in this area, 600 homes totally destroyed having been totally under water and the homes were picked up off their foundation and set back. I saw a home sitting on top of a car, a home taken completely off its foundation by the flood water, and then put back down on top of an old Ford car.

But you go up and down the street, and what you saw was carnage, homes completely destroyed. And the folks who lived there are folks who, in many cases, have lived there many years and are now wondering what to do.

There was a man and his wife in their seventies standing in the front yard surveying this home they lived in. And I walked across the street and visited with them a bit and asked, ''How long had you lived in this home?'' ''Forty-three years,'' they told me. And the woman said, ''In 43 years we never even had a drop of water in our basement.'' And now of course the home is totally destroyed. ''What will you do?'' I asked her. ''We are living in a little recreation vehicle, one of these little travel trailers that has been provided, but we have no idea what we will do next—no idea. No idea where we will live.''

They have no idea when their house will be bought out to be part of the flood line, the new floodway that is being created in Grand Forks; they have no idea what will be paid for this house in order to create the floodway. ''We don't know what our future is going to be.'' But interestingly enough, these folks still had that spirit I guess that exists up in the Scandinavian areas of North Dakota.

I put my arm around the shoulders of this wonderful woman and finally said at the end, ''How are you doing?'' She said, ''Oh, pretty good, pretty good.'' They lost their home of 43 years, but she said she's doing ''pretty good''. Well, I know they are going through a lot of difficulty, as are most families, thousands and thousands of families in Grand Forks and East Grand Forks.

Alice Hoglo owned a home on Dike Street in East Grand Forks for 56 years. She is now living with relatives waiting to see what is going to happen to her home. And her home is nearly completely destroyed.

And 90-year-old Ann Sticklemyer, she has said she is now going to be a renter. She has not rented for decades, but of course now she has lost her home and is going to have to find a place to rent. But there is nowhere to rent. There are no homes available to rent, no apartments to rent, nothing available for housing in Grand Forks.

The list goes on, and it is endless of the families and the people who are struggling now to try to figure out: What do you do after the flood has come and gone? Where do we live? What do we do? I mean, when I was there on a boat in downtown Grand Forks surveying the damage in Grand Forks, that was one thing because the water then was so high that you could not possibly walk in it, but now the water is gone and all you have is this wreckage—hundreds and hundreds of homes totally and completely destroyed and families who previously lived in those homes now have nowhere to live. Oh, some are living with relatives, some are 100 miles or 200 miles away living in a motel. Some are living with strangers who invited them in. But they have nowhere to live.

And so the city of Grand Forks and the city of East Grand Forks struggle now to try to figure out, how do you put all this back together? How do you restart a business community that is

shut down? How do you build a new downtown when the new floodway will probably take several critical blocks of your downtown area? How do you do all of that?

Well, you do it with the resources that were in this disaster bill, the hundreds of millions of dollars of community development block grants and other things that will allow people to get back on their feet and allow cities to begin planning to buy out homes in the floodway, to help provide some grants, yes, to homeowners to fix up their homes and to restart their business.

When Congress left without passing the disaster bill, some said it did not matter. But the folks in Grand Forks were very upset. And here is a Grand Forks editorial. Every day the top of their editorial page has this: ''8 Days Since Congress Let Us Down.'' How much longer will it be before Congress gets to work and passes a disaster bill? The next day: ''9 Days Since Congress Let Us Down.''

Congress is not going to let Grand Forks and East Grand Forks down. These resources are going to be made available. But it is urgent they be made available now. It is urgent that Wednesday, when we go to conference, that we strip out the controversial provisions of this legislation and that we pass the legislation, pass the emergency portion of the legislation, at least, clean and get it to the President for signature so the help can be flowing to people who need it.

Another headline in the Grand Forks Herald, ''Along the Dikes Lives are Still on Hold.'' And it talks about these folks who have no idea what their tomorrow is going to be because the resources that are needed in order to make the buyouts and to develop the new floodways and so on are not available at this point because the legislation has not yet been passed.

I just hope that on Wednesday when the conference committee convenes, that the conference committee and all of the conferees will decide that we ought not in any way impede, delay, or derail the disaster bill. We have not in the past, and we should not now.

I wish the disaster bill had been enacted by Congress before Congress broke for the Memorial Day weekend and the week that we took off. That was not possible regrettably. I think the decision to go home without passing the disaster portion of that bill was a mistake. But those who made that decision apparently felt comfortable with it. I do hope now that this Wednesday when the conference committee reconvenes that it will decide to enact this legislation, do it cleanly, do it without adding additional burdens to it that would engender a Presidential veto, and then make that critically needed relief available to the people who so desperately need it.

While I am on this subject, let me end with one other point. In the Senate, on a bipartisan basis, we have had enormously helpful support from Senator STEVENS, Senator BYRD, Senator LOTT, Senator DASCHLE, on a bipartisan basis. We have had strong support and unwavering support from virtually all of the subcommittee chairs and the ranking members of the Appropriations Committee. And for that we are most appreciative. We know that we cannot do in alone.

North Dakotans, who were dealt a very severe blow by having nearly 3 years worth of snow fall in 3 months on North Dakota, causing a massive amount of flooding, a 500-year flood on the Red River, and causing the complete evacuation of very large cities, we know that we cannot solve these problems alone. And we are very thankful for the bipartisan support we have had in the Senate to address these issues.

I again urge all of those who come to conference in the middle of this week to join us in and pass this bill and do it cleanly and quickly so that the people of Grand Forks are able to rely on the resources in this legislation.

THE OKLAHOMA CITY TRIAL AND THE JUDICIAL SYSTEM

Mr. DORGAN. Mr. President, let me make one additional comment on another matter. I notice the Senator from Idaho is waiting for the floor. I will not be lengthy, but I do want to make a comment on another unrelated issue.

I and the American people have learned this afternoon that the trial in Denver, CO, the Oklahoma City bombing trial, has concluded apparently with a guilty verdict on all counts, having been brought against Timothy McVeigh. There are many in this country, myself included, who from time to time have been critical of the judicial process feeling that in one case or another or in one circumstance or another the judicial system has let us down.

In fact, I think most Americans probably felt that way following the O.J. Simpson trial, that somehow the judicial system did not work quite right, and understand why people feel that way and, as I said, I have from time to time joined them thinking that some things just do not seem right in the judicial system.

But it seems to me that the decision in the Denver courtroom today should say to all of us that the judicial system in this country does work, the message today in that courtroom was a message that seems to me that those who commit heinous acts of terror will be brought to justice in this country. And I wanted to simply say, having heard of this verdict as most Americans have today, that I would credit and compliment the men and women who most Americans will never know who undoubtedly spent a lot of time and energy and effort and hours working on this case, to bring this case to a courtroom that results in a guilty verdict.

I can recall the day that I heard of this bombing. I was walking into a school in Minot, ND, to speak to a convocation at the school, and I have heard the reports of the bulletins on the radio that there had been this bombing at the courthouse in Oklahoma City. And I did not know until later the full consequence of it. But I will never, I suspect, in my lifetime, forget the picture of the fireman cradling the lifeless body of that young child, a victim of that disaster, that heinous act of terror, a disaster, but also obviously a deliberate heinous act committed against innocent civilians. And I felt the same rage I suppose most Americans do and did about that kind of senseless killing.

I hope that the verdict today in that courtroom in Denver is a verdict that says to all those in this country who believe they are above the law, who believe that acts of terror somehow will work, that this country will not countenance terror, this country will hunt down and prosecute vigorously those who commit terror against Americans and against all citizens.

I did want to simply take this moment to say that I suspect that there was an enormous amount of effort and work expended by a lot of folks to bring this trial to a successful conclusion and I, as one Senator, say thank you to the law enforcement community, and thank you to all of those who participated in restoring the faith of the American people in the justice system.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of the Senator from North Dakota who I think said it so well just a few moments ago as it relates to the outcome of the court actions in the Presiding Officer's home State and the city of Denver.

What it says about our society is so very clear, that we gave and we give and we protect the rights of our citizens to speak openly and freely in protest against their Government, to express themselves and their opinions without fear that somehow the heavy hand of Government might sweep down on them, but if they use violence as an expression, a political expression, that then they fall within the act of a terrorist, and if so proven to be such, the kind of action or the kind of verdict that came about in Denver is the consequence.

And that of course is what has marked the civility of our country well over 200 years now. And thank goodness our system still proves, as it apparently has expressed its will in Denver this afternoon, that it does work and it does work effectively.

So I appreciate the remarks of the Senator from North Dakota in making those statements.

CLOTURE MOTION

Mr. CRAIG. Mr. President, I now send a cloture motion to the desk to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to Calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997:

Trent Lott, James M. Jeffords, Sam Brownback, Susan M. Collins, Fred Thompson, Gordon Smith, Judd Gregg, Jesse Helms, John Ashcroft, Jon Kyl, Paul Coverdell, William V. Roth, Jr., Conrad R. Burns, Richard G. Lugar, Phil Gramm, Bob Smith.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. For the information of all Senators, this cloture vote would occur on Wednesday, June 4. The majority leader will consult with the Democrat leader with respect to the exact time of the cloture vote.

However, at this time the majority leader asks unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

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 sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND THE BOS- NIAN SERBS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM–39

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 28, 1997, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, is to continue in effect beyond May 30, 1997.

On December 27, 1995, I issued Presidential Determination No. 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the ''Resolution''), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the ''Peace Agreement''). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. In the last year, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Elections occurred in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets are now being addressed, beginning with the unblocking of five Yugoslav vessels located in various United States ports effective May 19, 1997.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 28, 1997*.

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM–40

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 29, 1997, during the adjournment of the Senate, received 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 the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. This document constitutes my recommendations to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 29, 1997*.

REPORT CONCERNING THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 41

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 30, 1997, during the adjournment of the Senate,

received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Republic of Yugoslavia (Serbia and Montenegro) by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively.

On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro) (the ''FRY (S&M)''), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 24, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuance of Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On November 22, 1995, the United Nations Security Council passed (''Resolution 1022''), immediately and indefinitely suspending economic sanctions against the FRY (S&M). Sanctions were subsequently lifted by the United Nations Security Council pursuant to Resolution 1074 on October 1, 1996. Resolution 1022, however, continues to provide for the release of funds and assets previously blocked pursuant to sanctions against the FRY (S&M), provided that such funds and assets that are subject to claims and encumbrances, or that are the property of persons deemed insolvent, remain blocked until ''released in accordance with applicable law.'' This provision was implemented in the United States on December 27, 1995, by Presidential Determination No. 96–7. The Determination, in conformity with Resolution 1022, directed the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995 (the ''Peace Agreement'') and signed in Paris on December 14, 1995. The sanctions imposed on the FRY (S&M) and on the United Nations Protected Areas in the Republic of Croatia were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, in conformity with UNSCR 1022. On October 1, 1996, the United Nations passed UNSCR 1074, terminating U.N. sanctions against the FRY (S&M) and the Bosnian Serbs in light of the elections that took place in Bosnia and Herzegovina on September 14, 1996. UNSCR 1074, however, reaffirms the provisions of UNSCR 1022 with respect to the release of blocked assets, as set forth above.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from November 30, 1996, through May 29, 1997. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934, and against the FRY (S&M) contained in Executive Orders 12810, 12831, and 12846.

1. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

2. The Office of Foreign Assets Control (OFAC), acting under authority delegated by the Secretary of the Treasury, implemented the sanctions imposed under the foregoing statutes in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 C.F.R. Part 585 (the ''Regulations''). To implement Presidential Determination No. 967, the Regulations were amended to authorize prospectively all transactions with respect to the FRY (S&M) otherwise prohibited (61 FR 1282, January 19, 1996). Property and interests in property of the FRY (S&M) previously blocked within the jurisdiction of the United States remain blocked, in conformity with the Peace Agreement and UNSCR 1022, until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

On May 10, 1996, OFAC amended the Regulations to authorize prospectively all transactions with respect to the Bosnian Serbs otherwise prohibited, except with respect to property previously blocked (61 FR 24696, May 16, 1996). On December 4, 1996, OFAC amended Appendices A and B to 31 C.F.R. chapter V, containing the names of entities and individuals in alphabetical order and by location that are subject to the various economic sanctions programs administered by OFAC, to remove the entries for individuals and entities that were determined to be acting for or on behalf of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). These assets were blocked on the basis of these persons' activities in support of the FRY (S&M)—activities no longer prohibited—not because the Government of the FRY (S&M) or entities located in or controlled from the FRY (S&M) had any interest in those assets (61 FR 64289, December 4, 1996). A copy of the amendment is attached to this report.

On April 18, 1997, the Regulations were amended by adding a new section 585.528, authorizing all transactions after 30 days with respect to the following vessels that remained blocked pursuant to the Regulations, effective at 10:00 a.m. local time in the location of the vessel on May 19, 1997: the M/V MOSLAVINA, M/V ZETA, M/V LOVCEN, M/V DURMITOR and M/V BAR (a/k/a M/V INVIKEN) (62 FR 19672, April 23, 1997). During the 30-day period, United States persons were authorized to negotiate settlements of their outstanding claims with respect to the vessels with the vessels' owners or agents and were generally licensed to seek and obtain judicial warrants of maritime arrest. If claims remained unresolved 10 days prior to the vessels' unblocking (May 8, 1997), service of the warrants could be effected at that time through the United States Marshal's Office in the district where the vessel was located to ensure that United States creditors of a vessel had the opportunity to assert their claims. Appendix C to 31 CFR, chapter V, containing the names of vessels blocked pursuant to the various economic sanctions programs administered by OFAC (61 FR

32936, June 26, 1996), was also amended to remove these vessels from the list effective May 19, 1997. A copy of the amendment is attached to this report.

3. Over the past year, the Departments of State and the Treasury have worked closely with European Union member states and other U.N. member nations to implement the provisions of UNSCR 1022. In the United States, retention of blocking authority pursuant to the extension of a national emergency provides a framework for administration of an orderly claims settlement. This accords with past policy and practice with respect to the suspension of sanctions regimes.

4. During this reporting period, OFAC issued seven specific licenses regarding transactions pertaining to the FRY (S&M) or assets it owns or controls. Specific licenses have been issued (1) to authorize the unblocking of certain funds and other financial assets previously blocked; (2) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S&M)—controlled ships blocked in the United States; and (3) to authorize performance of certain transactions under presanctions contracts.

During the past 6 months, OFAC has continued to oversee the maintenance of blocked accounts and records with respect to: (1) liquidated tangible assets and personality of the 15 blocked United States subsidiaries of entities organized in the (S&M); (2) the blocked personality, files, and records of the two Serbian banking institutions in New York previously placed in secure storage; (3) remaining tangible property, including real estate; and (4) the 5 Yugoslav–owned vessels recently unblocked in the United States.

5. Despite the prospective authorization of transactions with the FRY (S&M), OFAC has continued to work closely with the United States Customs Service and other cooperating agencies to investigate alleged violations that occurred while sanctions were in force.

Since my last report, OFAC has collected six civil monetary penalties totaling nearly $39,000 for violations of the sanctions. These violations included prohibited imports, exports, contract dealings, and payments to the Government of the FRY (S&M), persons in the FRY (S&M), or to blocked entities owned or controlled by the FRY (S&M).

6. The expenses incurred by the Federal Government in the 6-month period from November 30, 1996, through May 29, 1997, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at approximately $400,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in OFAC and its Chief Counsel's Office, and the United States Customs Service), the Department of State, the National Security Council, and the Department of Commerce.

7. In the last year and a half, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. UNSCR 1074 terminates sanctions in view of the first free and fair elections to occur in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement. In reaffirming Resolution 1022, however, UNSCR 1074 contemplates the continued blocking of assets potentially subject to conflicting claims and encumbrances until provision is made to address them under applicable law, including claims of the other successor states of the former Yugoslavia.

The resolution of the crisis and conflict in the former Yugoslavia that has resulted from the actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and of the Bosnian Serb forces and the authorities in the territory that they control, will not be complete until such time as the Peace Agreement is implemented and the terms of UNSCR 1022 have been met. Therefore, I have continued for another year the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and will continue to enforce the measures adopted pursuant thereto.

I shall continue to exercise the powers at my disposal with respect to the measures against the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997*.

REPORT CONCERNING THE GENERAL SYSTEM OF PREFERENCE (GSP) FOR CAMBODIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM–42

Under the authority of the order of the Senate January 7, 1997, the Secretary of the Senate, on May 30, 1997, during the adjournment of the Senate, received 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:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Cambodia should be designated as a least developed beneficiary developing country under the GSP program because it has taken steps to improve worker rights and the protection of intellectual property. I have also determined, as a result of the 1995 Annual Review of petitions for changes that three products should be added to the GSP list of eligible products and that the competitive need limits on 22 products should be waived. As a result of a review of 1996 imports of GSP products, I have determined that de minimis limits on 79 products be waived and 11 products, whose imports no longer exceed the program's competitive need limits, should be redesignated as GSP eligible. Finally as a result of certain provisions of the legislation enacted in August 1996 reauthorizing GSP, I am granting GSP eligibility to an additional 1,783 articles not previously included under GSP, provided that they are imported directly from the least developed beneficiary developing countries.

This notice is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997*.

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee: Mr. EWING.

The message further announced that pursuant to the provisions of section 2501 of title 44, United States Code, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission: Mr. BLUNT.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 867. An act to promote the adoption of children in foster care.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1979. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1980. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled ''Visa'' received on May 16, 1997; to the Committee on Foreign Relations.

EC–1981. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a memorandum of justification relative to the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–1982. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the Federation of Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–1983. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled ''The Department of Energy National Security Programs Authorization Act for Fiscal Years 1998 and 1999''; to the Committee on Armed Services.

EC–1984. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC–1985. A communication from the Secretary of Defense, transmitting, pursuant to law, the DOD Weapon Systems Sustainment Programs report for fiscal year 1997; to the Committee on Armed Services.

EC–1986. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''The NATO Joint Surveillance/Target Attack Radar System Act of 1997''; to the Committee on Armed Services.

EC–1987. A communication from the General Counsel of the Department of Defense, transmitting, three drafts of proposed legislation; to the Committee on Armed Services.

EC–1988. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''The Suspension of the Mobilization Income Insurance Program''; to the Committee on Armed Services.

EC–1989. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''The Military Commissary Act of 1997''; to the Committee on Armed Services.

EC–1990. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled ''International Energy Outlook 1997''; to the Committee on Energy and Natural Resources.

EC–1991. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the Youth Conservation Corps for calendar year 1996; to the Committee on Energy and Natural Resources.

EC–1992. A communication from the Chairperson of the Klamath River Compact Commission, transmitting, pursuant to law, a report on Compact activities; to the Committee on Energy and Natural Resources.

EC–1993. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1994. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled ''Pipeline Right-Of-Way Applications'' (RIN1010–AC04) received on May 16, 1997; to the Committee on Energy and Natural Resources.

EC–1995. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the McKay Dam, Umatilla Project, Oregon; to the Committee on Energy and Natural Resources.

EC–1996. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled ''Holidays and Premium Pay'' (RIN3206–AH86) received on May 22, 1997; to the Committee on Governmental Affairs.

EC–1997. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled ''Human Resource Management: The District Needs A Strategic Approach''; to the Committee on Governmental Affairs.

EC–1998. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Congressional Award Foundation for fiscal years 1995 and 1996; to the Committee on Governmental Affairs.

EC–1999. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Census of Agriculture Act of 1997''; to the Committee on Governmental Affairs.

EC–2000. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2001. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–2002. A committee from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on May 9, 1997; to the Committee on Governmental Affairs.

EC–2003. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Audit of Certain Expenditures and Events in the Executive Office of the Mayor for the Period October 1, 1995 through January 31, 1997''; to the Committee on Governmental Affairs.

EC–2004. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report on the Federal Equal Opportunity Recruitment Program for fiscal year 1996; to the Committee on Governmental Affairs.

EC–2005. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to a personnel management demonstration project; to the Committee on Governmental Affairs.

EC–2006. A communication from the Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''The Federal Employees Health Benefits Provider Integrity Amendments of 1997''; to the Committee on Governmental Affairs.

EC–2007. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–2008. A communication from the Archivist of the United States, transmitting, pursuant to law, a report of the proposed George Bush Presidential Library; to the Committee on Governmental Affairs.

EC–2009. A communication from the Chairman of the Board of Contract Appeals, transmitting, pursuant to law, the report of three rules including a rule entitled ''Rules of Procedure for Transportation Rate Cases'' (RIN3090–AG05, AG06, AG29) received on May 7, 1997; to the Committee on Governmental Affairs.

EC–2010. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, actuarial reports for the plan year ending September 30, 1995; to the Committee on Governmental Affairs.

EC–2011. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2012. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2013. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2014. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of an action on decision; to the Committee on Finance.

EC–2015. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Notices 97–27 and 97–30; to the Committee on Finance.

EC–2016. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Revenue Rulings 97–23 and 97–24; to the Committee on Finance.

EC–2017. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of five Treasury regulations including a rule entitled ''Endangered and Threatened Wildlife and Plants'' (RIN1018–AC74, 1545–AU41, 1545–AV19, 1545–AS49, 1545–AU14); to the Committee on Finance.

EC–2018. A communication from the Chair of the Physician Payment Review Commission, transmitting, pursuant to law, a report entitled ''Issues For Improving the Volume Performance Standard System;''; to the Committee on Finance.

EC–2019. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a report relative to payment cycling; to the Committee on Finance.

EC–2020. A communication from the Secretary of Defense, transmitting, a draft of proposed legislation to provide tax incentives to employers of members of Reserve components; to the Committee on Finance.

EC–2021. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the report of the trade and employment effects of the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC–2022. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Medicare and Medicaid Fraud, Abuse, and Waste Prevention Amendments of 1997''; to the Committee on Finance.

EC–2023. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled ''The Housing 2020: Multifamily Management Reform Act''; to the Committee on Finance.

EC–2024. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the annual report for 1997; to the Committee on Finance.

EC–2025. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the annual report for 1997; to the Committee on Finance.

EC–2026. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, sixty-four rules including a rule entitled ''Depower Exclusions from Requirements for Vehicles'' (RIN2127–AG80, 2127–AG14, 2105–AC51, 2105–AC57); to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled ''Methods For Salmonid Stock-Specific Identification In Ocean Fisheries''; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Acting General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation entitled ''The Weather Service Modernization Streamlining Act of 1997''; to the Committee on Commerce, Science, and Transportation.

EC–2029. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, four rules including a rule entitled ''Fisheries in the Exclusive Economic Zone Off Alaska'' (RIN0648–AH06); to the Committee on Commerce, Science, and Transportation.

EC–2030. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled ''Magnuson-Stevens Act Provisions'' (RIN0648–AJ59, AI13, AI19); to the Committee on Commerce, Science, and Transportation.

EC–2031. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska''; to the Committee on Commerce, Science, and Transportation.

EC–2032. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled ''Fisheries of the Northeastern United States'' (RIN0648–AH06, AI80); to the Committee on Commerce, Science, and Transportation.

EC–2033. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–2034. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, two rules including a rule concerning disclosures regarding energy consumption; to the Committee on Commerce, Science, and Transportation.

EC–2035. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule received on May 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2036. A communication from the Acting Managing Director (Performance Evaluation and Records Management), Federal Communications Commission, transmitting, pursuant to law, a rule received on May 14, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2037. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period January 1 through March 31, 1997; to the Committee on Environment and Public Works.

EC–2038. A communication from the Chair of the Good Neighbor Environmental Board, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Environment and Public Works.

EC–2039. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project for flood control; to the Committee on Environment and Public Works.

EC–2040. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project for flood damage reduction; to the Committee on Environment and Public Works.

EC–2041. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule to list the Barton Springs Salamander as endangered (RIN1018–AC22) received on May 1, 1997; to the Committee on Environment and Public Works.

EC–2042. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to regulations concerning oils; to the Committee on Environment and Public Works.

EC–2043. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 16, 1997; to the Committee on Environment and Public Works.

EC–2044. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 19, 1997; to the Committee on Environment and Public Works.

EC–2045. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 21, 1997; to the Committee on Environment and Public Works.

EC–2046. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on May 22, 1997; to the Committee on Environment and Public Works.

EC–2047. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on May 1, 1997; to the Committee on Environment and Public Works.

EC–2048. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on May 1, 1997; to the Committee on Environment and Public Works.

EC–2049. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on May 6, 1997; to the Committee on Environment and Public Works.

EC–2050. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, fourteen rules received on May 8, 1997; to the Committee on Environment and Public Works.

EC–2051. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on May 12, 1997; to the Committee on Environment and Public Works.

EC–2052. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule received on May 14, 1997; to the Committee on Environment and Public Works.

EC–2053. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on May 14, 1997; to the Committee on Environment and Public Works.

EC–2054. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, nine rules received on May 14, 1997; to the Committee on Environment and Public Works.

EC–2055. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on May 19, 1997; to the Committee on Environment and Public Works.

EC–2056. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, one rule received on May 20, 1997; to the Committee on Environment and Public Works.

EC–2057. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on May 21, 1997; to the Committee on Environment and Public Works.

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–52. A concurrent resolution adopted by the Legislature of the State of Arizona; to

the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT MEMORIAL 2005

Whereas, agriculture in the State of Arizona represents a $6.2 billion industry; and

Whereas, wheat production, a $90 million industry in Arizona, plays an important role in maintaining the fertility and efficiency of Arizona's soils; and

Whereas, Arizona wheat producers have developed a $35 million durum wheat seed industry that supplies customers around the world; and

Whereas, the discovery of the Karnal bunt fungus in Arizona in March 1996 has affected not only Arizona's wheat industry but all of the state's related agricultural commodities, including livestock and dairy; and

Whereas, while Karnal bunt affects grain quality, it does not present a direct risk to human health or livestock; and

Whereas, the United States Department of Agriculture has implemented a quarantine on the state of Arizona, restricting the interstate movement not only of wheat but also of other regulated articles such as wheat conveyors, grain elevators and related equipment; and

Whereas, nine other states have discovered Karnal bunt spores in their wheat and have not been quarantined to the extent that Arizona has been; and

Whereas, the American Phytopathological Society has stated its opposition to a ''zero tolerance'' requirement for Karnal bunt seed spores, suggesting that Karnal bunt is a minor disease that can be effectively managed without the use of quarantines. The Society believes that this and similar diseases can be satisfactorily controlled by seed-treatment chemicals, resistant varieties and the use of cultural practices; and

Whereas, the United States cannot declare itself as free of Karnal bunt for international trading purposes as long as even a single state reports the presence of this disease. A finding of Karnal bunt in any state could unfairly result in the restriction of all wheat from the United States, even that produced and imported from an unaffected area of the nation.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States instruct the United States Department of Agriculture to establish reasonable, science-based standards by which wheat growers in the United States can market wheat and other grain products that contain Karnal bunt.

2. That the United States Department of Agriculture sponsor an international meeting of scientists to evaluate the management of Karnal bunt and other fungi and to re-evaluate international policies on the use of quarantine that inhibit free trade.

3. That the Secretary of State of the State of Arizona transmit copies of this memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the United States Department of Agriculture and each Member of the Arizona Congressional Delegation.

POM–53. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Agriculture, Nutrition, and Forestry.

Whereas, the market concentration of the top three (3) beef packing processing companies has increased dramatically from just thirty-three percent (33%) of the market in 1978 to over eighty percent (80%) of the market in 1996, which has resulted in record low prices for Wyoming cattle producers while consumer prices have steadily increased in relation to the quality of product available; and

Whereas, over time this situation has continued to intensity resulting in an alarming loss of input to the overall economy of Wyoming of over two million eight hundred thousand dollars ($2,800,000.00) per day; and

Whereas, this trend towards concentration and vertical integration of the livestock industry threatens free enterprise and the independence of Wyoming's and the nation's livestock producers, as well as the economic vitality of the communities and states dependent upon the livestock industry; and

Whereas, federal antitrust law is founded on economic principles of preserving competitive markets and a social policy that small business should be preserved; and

Whereas, federal antitrust laws, if enforced, ensure that individual businesses do not dominate shares of individual markets to the point of harming the public, including consumers, producers and workers; and

Whereas, free competitive markets foster innovation and efficiency, promote free enterprise and public confidence, and are beneficial not only to the general population but to the security of the nation as well: Now, therefore be it *Resolved* that:

Section 1.

(a) That Congress direct the Federal Trade Commission, the Packers and Stockyards Administration of the United States Department of Agriculture (U.S.D.A.), the Commodity Futures Trading Commission and the United States Attorney General to enforce existing law to:

(i) Prohibit packing processing firms from owning or controlling their live animal inventory needs beyond seven (7) days prior to pickup or delivery; and

(ii) Require packing processing firms to report daily the quantity of animals purchased, the kind, quality and respective purchase prices; and

(iii) Require packing and processing firms to report weekly the quantity of all products sold as to kind, quality and respective price received for each market category, carcass, boxed, restaurant, export, byproduct, pharmaceuticals, etc.; and

(iv) Require meat wholesalers and distributors to report weekly the quantity of product sold, the kind, quality and respective price received for each market category, carcass, boxed, restaurant, export, tripe, byproduct, etc.; and

(v) Prohibit packing and processing firms from speculative ''short'' selling of commodity future contracts; and

(vi) Require packing processing firms to divest themselves of producing capacity exceeding twenty percent (20%) of total production share; and

(vii) Initiative monthly reporting by the U.S.D.A. of the retail value of all meat and meat products and market categories, grocery sales, governmental and institutional sales, catering and restaurant sales, export sales, etc.; and

(viii) Lift the federal ban on federal equivalent state inspected meats for interstate commerce; and

(ix) Require meat and meat products to have country of origin and processor identification labels; and

(x) Require permanent country of origin identification of imported livestock; and

(xi) Require all imported or domestic meat, poultry and seafood products subject to the same inspection, testing and labeling process and standards; and

(xii) Research for implementation of a value based pricing structure for the live cattle that reflects the premium obtained by the packer processors from the high quality meat products demanded by the consumer in today's market.

Section 2.

(a) That the legislature hereby formally requests Wyoming's Congressional Delegation to:

(i) Take whatever measures are needed to ensure implementation, enactment and enforcement of the items listed in section 1 of this act, and help to coordinate and facilitate the efforts among relevant federal agencies, including the U.S.D.A., the United States Department of Justice, the Federal Trade Commission and the Commodity Futures Trading Commission; and

(ii) Introduce and support federal legislation which would protect producers from retaliation by packing processing firms on account of any statement made by producers to USDA officials or to law enforcement agencies or in a public forum regarding practices or actions of the packing processing firms; and

(iii) Instigate full scale investigations at the federal level of activities and practices within the USDA and other responsible agencies concerning the gathering, reporting and interpreting of agricultural commodities supply data, and what effects these reports historically have had upon the cash and commodities futures markets.

Section 3. That the Secretary of State of Wyoming send copies of this resolution to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, each member of the Wyoming Congressional Delegation, the Secretary of the United States Department of Agriculture and the Federal Trade Commission, the United States Department of Justice and the Commodity Futures Trading Commission.

POM–54. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, The unprecedented flooding across California has caused the loss of life, destruction of homes, and an unprecedented disruption in the web of neighbors, transportation, commerce, services, and communications that bind communities together; and

Whereas, Forty-eight counties in California have qualified for federal disaster relief because of damage caused by the recent flooding; and

Whereas, The State of California is entitled to $100 million in federal emergency relief funds for transportation infrastructure repair for this disaster; and

Whereas, California state agencies have already identified well over $300 million worth of flood-caused transportation damages that are eligible for state and federal funding for urgently needed repairs; and

Whereas, California has already requested the release of the $100 million in federal transportation disaster relief funds of which only $50 million have been received to date; and

Whereas, These moneys are urgently needed to rebuild the lands, lives, and livelihood of thousands of Californians; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly urges the Federal Highway Administrator to immediately released all of the requested transportation funds for which California is eligible, so that the flood-ravaged people of California may more speedily recover from their plight; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the Federal Highway Administrator.

POM–55. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

LEGISLATIVE RESOLVE NO. 71

Whereas the Alaska National Guard Youth Corps Challenge Program has provided nearly three hundred 16 to 18 year old graduates of the program with critically needed academic, vocational, and life skills education and training; and

Whereas the Challenge Program, through its military discipline and structure, has instilled in its graduates self-confidence, self-esteem, and good citizenship skills; and

Whereas the Challenge Program provides Alaska's at-risk youth with an opportunity to become successful, productive citizens of the state and the nation; and

Whereas the Challenge Program is an important crime and poverty prevention program worthy of continued support by the government of the Unites States; and

Whereas 85 percent of the graduates of the Challenge Program are either employed or in school; and

Whereas federal funding for the Challenge Program is scheduled to end in September 1997;

Be it resolved, That the Alaska State Legislature supports continued funding for the Alaska National Guard Youth Corps Challenge Program; and be it

Further resolved, That the Alaska State Legislature urges the United States Congress to continue funding for the Alaska National Guard Youth Corps Challenge Program and urges the President of the United States to support the funding.

POM–56. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Appropriations.

HOUSE CONCURRENT MEMORIAL 2002

The state of Arizona and the state of Sonora should adopt resolutions encouraging their respective congresses to allocate more federal monies for:

1. Implementation of recommendations resulting from the Nogales unified port management and expedited processing at international crossings pilot projects.

2. Highway projects that enhance the linkage of the CANAMEX corridor.

3. Port facilities and supporting infrastructure projects that are necessary to improve traffic flow across the border between Arizona and Mexico.

4. Binational transportation planning activities; and

Whereas, four hundred twenty-four thousand eighty-three commercial vehicles crossed the border between Arizona and Mexico from January 1995 through December 1996 and commercial vehicle traffic is conservatively estimated to increase by ten per cent annually over the next few years with further implementation of the North America Free Trade Agreement; and

Whereas, the December 1993 Arizona border infrastructure needs assessment conducted by the Arizona department of transportation estimates that eight hundred fifty million dollars are needed to fund intermodal transportation projects over the next ten years to handle increased commercial traffic as a result of the North American Free Trade Agreement; and

Whereas, a 1996 port facilities needs assessment study conducted by the Arizona department of transportation identified three million five hundred thousand dollars in short-term and eighteen million dollars in long-term port facilities projects that are needed to keep pace with the increase in commercial and pedestrian traffic at ports of entry along the border between Arizona and Mexico; and

Whereas, during the winter season eighty per cent of the agricultural products coming into the United States are brought through Nogales, Arizona ports of entry; and

Whereas, in support of the federal unified port management pilot project, the Arizona legislature appropriated seven hundred fifty thousand dollars to fund a state unified port management project at the Nogales, Arizona port entry that is schedule for completion by July 1, 1997; and

Whereas, an expedited processing at international crossings pilot project is being implemented at the Nogales, Arizona port of entry to expedite commercial traffic utilizing state-of-the-art electronic technology and computer systems and is scheduled for completion by November 1997; and

Whereas, the three million dollars that the Arizona department of transportation receives each year in federal monies does not adequately cover the department's cost in conducting its required state transportation planning and research activities or the increased demand on the department to fund binational planning activities that are needed to develop a cohesive and coordinated transportation system between Arizona and the border states of Mexico.

Whereas, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States in the next surface transportation act provides more money to states located in the high priority corridors that were identified in the National Highway System Designation Act of 1995.

2. That the Congress of the United States approves legislation that makes more federal monies available for port facility projects and supporting border transportation infrastructure projects.

3. That the Congress of the United States earmarks future federal monies to assist border states in implementing the findings and recommendation of the unified port management pilot projects now underway at the port of entry in Nogales, Arizona and the port of entry in Buffalo, New York.

4. That the Congress of the United States earmarks future federal monies to assist border states in implementing the findings and recommendations of the expedited processing at international crossings pilot project now underway at the port of entry in Nogales, Arizona.

5. That the Congress of the United States provides additional monies as part of a new federal highway reauthorization act to border states that are being required to participate in and fund more binational transportation planning activities.

6. That the Congress of the United States provided additional monies to increase the number of federal and state enforcement officers at ports of entry along the border between Arizona and Mexico in order to take advantage of recent and future port facility and transportation infrastructure improvements and the implementation of a new unified port management procedures.

7. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Speaker of the United States House of Representatives and to the President of the United States Senate.

POM–57. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations.

Whereas, Interstate 95 ends at Houlton, Maine, 99 miles from the end of U.S. Route 1 in Fort Kent, Maine, which parallels the international border in northern Maine between the United States and Canada; and

Whereas, the structural and functional condition of the U.S. Route 1 corridor from Houlton to Fort Kent is such that substantial upgrades or reconstruction of the Route 1 corridor or alternative routes is necessary for the economic growth and vitality of northern Maine; and

Whereas, northern Maine is critical as an economic connector to Canada and the Atlantic Rim; and

Whereas, various alternative improvements for the U.S. Route 1 corridor have been studied and it has been concluded that these improvements would not only enhance mobility and accessibility, but would spur the economic development of northern Maine; and

Whereas, the improvements would provide the type of high quality north-south transportation envisioned by the ''20-Year Statewide Transportation Plan'' called for by the Intermodal Surface Transportation Efficiency Act of 1991; and

Whereas, federal, state, local and private support and innovative financing are critical to fund any of several proposed alternative improvements and financing of those improvements would range from $290,000,000 to $476,000,000, the least costly alternative being nearly 6 times the Maine Department of Transportation's biennial budget of Interstate and National Highway System funds; now, therefore, be it

Resolved, That We, your Memorialists, request the United States Congress and the President of the United States to provide essential financial assistance to address the need for substantial highway improvements in this economically depressed, yet strategically located, section of the United States; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

POM–58. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 93

Whereas, macular degeneration is the most frequent cause of legal blindness in the United States; and

Whereas, over 13 million American citizens suffer from macular degeneration; and

Whereas, there are currently no identifiable causes for this disease; and

Whereas, macular degeneration develops gradually and painlessly, resulting from blood vessels leaking onto the macular region between the retain and its supporting layer of choroid tissue in the eye; and

Whereas, macular degeneration, unless detected early, produces considerable impairment of central vision; and

Whereas, the only treatment for macular degeneration is laser therapy to coagulate abnormal blood vessels to prevent or slow further loss of vision; and

Whereas, this treatment is useful during the early stages of the disease; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to fund research studies which examine the causes of this devastating and debilitating disease; and be it further

Resolved, That the House of Representatives request Congress to fund research studies which examine possible cures of this disease; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each

house of Congress and to each member of Congress from Pennsylvania.

POM–59. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 137

Whereas, the Gettysburg National Military Park, located in Gettysburg, is the scene where an epic, three-day battle occurred during July 1863; and

Whereas, in the battle of Gettysburg approximately 51,000 men were killed, wounded or captured in order to secure the sanctity of the Union and freedom for all people; and

Whereas, the Gettysburg National Military Park is the largest and most visited of the nation's 24 Civil War parks; and

Whereas, there are 1,300 monuments and statues and 400 cannons scattered about the 5,900 acres of the Gettysburg National Military Park; and

Whereas, over 1.7 million people visit the Gettysburg National Military Park annually; and

Whereas, the Gettysburg National Military Park is deteriorating due to lack of funds, and the deterioration of the park is a national disgrace that wants, needs and demands congressional action; and

Whereas, funds are needed to preserve and protect the Gettysburg National Military Park; and

Whereas, the people of the United States of America must protect this important landmark of our Civil War heritage; therefore be it

Resolved, that the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to provide an appropriation to preserve and protect the Gettysburg National Military Park; and be it further

Resolved, that the Chief Clerk of the House of Representatives transmit a copy of this resolution to each member of Congress.

POM–60. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Appropriations.

Whereas, the people of Wyoming have benefited from the development of stronger and more accessible arts activity in every county of the state because of the assistance provided by the Wyoming Arts Council with support from the National Endowment for the Arts; and

Whereas, Arts Endowment funding of $422,800 in FY 96 combined with $331,000 provided by the State help generate $12.3 million in cash from local Wyoming communities; and

Whereas, the annual audience for arts activities in Wyoming exceeds 2,900,000 citizens and tourists; and

Whereas, lifelong education in the arts is a primary goal for the Arts Endowment and the Wyoming Arts Council and helps our children develop higher-order thinking, creativity, and problem solving skills that carry over into all areas of study and are crucial for an educated populace; and

Whereas, funding by the National Endowment for the Arts through the Wyoming Arts Council helps our state's artists and arts institutions gain regional and national recognition, contributing to Wyoming's growing recognition as a state that takes its arts seriously; and

Whereas, National Endowment for the Arts funding in Wyoming and throughout the United States has enabled arts organizations to win matching support from private sources; and

Whereas, all great nations support the arts knowing that the arts are vital to a society's well-being and linchpin for the creative thinking needed for the work force of the next millennium.

Now, therefore, be it resolved by the undersigned legislators of the State of Wyoming that:

The Congress of the United States of America is hereby encouraged to endorse the President's request for $136 million in funding for the National Endowment for the Arts.

It is further resolved, That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–61. A resolution adopted by the Legislature of the State of Washington; to the Committee on Armed Services.

SENATE JOINT MEMORIAL 8008

Whereas, the Battleship U.S.S. Missouri (BB 63) is the solitary identifiable symbol of the end of World War II for both the servicemen and women who served overseas during that period and the millions of home front defense workers; and

Whereas, this intrinsic historical vessel is presently moored on the mainland of the contiguous states of the union where the majority of veterans and home front defense workers and their descendants reside and are economically able to visit and observe the significance of the U.S.S. Missouri's involvement in ending the most important event of the 20th century; and

Whereas, the youth of the United States of America, the future leaders of this republic, will learn from and appreciate the sacrifices for freedom which the U.S.S. Missouri represents; and

Whereas, the Missouri on the Mainland Committee (MOM) has been duly organized and proposes that the Battleship U.S.S. Missouri (BB 63) be moored at a suitable location on the mainland to provide accessibility for the majority of the American public to savor a taste of freedom and their heritage; and

Whereas, the Washington State legislature supports the actions and the proposal of the Missouri on the Mainland Committee (MOM);

Now, therefore, your Memorialists respectfully pray that the Congress of the United States of America enact appropriate legislation to retain the Battleship U.S.S. Missouri (BB 63) at a selected site on the mainland.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–62. A resolution adopted by the Board of Commissioners of the Metropolitan Knoxville (Tennessee) Airport Authority relative to the formation of the Safe Skies Alliance; to the Committee on Commerce, Science, and Transportation.

POM–63. A resolution adopted by the Board of Mayor and Alderman of the City of Kingsport, Tennessee relative to the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

POM–64. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 12

Whereas, the Federal Aviation Administration is scheduled to close the flight-service station at the Arcata-Eureka Airport in McKinleyville, Humboldt County; and

Whereas, all onsite personnel will be eliminated and the airport will be operated as an automatic flight-service center, served by an air traffic controller located in Oakland, California; and

Whereas, the FAA plan eliminates all air traffic personnel between McMinville, Oregon, and Oakland, California, and this same geographic discrepancy on the east coast of the United States would be similar to eliminating all air traffic controllers between Portland, Maine and Richmond, Virginia; and

Whereas, the Arcata-Eureka Airport flight-service center has provided daily services for commercial, corporate, and general aviation traffic for over four decades; and

Whereas, it serves the region's smaller airports, which include Brookings, Oregon, and Crescent City, Fortuna, Shelter Cove, Willow Creek, and Hoopa, California, and averages 150 to 300 contacts and a traffic flow of 40 to 100 airplanes daily; and

Whereas, there are unique weather and geographic factors to be considered such as that the airport was constructed overlooking the Pacific Ocean by the Navy during World War II to test military defogging equipment, as it is believed to be the foggiest stretch of coastline in the western United States; and

Whereas, on average, Instrument Flight Rules (IFR) must be filed 265 days per year due to fog and inclement weather, and station personnel must utilize a wide array of tools to ensure air traffic safety, including radio frequencies, the telephone, a direction finder, and on-the-ground view of the runway; and

Whereas, the closure of the station would put the safety of air travelers on the north coast of California at risk, air traffic will experience greater delays and flight cancellations, and local efforts to improve the regional economy through tourism and commerce will be adversely affected: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature memorializes Congress to oppose the closure of the air flight-service center at the Arcata-Eureka Airport, in Humboldt County, California, and to direct the Federal Aviation Administration to act accordingly: And be it further

Resolved, that the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Federal Aviation Administration.

POM–65. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY RESOLUTION NO. 9

Whereas; recent tragic events have reemphasized the importance of keeping our nation's airports secure, and the Assembly Transportation and Communications Committee held a public hearing on airport security matters which highlighted several areas where action should be taken to improve airport security; and

Whereas; although the Federal Aviation Administration (FAA) is responsible for overseeing all security-related matters at this country's airports, responsibility for implementing airport security is fragmented among airline carriers, airport owners and operators and local police leading to a lack of uniform security procedures; and

Whereas; airline carriers are responsible for developing and implementing security procedures and protocols such as passenger

and baggage screening, employment standards for screening personnel, controlling access to airplanes, ensuring integrity of cargo and baggage, and performing security inspections of aircraft; and

Whereas; the FAA should require criminal background checks and fingerprint records for all airport and airline employees who have access to secure areas and Congress should enact legislation to provide airports and airlines with the necessary authority to conduct such background checks where airports and airlines do not currently have the authority to do so; and

Whereas; since airport employees are critical to the effort of ensuring safer air travel, there should be uniform training requirements for all baggage handlers and security officers employed at airports, regardless of who employs them; and

Whereas; aggressive, proactive testing of existing security systems and proactive security measures must be implemented at all airports to guard against lapses and complacency that could lead to tragedy; and

Whereas; although the Gore Commission has recommended expanded use of bomb-sniffing dogs and the federal government has made some funds available for that purpose, that funding is so inadequate that it will provide only four bomb-sniffing dogs for the three major airports operated by the Port Authority of New York and New Jersey and funding for this program must be increased; and

Whereas, the FAA is developing other security measures such as better screening of cargo and mail and blast-resistant containers for cargo, which measures must be implemented as soon as possible; and

Whereas, it is altogether fitting and proper and in the public interest for this House to call upon Congress and the FAA to take immediate action to improve airport security; now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

1. The United States Congress and the Federal Aviation Administration are urged to take immediate action to increase airport security, including: placing responsibility for development and implementation of airport security under one agency to provide for a uniform system of airport security; requiring criminal background checks and fingerprint records for all airport and airline employees who have access to secure areas; implementing uniform training requirements for all baggage handlers and security officers employed at airports, regardless of who employs them; implementing aggressive, proactive testing of existing security systems and proactive security measures; increased funding for the bomb-sniffing dog program; and speeding development and implementation of other security measures such as better screening of cargo and mail and blast-resistant containers for cargo.

2. duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the presiding officers of the United States Senate and House of Representatives, each member of Congress elected thereto from New jersey and the Administrator of the Federal Aviation Administration.

POM–66. A resolution adopted by the Loudon County (Tennessee) Visitors Bureau relative to the Chickamauga Lock; to the Committee on Energy and Natural Resources.

POM–67. A resolution adopted by the Legislature of the Commonwealth of the Northern Marianas relative to Guam; to the Committee on Energy and Natural Resources.

POM–68. A resolution adopted by the Board of County Commissioners, Park County, Wymoning relative to the Bureau of Land Management; to the Committee on Energy and Natural Resources.

POM–69. A resolution adopted by the Board of Campbell County Commissioners, Campbell County, Wyoming relative to the Bureau of Land Management; to the Committee on Energy and Natural Resources.

POM–70. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 3

Whereas, in sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

Whereas the residents of the North Slope Borough, within which the coastal plain is located, are supportive of development in the ''1002 study area''; and

Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; be it

Resolved by the Alaska State Legislature, That the Congress of the United States is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production; and be it further

Resolved That that activity be conducted in a manner that protects the environment and uses the state's work force to the maximum extent possible.

POM–71. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL 1001

Whereas, the Antiquities Act of 1906 (16 United States Code sections 431, 432 and 433) grants authority to the President of the United States to establish national monuments; and

Whereas, the Antiquities Act was intended to preserve only historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest; and

Whereas, the Antiquities Act has been misused repeatedly to set aside enormous parcels of real property; and

Whereas, the establishment in 1996 of the Grand Staircase-Escalante National Monument in southern Utah set aside 1.7 million acres of land despite the objections of public officials in the State of Utah, making it the largest national monument in the continental United States; and

Whereas, this designation clearly violates the spirit and letter of the Antiquities Act, which requires monument lands to ''be confined to the smallest area'' necessary to preserve and protect historical areas or objects; and

Whereas, the creation of the Grand Staircase-Escalante National Monument has resulted in the loss of significant economic resources for the public schools and the taxpayers of the State of Utah; and

Whereas, the power to establish national monuments can be checked only in limited circumstances; and

Whereas, in 1950, the State of Wyoming obtained statutory relief from the further establishment of national monuments without the express authorization of Congress (16 United States Code section 431a).

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the 105th Congress of the United States enacts legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of Congress.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, to each Member of the Senate of the United States and to each presiding officer of both houses of the legislature of each state in the union.

POM–72. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, the bureau of land management (BLM) has the authority to impose appropriate criminal penalties for activities occurring on BLM land; and

Whereas, BLM has proposed rules set forth in the Federal Register dated November 7, 1996 at pages 57615 through 57621 to expand its authority; and

Whereas, the proposed BLM rules would increase the amount of fines for certain criminal acts that occur on federal lands from one thousand dollars to five hundred thousand dollars; and

Whereas, pursuant to the same proposed rules BLM seeks to increase the prison sentence for persons who commit certain criminal acts from one year to five years; and

Whereas, under the proposed rules BLM would expand its authority beyond activities occurring on federal land to activities having a potential danger to affect water bodies on or adjacent to BLM lands. Thus, BLM would have law enforcement authority for activities on private lands adjacent to and upstream from BLM lands; and

Whereas, the proposed rules would give BLM authority to preempt state laws over motor vehicles on BLM lands when the state laws are less restrictive than the proposed rules or when a state does not have laws covering the areas included in the BLM proposed rules; and

Whereas, the rules would prohibit the diversion, transport or removal of any water resources that are owned or reserved by the United States and administered by BLM unless BLM gave prior authorization. This would prohibit states that own water that is reserved to the federal government and administered by BLM from constructing dams, transporting water or removing water resources.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That Congress and the President of the United States prevent BLM from adopting the proposed rules.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation.

POM–73. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL 4005

Whereas, The area south of the Saddle Mountains in Grant, Franklin, and Adams counties, Washington, known as the Wahluke Slope, is one of the most productive argricultural areas in the Pacific Northwest; and

Whereas, the need for a large security and control zone around the Department of Energy's Hanford control zone on Wahluke Slope caused the forced relocation of citizens of Hanford, White Bluff, Wahluke, and the surrounding agricultural lands that had been settled prior to 1900; and

Whereas, Due to the decommissioning of all the production reactors along the Hanford Reach opposite the Wahluke Slope, and with the overall change of the Department of Energy's Hanford mission from plutonium production to environmental restoration, the need for a large security and control zone no longer exists; and

Whereas, The Wahluke Slope's topography and its proximity to the Columbia River make the area unique in terms of the economic feasibility or irrigation development; and

Whereas, Prior to its inclusion in the Hanford control zone, the Bureau of Reclamation purchased over twenty-seven thousand acres of the Wahluke Slope with the intent of future development in the Columbia Basin Project; and

Whereas, The balanced development of this land would achieve the long-awaited completion of irrigation on the Wahluke Slope and improved wildlife and recreational opportunities; and

Whereas, Based on current land prices, the sale of land to private owners could potentially cover a great deal of the cost of constructing water delivery systems, due to the suitability of topography and nearby water supply; and

Whereas, Resulting property tax and income tax revenues from this new farm land would be an immediate and significant benefit; and

Whereas, Farmland development would result in millions of dollars in capital investment for farm equipment of all kinds, the great majority of its manufactured in the United States by American workers; and

Whereas, The vast majority of crops presently raised on the Wahluke Slope have potential for export to the Pacific Rim and other nations; and

Whereas, Other than small grains, the crops grown on the Wahluke Slope are completely driven by the free-market economy and are not subsidized or supported by the federal government; and

Whereas, Broad support exists for the preservation of the natural beauty and topography of the Hanford Reach, including protecting the White Bluffs from sloughing into the Columbia River, prohibiting dredging and damming, and providing for a one-quarter mile buffer zone on both sides of the river including even wider zones depending on the terrain; and

Whereas, The Wahluke Slope contains significant areas of land not suitable for farming, but that are ideally suited for wildlife habitat and recreational uses; and

Whereas, The United States can no longer afford to hold idle public lands of this potential;

Now, Therefore, Your Memorialists respectfully pray that, except for needed buffer zones, the present boundaries of the Department of Energy's Hanford control zone on the Wahluke Slope be reduced to the area south of the Columbia River and that the Wahluke Slope presently under the custody and control of the Department of Energy be transferred in total to the counties of Grant, Franklin, and Adams for the purpose of returning the land to its former agricultural use, as well as for wildlife and recreational areas along the Hanford Reach.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Director of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–74. A resolution adopted by the Senate of the General Assembly of the State of Connecticut; to the Committee on Energy and Natural Resources.

Whereas, the Nuclear Waste Policy Act established a federal program within the United States Department of Energy for managing and disposing of spent nuclear fuel; and

Whereas, the Department has agreed to begin accepting spent fuel by January 31, 1998; and

Whereas, the Department has not made significant progress in meeting its obligation to take title to and remove spent fuel; and

Whereas, the Department has now stated that it will not have a permanent repository in operation earlier than 2010 and has no obligation to begin accepting spent nuclear fuel in 1998; and

Whereas, nuclear power generating facilities are facing a serious depletion of spent fuel storage space; and

Whereas, Connecticut must address the prospect of storing spent fuel from decommissioned nuclear power generating facilities; and

Whereas, the Act requires customers who benefit from electricity generated by nuclear power generating facilities to pay a fee of one-tenth of a cent per kilowatt hour of electricity, said fee to fund the Program in its entirety; and

Whereas, this fee generates approximately $600 million annually, and since its inception, Connecticut consumers have paid nearly $200 million into the Fund; and

Whereas, moneys received by the Fund have been relied upon to offset shortfalls in the federal budget.

Now, therefore, be it resolved, That the Senate calls upon the United States Congress to address the programmatic and budgetary shortfalls that have plagued the Nuclear Waste Program and to address, through legislation, the Department's responsibility to accept and remove spent fuel from reactor sites, the establishment of an interim spent fuel storage site, the siting and licensing process for a permanent repository and usage of the unobligated balance of the Fund available for nuclear waste program activities; and

Be it further resolved, That the clerk of the Senate cause a copy of this resolution to be sent to the presiding officer of each house of Congress and to each member of the Connecticut congressional delegation.

POM–75. A resolution adopted by the Hudson County (New Jersey) Board of Chosen Freeholders relative to the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

POM–76. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 2

Whereas, approximately 87 percent of the land in Nevada is owned by the Federal Government; and

Whereas, Nevada has experienced a dramatic increase in its population during the last two decades; and

Whereas, the rate of increase in the population of Nevada is one of the highest in the nation; and

Whereas, as of the last census, Nevada has approximately 95,000 families of low income who are in need of affordable housing; and

Whereas, the shortage of affordable housing has forced some families of low income with children to occupy motels that have few or no facilities for the preparation and storage of food and that serve as an inadequate substitution for providing housing for children; and

Whereas, several thousand senior citizens in Nevada are also unable to find affordable housing that is safe and sanitary; and

Whereas, the current shortage of affordable housing in Nevada is directly related to the high cost of available land in the state; and

Whereas, Congress controls a considerable amount of Federal land in Nevada that may be used to provide affordable housing for persons of low income; and

Whereas, during the 104th session of Congress, United States Senator Richard Bryan proposed an amendment to the Recreation and Public Purposes Act (43 U.S.C. §§ 869 et seq.) which, if it had been enacted, would have included affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and

Whereas, during the 104th session of Congress, Representative John Ensign joined Senator Bryan in introducing the Southern Nevada Public Land Management Act of 1996, which, if it had been enacted, might have provided additional opportunities for the acquisition of land in the Las Vegas Valley to be used to provide additional sites for affordable housing; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature supports the efforts of Senator Bryan and Representative Ensign in this regard and urges the Nevada Congressional Delegation to continue to bring this issue before Congress; and be it further

Resolved, That the Congress of the United States is hereby urged to adopt an amendment to the Recreation and Public Purposes Act which would include affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and be it further

Resolved, That if Congress does not adopt such an amendment to the Recreation and Public Purposes Act, that Congress is hereby urged to enact legislation that would allow the sale of public lands to local governments and to nonprofit corporations at a price that is less than the fair market value of the land so that affordable housing projects may be developed; and be it further.

Resolved, That the chief clerk of the assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–77. A joint resolution adopted by the Legislature of the State of New Mexico; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 26

Whereas, New Mexico has a unique History in the acquisition of Land Ownership due to the substantial number of Spanish and Mexican Land Grants that were an integral part

of the Colonization and growth of this Area of the Country; and

Whereas, various provisions of the Treaties signed under prior Sovereigns have not yet been fully implemented in the Spirit of Article VI of the Constitution of the United States; and

Whereas, Congress did establish an Indian Claims Commission, which successfully adjudicated hundreds of disputed Land Possessions quietly; and

Whereas, there still exist serious questions about prior Ownership, particularly about certain Public Lands; and

Whereas, Congressman Bill Richardson introduced House Resolution 260 in January 1997 to create a Presidential Commission to determine the validity of certain Land Claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving Persons who were Mexican Citizens at the time of the Treaty;

Now, Therefore, Be It Resolved by the Legislature of the State of New Mexico that the Congress of the United States be respectfully requested and urged to support this important piece of legislation to adjudicate and make conclusive determinations, including possible restitution of Public Lands, on unresolved provisions of the various Treaties affected by the Treaty of Guadalupe-Hidalgo; and

Be It Further Resolved that copies of this Memorial be sent to the New Mexico Congressional Delegation and to the Presiding Officers of each House of Congress.

POM–78. A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Energy and Natural Resources.

A JOINT RESOLUTION

Whereas, the prevailing land status pattern in Wyoming and the west has complicated rather than encouraged good land management, land ownership being divided among private parties and government entities, each with often mutually exclusive management philosophies and objectives, in a checkerboard and scattered parcel configuration; and

Whereas, this situation has resulted in private landowners having difficulty in achieving profitability and manageability goals and public entities have likewise experienced frustration in achieving improvements to land access and habitats for wildlife; and

Whereas, this land status pattern causes confrontation among private landowners, public resource managers and users, confounds good faith attempts at proper resource management and, in the extreme, risks distress sale of lands thus threatening the rural agricultural character of Wyoming; and

Whereas, Congress, with passage of the Federal Land Exchange Facilitation Act (FLEFA), has presented an opportunity to resolve this situation through the exchange of lands of equal value between private interests and the federal government, consolidating lands in logical and manageable parcels under one (1) ownership; and

Whereas, land exchanges conducted under FLEFA can be concluded in a fraction of the time necessary otherwise with a minimum of administrative and bureaucratic delay; and

Whereas, the Bureau of Land Management in Wyoming has a demonstrated commitment to FLEFA exchanges and has identified candidate acreage for exchange with private landowners; and

Whereas, resolving difficult natural resource management conflict through exchanges under FLEFA is clearly in the best interest of the people of the state of Wyoming.

Now, Therefore, Be it resolved by the undersigned Legislators of the State of Wyoming That:

Section 1. That the legislature endorses the land exchange process authorized under FLEFA.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of the Interior and to the Wyoming Congressional Delegation.

POM–A joint resolution adopted by legislators of the State of Wyoming; to the Committee on Energy and Natural Resources.

A JOINT RESOLUTION

FIFTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING

Whereas, on November 7, 1996, the proposed rule on Bureau of Land Management (BLM) criminal law enforcement was published in the Federal Register pages 57615–57621; and

Whereas, the BLM intends to apply this new rule on the public domain within the several western states including Wyoming; and

Whereas, the attempted enforcement of this rule on any public land that lies within Wyoming would violate;

(a) The equal protection afforded Wyoming citizens under the 14th amendment of the United States Constitution;

(b) The procedure for acquiring criminal enforcement jurisdiction outlined in article I, section 8, clause 17 of the United States Constitution as it applies to an established state;

(c) The separation of powers between the judicial, executive and legislative branches of the United States Government;

(d) Federalism as established between the several states and the federal government;

(e) The authority granted to the BLM under applicable enabling statutes; and

(f) A host of other statutory and constitutional protections to be further listed both at national and state levels.

Whereas, the BLM is required, as are all federal agencies, to properly utilize federal acts and executive orders in preparing any proposed rules; and

Whereas, the BLM has not evaluated the existing regulations for possible deletion should they historically have proven to be unwarranted; and

Whereas, the following acts and executive orders, listed in section IV, procedural matters, page 57607, all require federal agencies to evaluate regulations for removing rules as well as consolidating rules:

(a) The National Environmental Policy Act (NEPA);

(b) Regulatory Flexibility Act;

(c) Executive Order 12612 (Federalism);

(d) Executive Order 12866 (Regulatory Planning and Review).

Now, Therefore, Be It Resolved by the Undersigned Legislators of the State of Wyoming That:

Section 1.

(a) The citizens of Wyoming shall not be subjected to this proposed or final rule which dramatically expands the scope of federal enforcement authority.

(b) The state of Wyoming shall take every measure possible to ensure that this proposal, which is a transparent effort to eliminate multiple uses of public land, be thwarted at its inception.

(c) No federal agent shall enforce this proposed rule outside of lawful geographic areas.

(d) The state attorney general shall consult with one (1) or more attorneys with expertise in constitutional law and determine the legality of the proposed rule not later than ten (10) days after this resolution is approved.

Section 2. The legislature hereby formally requests Wyoming Congressional Delegation to hold a hearing on the BLM's proposed rule on Criminal Law Enforcement as published in the November 7, 1996, Federal Register, pages 57615–57621.

Section 3. That the Secretary of State shall forward copies of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, each member of the Wyoming Congressional Delegation, the Secretary of Interior, Director of Bureau of Land Management and the State Director of Bureau of Land Management.

POM–80. A resolution adopted by the Board of Mayor and Alderman of the City of Kingsport, Tennessee relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

POM–81. A resolution adopted by the Board of Mayor and Alderman of the City of Kingsport, Tennessee relative to air quality standards; to the Committee on Environment and Public Works.

POM–82. A resolution adopted by the Board of County Commissioners of Broward County, Florida relative to shore protection projects; to the Committee on Environment and Public Works.

POM–83. A resolution adopted by the Board of Commissioners of the Borough of Avon-By-The-Sea, New Jersey relative to the Mud Dump Site; to the Committee on Environment and Public Works.

POM–84. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 17

Whereas, one of the most vexing environmental problems is the disposal of solid waste. Enormous energy and expense are directed to finding means to reduce the volume of solid waste, to utilize limited landfill space safely and efficiently, and to incorporate other means of disposing of waste without endangering air, soil, or water. In spite of great progress, there remain serious long-term unresolved issues involving solid waste; and

Whereas, since there are limited disposal options, there is considerably demand for landfill space and other disposal facilities. In response to this situation, solid waste is often transported across local, state, and even international boundaries for storage or disposal away from where the solid waste is generated. Communities in Michigan are dealing with this reality today; and

Whereas, the potential problems of imported solid waste are many. Even areas with ample storage capacity or facilities now will face shortages in the future, leaving a local problem of how to handle solid waste. Eventual problems with a landfill site or other facility will not be handled by an out-of-state or out-of-country party. The burdens will be borne by those in the area importing solid wastes. Given the nature of our delicate environment, especially in Michigan, the ultimate risks are not restricted to the specific local unit of government; and

Whereas, since states will bear the responsibility and face the consequences when and if solid waste landfills or other facilities encounter problems, it is essential that states be empowered to regulate this activity. Measures in Congress have proposed extending authority to the states to deal with this issue, an approach that is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to authorize states to regulate the flow of solid waste from other states or another country; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan congressional delegation.

POM–85. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), signed into law by the President in December 1991, is a six year program authorized to provide a total of $155 billion for highway and mass transportation purposes; and

Whereas, ISTEA has provided significant, annual federal funds to New Jersey and all other states to help develop a strong, globally-competitive economy and to improve the mobility, safety and well-being of our nation's residents; and

Whereas, our state, regional and national transportation systems still face growing travel demand, inadequate capacity, ''bottlenecks,'' and awkward connections between different forms of transportation; and

Whereas, the need to continue and accelerate improvements to our transportation systems is absolutely vital for economic growth, to address safety and environmental concerns, and to reduce the costs and disruptions that an inefficient transportation system imposes on our residents; and

Whereas, a federal role of providing leadership and long-term funding remains essential if a smooth, seamless highway and mass transportation system is to be achieved and then maintained; and

Whereas, a direct federal role is also especially important to the viability of AMTRAK, and an annual, financial commitment acknowledging such federal role must be reemphasized by the President and Congress if our national railroad is to reach the status, importance, and efficiency of national railroads in other competitive, economically developed countries; now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

1. The President and the Congress of the United States are urged to reauthorize [ISTEA] the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), prior to its expiration in October 1997, for a period of time and a level of funding that are no less than current ISTEA authorization levels and providing that New Jersey's share of that funding is no less than its current ISTEA share. Timely reauthorization of ISTEA is paramount if states are to continue, without interruption, their efforts to improve and enhance the effectiveness of our nation's state, regional, and national transportation systems. Additionally, the federal government must continue to acknowledge its role relative to AMTRAK and provide the financial assistance needed by AMTRAK to ensure the long-term viability of our national railroad passenger corporation.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President and the Vice President of the United States, members of Congress, and the President of AMTRAK.

POM–86. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Montana's economy and the quality of life of its citizens benefit greatly from federal transportation and highway infrastructure investments; and

Whereas, the nation's highways are a linked, interconnected system, with the nation as a whole benefiting from federal highway infrastructure investments in rural western states, such as Montana, where our Interstate and National Highway Systems provide a bridge for the safe and efficient movement of people and goods across this vast region; and

Whereas, the benefits to the nation and the states from the Federal-Aid Highway Program investments include:

(1) Improved mobility to support our economy and our competitive international position;

(2) access to the nation's agricultural production, its manufactured goods, and its national parks and monuments;

(3) access and mobility for our national and civil defense forces; and

(4) social progress and quality of life for our citizens; and

Whereas, federal highway investments are supported entirely by the fees assessed every day on the users of the nation's highways; and

Whereas, the Federal Highway Trust Fund could substantially increase investments in highway infrastructure without any increase in fees to the users of the highway system; and

Whereas, to continue the benefits of transportation and highway infrastructure investments, the Federal Surface Transportation Program must be reauthorized by the United States Congress before the program expires on October 1, 1997: Now, therefore,

Be it resolved by the Senate and the House of Representatives of the State of Montana:

That the United States Congress is urged to act promptly to reauthorize the Federal Surface Transportation Program and that this reauthorization should include:

(1) full investment of all Federal Highway Trust Fund balances, interest, and revenue in much-needed transportation and highway infrastructure;

(2) a high level of support for the nation's most important highways, our Interstate System and National Highway System routes;

(3) fair treatment of western, rural states in the distribution of Federal-Aid Highway Program funds between states, including recognition that the western states have vast highway systems that benefit the entire nation and few people to support them;

(4) regulatory reduction and program streamlining to improve the timeliness and cost-effectiveness of highway project delivery; and

(5) respect for the uniqueness of each state's approach to managing its transportation system. Solutions in small, densely populated eastern states may not make sense in the west. One size does not fit all, so the federal government should refrain from mandating solutions.

Be it further resolved, That the Secretary of State send a copy of this resolution to the Director of the Montana Department of Transportation, 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–87. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on the Environment and Public Works.

Whereas, The United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, Over the past several years, owners and operators of solid waste landfills located in this Commonwealth have increased significantly the amount of solid waste that they accept from other states; and

Whereas, According to statistics compiled by the Department of Environmental Protection, the percentage of solid waste disposed of in this Commonwealth that is imported from other states has increased in each of the past six years; and

Whereas, According to statistics compiled by the Department of Environmental Protection, in 1996 imported waste made up 43% of the solid waste disposed of in landfills located in this Commonwealth; and

Whereas, New York State and New York City have announced plans to close by the year 2001 the Fresh Kills landfill located on Staten Island, which currently accepts 13,000 tons of waste per day from New York City and the city's sanitation director stated that the city would consider sending its waste to landfills in Pennsylvania, among other places; and

Whereas, Governor Tom Ridge has notified the Governor of New York that the recently released report on how New York State and New York City will handle the closure of Fresh Kills did not adequately address limiting the exportation of the waste from Fresh Kills or steps New York State will take to plan for the construction of disposal facilities; and

Whereas, The present and projected future levels of solid waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and is unfair to citizens of this Commonwealth, particularly citizens living in areas where landfills and incinerators are located; and

Whereas, In 1988 the Commonwealth adopted a law designed to reduce the need for additional landfills and incinerators by requiring and encouraging recycling of certain materials; and

Whereas, It is within the power of Congress to delegate authority to the states to restrict the amount of solid waste they import from other states; and

Whereas, Legislation has been introduced in both Houses of Congress that would give states authority to impose reasonable restrictions on the amount of solid waste imported from other states; and

Whereas, Passage of such legislation by Congress may hinge upon the success of negotiations between certain states that import and export trash; and

Whereas, Governor Ridge and the governors of four other states wrote to the Honorable George Pataki, Governor of New York, expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, The failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth: Therefore be it

Resolved, That the House of Representatives memorialize the Clinton Administration and Congress to support legislation authorizing states to restrict the amount of solid waste they import from other states; and be it further

Resolved, That the House of Representatives memorialize the Governor of New York to support the legislation giving states the authority to place reasonable restrictions

upon the amount of solid waste imported from other states; and be it further

Resolved, That copies of this resolution be transmitted to the Honorable William Clinton, President of the United States, the Honorable George Pataki, Governor of New York, the presiding officer of each House of Congress and to each member of Congress from Pennsylvania.

POM–88. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, the United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, over the past several years owners and operators of solid waste landfills located in this Commonwealth have increased significantly the amount of solid waste that they accept from other states; and

Whereas, according to statistics compiled by the Department of Environmental Protection, the percentage of solid waste deposited in this Commonwealth that is imported from other states has increased in each of the past six years; and

Whereas, according to statistics compiled by the Department of Environmental Protection of this Commonwealth, in 1996 imported waste made up 43% of the solid waste deposited in landfills located in this Commonwealth; and

Whereas, New York State and New York City have announced plans to close by the year 2001 the Fresh Kills landfill located on Staten Island, which currently accepts 13,000 tons of waste per day from New York City, and the city's sanitation director stated that the city would consider sending its waste to landfills in Pennsylvania, among other places; and

Whereas, Governor Tom Ridge has notified the Governor of New York that the recently released report on how New York State and New York City will handle the closure of Fresh Kills did not adequately address limiting the exportation of the waste from Fresh Kills or steps New York State will take to plan for the construction of disposal facilities; and

Whereas, the present and projected future levels of solid waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and is unfair to citizens of this Commonwealth particularly citizens living in areas where landfills and incinerators are located; and

Whereas, in 1988 the Commonwealth adopted a law designed to reduce the need for additional landfills and incinerators by requiring and encouraging recycling of certain materials; and

Whereas, it is within the power of Congress to delegate authority to the states to restrict the amount of solid waste they import from other states; and

Whereas, legislation has been introduced in both houses of Congress that would give states authority to impose reasonable restrictions on the amount of solid waste imported from other states; and

Whereas, passage of such legislation by Congress may hinge upon the success of negotiations between certain states that import and export trash; and

Whereas, Governor Ridge and the governors of four other states wrote to the Honorable George Pataki, Governor of New York, expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, the failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; Therefore be it

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation authorizing states to restrict the amount of solid waste being imported from other states; and be it further

Resolved, That the Senate memorialize the Governor of New York to support the legislation giving states the authority to place reasonable restrictions upon the amount of solid waste imported from other states; and be it further

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation that gives communities hosting disposal facilities the right to decide by agreement whether to accept waste from other States; and be it further

Resolved, That copies of this resolution be transmitted to the Honorable William Clinton, President of the United States; the Honorable George Pataki, Governor of New York; the presiding officer of each house of Congress; and to each member of Congress from Pennsylvania.

POM–89. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 1012

Whereas, South Dakota's economy, the quality of life and the personal mobility of its citizens benefit greatly from federal transportation and highway infrastructure investments; and

Whereas, the nation's highways are a linked, inter-connected system with the nation as a whole benefiting from federal highway infrastructure investments in rural western states, such as South Dakota, where our Interstate and National Highway Systems provide a bridge for the safe and efficient movement of people and goods across this vast region; and

Whereas, the benefits from federal highway investments to the nation and the states include: improved mobility to support out economy and competitive international position; access to the nation's natural resource and agricultural production, its manufactured goods, and our national parks and monuments; access and mobility for our national and civil defense forces; social progress and quality of life for our citizens; and

Whereas, South Dakota has an aging Interstate System which needs significant funding for pavement maintenance and replacement; and

Whereas, federal highway investments are supported entirely by the fees assessed every day on the users of the nation's highways; and

Whereas, the Federal Highway Trust Fund could support substantially increased investments in highway infrastructure without any increase in fees to the users of the highway system; and

Whereas, to continue the benefits of transportation and highway infrastructure investments, the Federal Surface Transportation Program must be reauthorized by the United States Congress before the program expires on September 30, 1997: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-second Legislature of the State of South Dakota, the Senate concurring therein, That the United States Congress is urged to act promptly to reauthorize the Federal Surface Transportation Program; and be it further

Resolved, That this reauthorization include: full investment of all Highway Trust Fund balances, interest and revenues in much needed transportation and highway infrastructure; a high level of support for the nation's most important highways; the Interstate and National Highway System routes; fair treatment of rural western states in the distribution of federal highway program funds among the states, considering the national interest in rural and intercity, as well as urban transportation, and recognizing that the rural western states have vast highway systems which benefit the entire nation and few people to support them; regulatory reduction and program streamlining to improve the timeliness and cost-effectiveness of highway project delivery; and respect for the uniqueness of each state's approach to managing its transportation system where one size does not fit all, so the federal government should refrain from mandating solutions and imposing sanctions on the states; and be it further

Resolved, That the President of the Senate and the Speaker of the House of Representatives 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 South Dakota Congressional Delegation.

POM–90. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 38

Whereas, though Texans are faced with pressing surface transportation needs that require immediate attention and revenue to remedy existing problems and to keep pace with growing demands, the state continues to lose money each year under the current federal funding formula that requires the state to contribute more to the national Highway Trust Fund than it is apportioned back; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was created to sustain and enhance a strong national surface transportation network through the National Highway System and to expand other programs to ensure that states' transportation plans are intermodal, environmentally sound, and energy efficient; and

Whereas, since its passage, however, funding provisions contained in the ISTEA have traditionally benefited some states at the expense of others, inflicting a heavy penalty that, in Texas alone, has cost this state millions of dollars that could have been used to repair and augment the Texas highway system; and

Whereas, the expiration of ISTEA on September 30, 1997, and the disparity in the current apportionment of highway funds have prompted a coalition of more than 20 states, including Texas, to join together to develop the Streamlined Transportation Efficiency Program for the 21st Century (STEP 21); while acknowledging the need for a broadly focused national surface transportation policy, the program recognizes that the surface transportation needs of each and region differ greatly and promotes a simplified federal surface transportation program that would significantly benefit mobility and the national economy while giving each state more flexibility to respond to diverse local needs; and

Whereas, currently before Congress in the form of the ISTEA Integrity Restoration

Act, the STEP 21 program seeks to revise the apportionment adjustment formula to ensure that all states receive at least a 95 percent return on tax payments made to the Highway Trust Fund while continuing to provide an adequate level of funding for states with special circumstances; it would further provide states with more autonomy to respond to their specific state and local transportation needs, would consolidate and streamline various federal highway programs, and would distribute new program funds using simplified, objective criteria; and

Whereas, the STEP 21 proposal would bring more Texas motor fuels tax dollars back to the state, giving state officials greater control over where available surface transportation funds should be spent and providing them with the flexibility to use funds from various sources to meet Texas' transportation needs: Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to support the passage of the Steamlined Transportation Efficiency Program for the 21st Century (STEP 21); and, be it further

Resolved, That the 75th Legislature of the State of Texas hereby encourage the members of the Texas delegation of the Congress of the United States to cosponsor the ISTEA Integrity Restoration Act; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas congressional delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–91. A joint resolution adopted by the Legislature of the State of Vermont; to the Committee on Environment and Public Works.

JOINT SENATE RESOLUTION 18

Whereas, the federal Clean Air Act requires the EPA to promulgate and revise national ambient air quality standards that provide for the level of air quality necessary to protect public health, and

Whereas, the EPA is required to undertake detailed independent scientific review of all of the available health and welfare information in setting and revising the national ambient air quality standards, and

Whereas, recent studies have linked exposure to ozone in the ambient air to increased hospital admissions for respiratory illness, increased susceptibility to respiratory infection and lung inflammation, and

Whereas, long-term exposure to ozone can cause irreversible changes in the lungs leading to chronic respiratory illnesses such as emphysema, chronic bronchitis, and/or premature aging of the lungs, and

Whereas, the current primary standard for ozone is not adequate to protect the public from adverse health effects, and

Whereas, recent studies suggest that significant health effects including premature mortality, increased hospital emissions and other respiratory illnesses result from exposure to fine particulates at concentrations below the current standards, and

Whereas, concentrations of fine particulates are also responsible for significant visibility impairment in areas of importance to Vermont's tourism industry, and

Whereas, the current primary standard for particulate matter is not adequate to protect the public from the adverse health effects attributable to exposure to fine particulates, and

Whereas, children and the elderly are particularly susceptible to the adverse health effects resulting from exposure to ozone and fine particulates, and

Whereas, comprehensive economic analysis will be done in the implementation of the regulatory process, now therefore be it

Resolved by the Senate and House of Representatives: That it is the sense of the General Assembly that the EPA should fulfill its duty under the Clean Air Act to review and revise national ambient air quality standards to levels that are necessary to protect public helath, and be it further

Resolved: That the General Assembly urges the EPA to revise the standards in accordance with recent scientific evidence connecting exposure to ozone and fine particulate to significant adverse health effects, particularly to children and the elderly, and be it further

Resolved: That the General Assembly urges the EPA to expeditiously finalize the standards for ozone and fine particulates as proposed by the EPA on November 29, 1996, and be it further

Resolved: That the Secretary of State is directed to forward a copy of this resolution to the President, Vice President, Vermont's Congressional delegation, and the Administrator of the EPA in Washington, DC.

POM–92. A joint resolution adopted by the Legislature of the State of Vermont; to the Committee on Environment and Public Works.

JOINT SENATE RESOLUTION 12

Whereas, there has been a two-to-threefold global increase in mercury in the environment since the 1850's, increases of three times have been found in wilderness areas of the United States, and much higher increases have been found in developed areas of the United States, and

Whereas, mercury is truly a state, national and international concern because mercury is atmospherically transported indiscriminately across political boundaries, and

Whereas, atmospheric deposition resulting from human activities, including area sources, waste disposal and fossil fuel burning, contributes to mercury loading in the environment, and

Whereas, mercury is a persistent bioaccumulative toxic substance that presents particular problems in aquatic systems, and

Whereas, human consumption advisories have been issued in at least 1,500 water bodies in 36 states, including Vermont, because of high levels of mercury contamination in fish, resulting in losses to tourism and fishing industries and related activities, and

Whereas, according to Environmental Protection Agency (EPA) estimates, each year in the United States between 80,000 and 85,000 pregnant women are exposed to mercury levels high enough to produce risk to their children, and

Whereas, the EPA's Mercury Report to Congress, required by the Clean Air Act to be completed by 1994, represents the best information in the world on the use, generation and disposal of mercury, and

Whereas, the EPA effectively completed the draft report in 1995, but has delayed submittal of the mercury report to Congress until 1999, and

Whereas, there are known substitutes for most mercury-containing products and devices, except for high-efficiency lighting, and

Whereas, over one-half billion mercury-containing lamps are annually generated * * *

Whereas, the EPA is simultaneously establishing achievable control technologies for mercury sources pursuant to the Clean Air Act, proposing tightening water quality criteria for mercury under the Clean Water Act, placing priority on mercury-contaminated superfund sites, but is proposing to exempt mercury-containing lamps from hazardous waste regulations, and

Whereas, the U.S. government owns in excess of 11 million pounds of mercury in Department of Defense (DOD) and Department of Energy (DOE) stockpiles, and

Whereas, the entire U.S. mercury stockpile has been declared excess to U.S. needs and has been slated for sale on the world market through the Defense National Stockpile of the DOD, and

Whereas, the State of Vermont is committed to mercury recycling and the elimination of nonessential uses of mercury as its top priority for waste management, and

Whereas, state and federal governments have taken many actions to reduce mercury in the environment, now therefore be it

Resolved by the Senate and House of Representatives: That it is the sense of the General Assembly that EPA should officially release the Mercury Report to Congress forthwith, and be it further

Resolved: That the General Assembly urges the EPA to conduct landfill air emission tests for mercury in the northeast and nationally, and be it further

Resolved: That the General Assembly urges the EPA not to exempt mercury-containing lamps from hazardous waste regulations, but instead to adopt universal waste rules that foster mercury recycling, and be it further

Resolved: That the General Assembly opposes future U.S. mercury stockpile sales, and calls for a permanent halt to sales; and be it further

Resolved: That the General Assembly urges EPA to develop permit provisions for all waste incinerators requiring the source separation of mercury-containing products and devices, and to not exempt smaller medical waste incinerators from more stringent federal pollution control rules; and be it further

Resolved: That the General Assembly urges EPA to recommend to Congress rescission of the exemption of fossil fuel burning power plants from federal pollution control rules; and be it further

Resolved: That the Secretary of State be directed to send copies of this resolution to the President, Vice President, Vermont's Congressional delegation, and the Administrator of the EPA.

POM–93. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 495

Whereas, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 expires September 30, 1997; and

Whereas, according to the Federal Highway Administration's publication *Federal Highway Statistics,* Virginia consistently receives a lower percentage of federal highway funding than its percentage share of payments into the Highway Trust Fund; and

Whereas, the proposed reauthorization of federal aid for surface transportation programs provides an ideal opportunity to ensure that future methods of apportioning federal transportation funds are equitable and fair; and

Whereas, adequate support for the National Highway System (NHS) is necessary to provide consistent mobility and economic benefits for all states and the nation, and to ensure that Virginia's citizens are able to connect with citizens throughout the nation; and

Whereas, a streamlined transportation program is needed to provide flexible funding to allow states and their local partners to respond to specific state and local needs; and

Whereas, it is in the national interest to ensure an adequate level of resources for highways in states with small populations and large land areas, as well as states with small populations and small land areas; to provide road systems necessary to facilitate the mobility of citizens across the country and economic development; and to meet the transportation needs of transit-dependent citizens; and

Whereas, multi-modal transportation systems are needed to link the nation's highway systems to the public transit systems; and

Whereas, a strong transit program contributes to national benchmarks for improved air quality by reducing pollution as defined by the Clean Air Act Amendments of 1990; and

Whereas, the Integrity Restoration Act, which embodies the principles advanced by the Surface Transportation Efficiency Program (STEP 21) Coalition, has been introduced in both the United States House of Representatives and the United States Senate; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That Congress be urged to reauthorize the federal surface transportation program by replacing outdated formulas with factors reflecting use, such as those identified in STEP 21; providing better equity in the distribution of highway funds to states; and authorizing funding for multimodal transit services and highways; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, 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–94. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 571

Memorializing the President and the Congress of the United States to provide full federal funding to replace the Woodrow Wilson Bridge, its interchanges and approaches.

Agreed to by the House of Delegates, February 20, 1997 and Agreed to by the Senate, February 19, 1997.

Whereas, the Woodrow Wilson Bridge is the major crossing of the Potomac River for the southern half of the Washington, D.C., metropolitan region; and

Whereas, the bridge carries 170,000 vehicles per day, yet was designed to carry only 75,000 vehicles per day; and

Whereas, traffic is estimated to increase to 300,000 vehicles per day by the year 2020; and

Whereas, the bridge is the only segment of the region's eight-lane capital beltway limited to six lanes; and

Whereas, the bridge is the only segment of the interstate system owned by the federal government, and

Whereas, delays by the owner in replacing the bridge facility have increased traffic congestion and the risk of vehicle accidents; and

Whereas, the bridge was not funded under the Interstate Construction Program because of federal ownership or included in the Final Interstate Cost Estimates where funding was provided in addition to the normal federal-aid apportionment and where the federal share was 90% of the cost of the project; and

Whereas, the National Highway System Designation Act recently reaffirmed the responsibility of the federal government to fund the reconstruction of the bridge; and

Whereas, the National Highway System Designation Act provides for the establishment of an interstate authority; and

Whereas, the Commonwealth of Virginia, the District of Columbia, and the State of Maryland have enacted legislation creating the Woodrow Wilson Bridge and Tunnel Authority; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the President and the Congress of the United States be urged to provide full federal funding to replace the Woodrow Wilson Bridge, its interchanges and its approaches; and, be it

Resolved further, That federal government funding and design comply with current design and engineering standards currently imposed on states for constructing bridges, and that such design enhance the capacity of the bridge and match the approaches with the new bridge configuration; and, be it

Resolved finally, That the Clerk of the House of Delegates transmit a copy of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and the Congressional Delegation of Virginia to apprise them of the sense of the General Assembly of Virginia in this manner.

POM–95. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 225

Memorializing Congress to reauthorize the federal surface transportation program by replacing outdated formulas with factors reflecting use, such as those identified in STEP 21; providing better equity in the distribution of highway funds to states; and authorizing funding for multi-modal transit services and highways.

Agreed to by the Senate, February 20, 1997 and Agreed to by the House of Delegates, February 20, 1997.

Whereas, the Intermodel Surface Transportation Efficiency Act (ISTEA) of 1991 expires on September 30, 1997; and

Whereas, according to the Federal Highway Administration's publication, Federal Highway Statistics, Virginia consistently receives a lower percentage of federal highway funding than its percentage share of payments into the Highway Trust Fund; and

Whereas, the proposed reauthorization of federal aid for surface transportation programs provides an ideal opportunity to ensure that future methods of apportioning federal transportation funds are equitable and fair; and

Whereas, adequate support for the National Highway System (NHS) is necessary to provide consistent mobility and economic benefits for all states and the nation, and to ensure that Virginia's citizens are able to connect with citizens throughout the nation; and

Whereas, a streamlined transportation program is needed to provide flexible funding to allow states and their local partners to respond to specific state and local needs; and

Whereas, it is in the national interest to ensure an adequate level of resources for highways in states with small populations and large land areas, as well as states with small populations and small land areas; to provide the road systems necessary to facilitate the mobility of citizens across the country and economic development; and to meet the transportation needs of transit-dependent citizens; and

Whereas, multi-modal transportation systems are needed to link the nation's highway systems to the public transit systems; and

Whereas, a strong transit program contributes to national benchmarks for improved air quality by reducing pollution as defined by the Clean Air Act Amendments of 1990; and

Whereas, the Integrity Restoration Act, which embodies the principles advanced by the Surface Transportation Efficiency Program (STEP 21) Coalition, has been introduced in both the United States Senate and the United States House of Representatives; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to reauthorize the federal surface transportation program by replacing outdated formulas with factors reflecting use, such as those identified in STEP providing better equity in the distribution of highway funds to states; and authorizing funding for multimodal transit services and highways; 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 of Virginia on this matter.

POM–96. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

H.R. 415

By Representatives Jeff Dolbare, James Clark and Richard Laird.

Petitioning the United States Congress to repeal estate and gift tax laws.

Whereas, working men and women of Alabama spend decades in jobs to provide a better life for themselves and their offspring; and

Whereas, Social Security and other current entitlements created by Congress may be in jeopardy in the future; and

Whereas, the savings rate in the United States is lower than in most industrialized nations; and

Whereas, the incentive to save is thwarted by the national government's tax code which takes up to 55 percent of the assets of a taxpayer upon death; and

Whereas, estates of a deceased family member, which contain, in whole or in part, closely held family businesses that owe a ludicrous amount of taxes to the federal government ranging from 37.5 to 55 percent of their fair market value, are often forced to sell or liquidate those family businesses; and

Whereas, family businesses represent the heart of the American dream and should be encouraged to continue instead of being forced into liquidation or heavy debt; and

Whereas, family farms are often forced, without leniency, to be sold in order to pay estate taxes; now therefore

Be It Resolved by the House of Representatives of the Legislature of Alabama, That the Congress of the United States is strongly urged to repeal, in their entirety, federal estate and gift tax statutes.

Be It Further Resolved, That a copy of this resolution be forwarded to the following persons:

POM–97. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance.

Whereas, in August of nineteen hundred and ninety-six, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called; and

Whereas, Congress in said act forbade use of federal funds to provide benefits for financially needy immigrants lawfully residing in the United States; and

Whereas, legal immigrants pay taxes and contribute in many ways to the productivity and vitality of our communities; and

Whereas, the United States was founded and built by immigrants; and

Whereas, because Congress has abdicated its financial responsibility, the financial burden of the action by Congress falls unfairly on the states and needy residents of the states; Now Therefore Be It

Resolved, That the Massachusetts senate respectfully requests that the President and the Congress of the United States restore to the states the authority to provide federally funded benefits to needy, lawful residents of the United States; And Be It Further

Resolved, That the Massachusetts senate respectfully requests that the United States Congress and the President restore to the commonwealth adequate federal funding to allow for the provision of benefits for financially needy immigrants lawfully residing in this commonwealth; and Be It Further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the senate to the President of the United States of America, the presiding officer of each branch of the United States Congress, and each member of the Massachusetts congressional delegation.

POM–98. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance.

Whereas, for over one hundred years, Dalton, Massachusetts has been the home of Crane and Company the producer of high quality currency paper; and

Whereas, the product manufactured at Crane and Company has been of outstanding grade, produced by an experienced work force, under the direction of a superior management and within the guidelines of the free enterprise system; and

Whereas, Crane and Company has abided by all the appropriate business practices established by the United States Bureau of Engraving and Printing; and

Whereas, U.S. Treasury officials have now proposed a procedure that encourages foreign companies to unfairly compete against Crane and Company by offering a subsidy of United States tax dollars which, if implemented, could potentially harm the economic structure of western Massachusetts; and

Whereas, Crane and Company, a family owned business, has been built by the traditional method of hard work and diligence, with private capital and investment, and has, since its inception, given generously to the community; now therefore be it

Resolved, That the Massachusetts Senate hereby calls upon the Secretary of the United States Treasury to suspend any programs or actions that promote or provide for the subsidizing of foreign industries for the purpose of manufacturing United States currency paper; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the senate to the President of the United States, the presiding officers of each branch of Congress and the Members thereof from this Commonwealth, the Secretary of the United States Treasury and the Governor of the Commonwealth of Massachusetts.

POM–99. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 365

Whereas, the states of Connecticut, New York, Indiana, and California have established public/private long-term care partnerships; and

Whereas, these partnerships encourage the purchase of approved long-term care insurance policies by offering purchasers enhanced asset protection under the Medicaid program; and

Whereas, under such a partnership program, if a policyholder requires long-term care and eventually exhausts his or her private insurance benefits, the policyholder is permitted to keep more of his or her assets while still qualifying for Medicaid coverage; and

Whereas, the 1993 Session of the General Assembly requested a study of the advantages of public/private partnerships to encourage the purchase of long-term care insurance in an attempt to formulate an innovative program to slow the growth of Medicaid funding for long-term care; and

Whereas, the Omnibus Budget Reconciliation Act of 1993 includes a provision, §13612 (a) (C), that discourages additional states from implementing such partnerships by requiring states to make recovery from the estates of persons who had enjoyed enhanced Medicaid asset protection, making the asset protection provided by such partnerships only temporary; and

Whereas, the removed of §13612 (a) (C) would allow additional states to establish asset protection programs for individuals who purchase qualified long-term care insurance policies without requiring states to recover such assets upon a beneficiary's death; and

Whereas, the removed of §13612 (a) (C) would make such partnerships much more attractive to potential participants, especially if they are motivated by a desire to pass some of their assets on to their children; and

Whereas, having long-term care insurance reduces the possibility that persons will spend down to Medicaid eligibility levels; and

Whereas, long-term care insurance, by reducing the Medicaid expenditures for policyholders, helps states control Medicaid costs; now, therefore be it

Resolved by the Senate, the House of Delegates concurring. That Congress be urged to repeal §13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993; and, be it

Resolved further, That the Clerk of the Senate transmit a copy of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–100. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 618

Whereas, in 1986, the United States Congress created the Low Income Housing Tax Credit Program to assist in the construction and rehabilitation of housing for low and moderate income persons and families at rents which would be affordable to them; and

Whereas, since the creation of the Low Income Housing Tax Credit Program, approximately $75 million worth of tax credits have been allocated in Virginia for more than 22,000 rental housing units; and

Whereas, the tax credits so allocated have generated over $350 million in private investment funds which have been leveraged with more than $1 billion in funding from other public and private sources; and

Whereas, the Low Income Housing Tax Credit Program has created a successful partnership of the public and private sectors, bringing together multiple parties and sources of funding and, in particular, has encouraged the involvement of nonprofit organizations in the ownership and operation of low and moderate income housing; and

Whereas, the administration of the Low Income Housing Tax Credit Program has been implemented by the states without any increase in the federal bureaucracy and minimal operating cost to the public; and

Whereas, the Low Income Housing Tax Credit Program is the only major federal program for the construction and rehabilitation of low and moderate income housing and should be continued in order to ensure the availability of an important source of funds for such housing; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be requested to continue the Low Income Housing Tax Credit Program; and, be it

Resolved further, That the Clerk of the House of Delegates transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Congressional Delegation of Virginia to apprise them of the sense of the General Assembly of Virginia in this matter.

POM–101. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 343

Whereas, community-based services to the frail and chronically ill, especially to that category of elderly, are often uncoordinated, fragmented, inappropriate, or insufficient to meet the needs of the frail and chronically ill who are at risk of institutionalization, often resulting in unnecessary placement in nursing homes; and

Whereas, steadily increasing health care costs for the frail, chronically ill, and especially the frail elderly provide incentives to develop programs providing quality services at reasonable costs; and

Whereas, capitated, risk-based financing provides an alternative to the traditional fee-for-service payment system by providing a fixed, per capita monthly payment for a package of health care and social services and requires the provider to assume financial responsibility for cost overruns; and

Whereas, On Lok Senior Health Services of San Francisco, California, began as a federal and state demonstration program in 1973 to test whether comprehensive community-based services could be provided to the frail elderly at no greater cost than nursing home care; and

Whereas, since 1983, On Lok Senior Health Services of San Francisco, California, has successfully provided a comprehensive package of services and operated within a cost-effective, capitated risk-based financing system; and

Whereas, recognizing On Lok's success, Congress passed legislation in 1986, 1987, and 1990 encouraging the expansion of capitated long-term care programs by permitting federal Medicare and Medicaid waivers to be granted indefinitely to On Lok and authorizing the Health Care Financing Administration to grant waivers in up to 15 new sites throughout the nation in order to replicate the On Lok model and entitled this program as Program for All Inclusive Care for the Elderly (PACE); and

Whereas, in Virginia, the intent to develop programs similar to On Lok has been established by Chapter 628 (1996), which created insurance regulatory exemptions for certain health plans, and by the Budget Bill of 1995 I–92, 396–A–B; and

Whereas, pre-PACE sites can only transition to PACE if the program receives federal approval and no federal waivers are currently available; and

Whereas, Virginia's Medicaid program is currently in a contract with Sentara to offer services to Medicaid clients; now, therefore be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to proceed immediately with an extension of

waivers to the PACE program or to pass S. 999, extending provider status to the PACE program; 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 Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM–102. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on Finance.

RESOLUTION NO. 387

Whereas, Georgia has a rich natural resource heritage and has been blessed with bountiful forests; and

Whereas, these forests cover two-thirds of Georgia and provide many benefits and services; and

Whereas, Georgians have relied on their forest resources for hundreds of years to provide shelter, sustenance, forest products, employment, and other economic benefits; and

Whereas, Georgia's forests also significantly contribute to our quality of life by providing clean water, clean air, rich soil, wildlife, aesthetic, and recreational benefits, all of which are irreplaceable; and

Whereas, forestry is the largest single economic contributor to Georgia's thriving economy with $17.3 billion in total value added to the economy in 1996, and the forest products industry, through its own initiative, is working to sustain and enhance this contribution through the Sustainable Forestry Initiative; and

Whereas, hundreds of Georgia businesses including sawmills, other wood processing plants, independent logging contractors, and hundreds of thousands of private Georgia forest landowners have been adversely affected by imports of subsidized Canadian lumber; and

Whereas, over 170,000 Georgians are employed in forestry operations; and

Whereas, almost 70 percent of Georgia's timberland base is owned by over 600,000 private property owners; and

Whereas, in recent years, Georgia's timber resources have been able to exert their rightful place in the national and international marketplace with the shutdown of logging on federal lands in the Pacific Northwest; and

Whereas, this increase in product value has proven of immense benefit to Georgia's economy; and

Whereas, recent proposals to allow a renewal of the flood of subsidized, price depressing imports from outside the United States is a direct threat to the well-being of thousands of Georgians: Now, therefore, be it

Resolved by the Senate That the members of this body urge the United States Congress and the United States International Trade Representative not to rescind the international trade agreement limiting the amount of subsidized Canadian lumber imported into the United States duty-free, be it further

Resolved That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the United States Congress, the United States International Trade Representative, the Georgia Forestry Association, the Georgia Chapter of the Sierra Club, the Southeastern Wood Producers Association, the Georgia Agribusiness Council, the Campaign for a Prosperous Georgia, and the capitol press corps.

POM–103. A resolution adopted by Hudson County (New Jersey) Board of Chosen Freeholders relative to World Expo '98; to the Committee on Foreign Relations.

POM–104. A resolution adopted by the Village of Poland, Ohio relative to the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

POM–105. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on Foreign Relations.

RESOLUTION NO. 205

Whereas, the Republic of Poland is a free, democratic, and independent nation with a long and proud history; and

Whereas, the North Atlantic Treaty Organization (NATO) is dedicated to the preservation of the freedom and security of its member nations; and

Whereas, the Republic of Poland desires to share in both the benefits and obligations of NATO in pursuing the development, growth, and promotion of democratic institutions and ensuring free market economic development; and

Whereas, the Republic of Poland recognizes its responsibilities as a democratic nation and wishes to exercise such responsibilities in concert with members of NATO; and

Whereas, the Republic of Poland desires to become part of NATO's efforts to prevent the extremes of nationalism; and

Whereas, the security of the United States is dependent upon the stability of Central Europe: Now, therefore, be it

Resolved by the Senate That the members of this body urge the President and Congress of the United States to support the Republic of Poland's petition for admission to the North Atlantic Treaty Organization and to support the establishment during 1997 of a timetable for such admission; be it further

Resolved That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the President of the United States, the presiding officer of each branch of the United States Congress, the members thereof from the State of Georgia, and Ambassador Jerzy Kozminski of the Republic of Poland.

POM–106. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Foreign Relations.

JOINT RESOLUTION

Whereas, China has been a divided nation since 1949, and the Republic of China on Taiwan and the People's Republic of China on the Chinese mainland have exercised exclusive jurisdiction over separate parts of China; and

Whereas, the Republic of China on Taiwan acknowledges that two equal and distinct political entities exist within the divided China; and

Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the 20th largest in the world; its annual per capita income exceeds $16,000; its foreign exchange reserves exceed $100 billion; and it has become the seventh largest outbound investor in the world; and

Whereas, the 21 million people on Taiwan enjoy a democratic form of government that includes free and open elections at the local and national levels, and the policies of the Republic of China on Taiwan conform to those of other democratic nations; and

Whereas, the Republic of China on Taiwan has joined other nations in responding to international disasters and crises, has undertaken programs of assistance for less developed nations, and has in other ways accepted regional and global responsibilities; and

Whereas, the Republic of China on Taiwan has joined several important multilateral organizations in recent years, including the Asia Pacific Economic Council and the Asian Development Bank, and its admission into these organizations has been supported by the United States; and

Whereas, the Republic of China on Taiwan has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the United Nations; and

Whereas, membership of the Republic of China on Taiwan in the United Nations conforms to the United Nations' principle of universality and would contribute to the peace and stability of the Pacific region and, therefore, to the interests of the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Montana: That the Republic of China on Taiwan deserves to be allowed full membership in the United Nations. Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the Governor of Montana, and the Montana Congressional Delegation.

POM–107. A joint resolution adopted by the Legislature of the State of Arizona; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 1001

Whereas, the 10th Amendment to the Constitution of the United States read as follows:

''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people''; and

Whereas, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

Whereas, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be the agent of the states; and

Whereas, in the year 1996, the states are demonstrably treated as agents of the federal government; and

Whereas, resolutions have been forwarded to the federal government by the Arizona Legislature without any reply or result from Congress or the federal government; and

Whereas, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution. Therefore be it

Resolved by the Legislature of the State of Arizona: That the State of Arizona hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution and that this measure serves as notice and demand to the federal government to cease and desist, effective immediately, mandates that exceed the scope of its constitutionally delegated powers; That the Secretary of State transmit copies of the Resolution to the President and Vice-president of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, each Member of the Arizona Congressional Delegation and the Speaker of the House of Representatives and the President of the Senate of each state legislature in the United States.

POM–108. A resolution adopted by the Senate of the Legislature of the Commonwealth

of Massachusetts; to the Committee on Governmental Affairs.

Whereas, targeted business incentive programs have proliferated into a counterproductive economic War Between the States and now form the cornerstone of State-sponsored ''economic development'' policies; and

Whereas, these programs fail to promote healthy and equitable statewide economic growth and, in reality, result in States engaging in economic warfare by moving businesses from one location to another both within and between States, with no significant economic benefit in the aggregate; and

Whereas, America's future in the global economy lies within its educational, industrial, technological, and research capabilities throughout the entire fifty States; and

Whereas, disarmament of wasteful programs can be achieved through a combination of new State and Federal policies; and

Whereas, States would be better off providing a less burdensome tax climate for all businesses and a quality educational system geared to providing an adequately trained and ready work force, support for research and development, and a quality transportation system, along with other high-quality traditional Government services; and

Whereas, efforts are currently under way in the United States Congress to identify and eliminate federally funded programs that are used by the States to escalate this economic warfare: Therefore be it

Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to embrace and support efforts in the United States Congress such as H.R. 1842 and other legislative initiatives that will begin to mitigate this economic warfare: And be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of the Congress, and to the members thereof from this Commonwealth.

POM–109. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

HOUSE JOINT RESOLUTION NO. 415

Whereas, the federal government distributed almost $229 billion in grants to state and local governments in federal fiscal year 1995; and

Whereas, Virginia received approximately $3.5 billion in federal grants in federal fiscal year 1995; and

Whereas, Virginia's receipt of federal grants on a per-capita basis is the lowest of any state in the country and has been for five consecutive years; and

Whereas, many federal grants are awarded using mathematical formulas that may be disadvantageous to the Commonwealth; and

Whereas, the United States General Accounting Office last prepared a catalogue of federal grant formulas in 1987; and

Whereas, an updated catalogue of federal grant formulas is vital for Virginia to better understand and address its receipt of federal grant moneys: Now therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to direct the General Accounting Office to update its 1987 catalogue of federal grant-in-aid formulas as soon as possible; 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 Director of the Virginia Liaison Office in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–110. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION NO. 228

Whereas, the federal government was granted carefully limited powers by the states through the ratification of the Constitution of the United States; and

Whereas, the 10th Amendment to the Constitution of the United States specifies that ''the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people''; and

Whereas, the framers of the Constitution recognized that the separation of powers is essential in protecting the rights of the people and extends not only to the three branches of the federal government, but also to the relationship between the federal government and state governments; and

Whereas, the three branches of the federal government have by many actions usurped powers reserved by the Constitution of the United States to the states and the people, thus severely unbalancing the relationship between the federal government and the state governments; and

Whereas, the federal judiciary has not taken any action to control these unwarranted assumptions of power by the federal government; and

Whereas, less federal preemption means states can act as true laboratories of democracy, developing novel social and economic policies without intruding into the affairs of the rest of the nation; and

Whereas, in order to restore the balance of power between the federal government and state governments as intended by the framers of the Constitution of the United States, the federal government must carefully consider, and be accountable for, the constitutional boundaries of its jurisdiction; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact legislation that would require Congress to cite the constitutional authority for all proposed laws; and, be it

Resolved further, That the enabling legislation enacted by Congress contain the following provisions:

1. To require Congress to state explicitly the extent to which the proposed section of any new law preempts any state, local, or tribal law, and if so, to provide the reasons for such preemptions;

2. To prohibit federal agencies from promulgating rules or regulations (i) that preempt or otherwise interfere with state and local powers without expressed statutory authority and (ii) that do not give states notice and an opportunity to be heard in the rulemaking process; and

3. If clause 3 of Section 8 of Article I of the Constitution of the United States is cited as the constitutional authority for the proposed law, to require Congress to report a list of factual findings establishing a substantial nexus between the regulatory effect of the proposed law and interstate commerce; and, be it

Resolved finally, 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.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 23, 1997, the following reports of committees were submitted on May 28, 1997:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 210. A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes (Rept. No. 105–22).

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. WARNER:

S. 819. A bill to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the ''Martin V.B. Bostetter, Jr. United States Courthouse''; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 95. A resolution designating August 16, 1997, as ''National Airborne Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 819. A bill to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the ''Martin V.B. Bostetter, Jr. United States Courthouse''; to the Committee on Environment and Public Works.

THE MARTIN V.B. BOSTETTER, JR. UNITED STATES COURTHOUSE DESIGNATION ACT OF 1997

● Mr. WARNER. Mr. President, I am introducing a bill today to designate the U.S. Bankruptcy Courthouse, at 200 S. Washington Street in Alexandria, VA the ''Martin V.B. Bostetter, Jr. United States Courthouse.''

I authored previous legislation which is now law, authorizing the transfer of the Albert V. Bryan U.S. Courthouse building name from 200 S. Washington Street to the new Alexandria U.S. Courthouse. Since that time the old Albert V. Bryan Courthouse has remained nameless, while still serving the U.S. Bankruptcy Court. I can think of no better person to name the bankruptcy court after than Chief Judge Bostetter given his long service to the bankruptcy court in Alexandria.

Chief Judge Bostetter is currently the Chief Judge for the Eastern District of Virginia. He was appointed to the U.S. Bankruptcy Court in 1959, and appointed Chief Judge on February 1, 1985. He has the longest tenure on the bench of any bankruptcy judge in the country, a record he will probably hold for sometime.

Born in Baltimore, MD, on March 11, 1926, Judge Bostetter, has spent most of his life in Virginia. He attended Mount Vernon High School in Fairfax County, VA, and, after serving in the U.S. Navy during World War II, attended the University of Virginia where he obtained his B.A. Degree in 1950 and his law degree LL.B. Degree in 1952.

I might add that I attended the University of Virginia Law School entering in 1949, then serving in the Korean war and returning for completion of my degree in 1953, 1 year after Judge Bostetter.

Since 1952, Chief Judge Bostetter's entire legal career has occurred within an 8 block radius of Old Town Alexandria. He began his practice of law in the city of Alexandria, and, in 1953 he was appointed special assistant to the city attorney, serving in the capacity of city prosecutor. Judge Bostetter resigned that position in 1957 to become associate judge of the municipal court of the city of Alexandria, where he served for a period of 2 years, resigning in 1959.

In 1959, Chief Judge Bostetter set up the first Bankruptcy Court in Alexandria at 200 S. Washington St.—the very building which he now occupies as Chief Judge of the Bankruptcy Court for the Eastern District of Virginia 38 years later.

Over the last 38 years Judge Bostetter has seen the work of the Bankruptcy Court for the Eastern District of Virginia grow from 9 filings per month to more than 2,600 filings per month and its personnel requirements increase from 1 clerk to three divisions with 5 full time judges and an administrative staff of 90 employees. The Alexandria Division where Judge Bostetter serves now has 2 full time judges, 22 employees and averages 790 filings per month. During much of his career, Judge Bostetter has, by necessity, handled this increasingly heavy case load of approximately 2½ judges.

During his tenure as a bankruptcy judge, Chief Judge Bostetter has been a dedicated and loyal public servant serving the people of Virginia faithfully with honor, integrity and distinction. Chief Judge Bostetter has fulfilled his duties as a bankruptcy judge with a strong sense of fairness and pragmatism while at the same time adhering to the constraints imposed by the Bankruptcy Code and related caselaw. In addition, Chief Judge Bostetter has set very high standards for the lawyers who practice before him making those lawyers better prepared and more effective advocates for their respective clients' interests.

Mr. President, in addition to being an accomplished jurist, Judge Bostetter has also held several other distinguished positions. In 1957, he was appointed by the city of Alexandria as one of the original commissioners to serve on the Juvenile Detention Commission for Northern Virginia and served as its chairman from the inception of the commission until 1974. In 1959, the Alexandria Junior Chamber of Commerce awarded him the Distinguished Service Award as the ''Outstanding Young Man of the Year 1959,'' and the Kiwanis Club of Alexandria designated him as an honorary member for his civic contributions to the city. In 1960, he was nominated by the Alexandria Junior Chamber of Commerce as 1 of the 10 outstanding men of the United States for his work on the Juvenile Detention Commission.

Along with his responsibilities as a bankruptcy judge, Chief Judge Bostetter served as a member of the Committee on Court Administration of the Judicial Conference of the United States from July 1, 1982, until it was dissolved by reorganization of the Judicial Conference in 1987. On October 16, 1984, he was elected by the Judicial Conference of the United States to the Board of Directors of the Federal Judicial Center, serving in that position until September 1987. He is a former member of the Transition Advisory Committee on Bankruptcy to the Director of the Administrative Office of the U.S. Courts. In 1986, he was appointed by Chief Justice Warren Burger as chairman of a committee to expand and improve the educational programs for all bankruptcy judges. Justice Rehnquist, upon assuming the position of Chief Justice of the United States, reappointed Chief Judge Bostetter to continue as chairman of that committee until his term expired in 1989. In addition, Chief Judge Bostetter was appointed to the State-Federal Judicial Relations Committee of the Commonwealth of Virginia in 1991.

In addition to his significant public service as a judge, Chief Judge Bostetter has a strong record of civic contributions as well. He has served as president of the Alexandria Bar Association, president of the Alexandria Junior Chamber of Commerce, president and chairman of the Board of the Alexandria Sertoma Club, president of Alexandria Mental Health Association, and has also served on the boards of the Alexandria Hospital Corporation, the Alexandria Mental Health Clinic, the Alexandria Community Chest, and the Alexandria Boys' Club.

Mr. President, I can think of no better tribute to Judge Bostetter than to name the U.S. Bankruptcy Court, at 200 South Washington Street, Alexandria, VA the Martin V.B. Bostetter, Jr. U.S. Bankruptcy Courthouse.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Montana [Mr. BURNS] were added as cosponsors 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. 220

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 220, a bill to require the United States Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to United States meat and pork exporting facilities, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act], and for other purposes.

S. 356

At the request of Mr. GRAHAM, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid programs.

S. 436

At the request of Mr. ROTH, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

S. 531

At the request of Mr. ROTH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 531, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Georgia [Mr. CLELAND], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. WYDEN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 685

At the request of Mr. CAMPBELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 685, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year.

S. 709

At the request of Mr. HAGEL, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 709, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring

Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 712

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 712, a bill to provide for a system to classify information in the interests of national security and a system to declassify such information.

S. 724

At the request of Mr. NICKLES, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 724, a bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform.

S. 779

At the request of Mr. REID, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 779, a bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes.

S. 780

At the request of Mr. REID, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 780, a bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 789, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with additional information regarding Medicare managed care plans and Medicare select policies.

SENATE JOINT RESOLUTION 3

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 28

At the request of Mr. KOHL, his name was added as a cosponsor of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes.

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the names of the Senator from Rhode Island [Mr. REED], the Senator from Washington [Mrs. MURRAY], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Resolution 71, a resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 95—TO DESIGNATE NATIONAL AIRBORNE DAY

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 95

Whereas the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers who began training in July 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 82d Airborne Division was the first Airborne Division that was organized following the successes of the Parachute Test Platoon and the early airborne training program and has continued in active service since its creation;

Whereas the 82d Airborne Division Association exists to continue and foster that special esprit de corps among fellow paratroopers, to perpetuate the memory of the 82d Airborne Division troopers who fought and died for our Nation, and to further the common bond among all members of the airborne community; and

Whereas the 82d Airborne Division Association, during the 52d year of existence and at the 50th Annual Convention, adopted a resolution to perpetuate the memory of the Parachute Test Platoon's ''Jump Into History'' on August 16, 1940: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 1997, as ''National Airborne Day''; and

(2) requests that the President issue a proclamation calling upon the Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. THURMOND. Mr. President, I am pleased to submit today a Senate resolution proclaiming August 16, 1997, as ''National Airborne Day.''

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official Army parachute jump on August 16, 1940. The success of the platoon led to the formation of a large and successful airborne contingent that has served from World War II until the present.

The 82d Airborne Division was the first airborne division to be organized. In a 2-year period during World War II, the regiments of the 82d served in Italy at Anzio, in France at Normandy—where I landed with them—and at the Battle of the Bulge. During this tumultuous period in our Nation's history, these brave soldiers served with distinction, as they have done for 55 years. It is only fitting that we honor them.

I urge you to join with me in sponsoring National Airborne Day to express our support for the members of the airborne community and also our gratitude for their tireless commitment to our Nation's defense and ideals.

ADDITIONAL STATEMENTS

TRIBUTE TO THE NEW HAMPSHIRE DELEGATES ATTENDING A NATIONAL SUMMIT ON VOLUNTEERISM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the New Hampshire delegates who represented the Granite State at the National Summit on Volunteerism in Philadelphia from April 27 through April 29. The 3-day summit focused on the challenges facing our Nation's children and youth, and encouraged Americans to dedicate their time and talents to communities and children. It was organized on the suggestion that America's young people have access to five fundamental resources. These resources include an ongoing relationship with an adult, safe places during nonschool hours to learn, a healthy start, a skill through effective education, and the opportunity to give back through community service.

I would like today to honor the individuals from my State who gave their time and energy so our children can remain safe and strong. They are: Amy

McGlashan of New Hampshire College and University Council, Daniel Forbes of St. Anselm College, Carlos Agudelo of the ALPHA Alliance, Regis Lemaire of the Office of Youth Services, David Fish of the United Parcel Service, Darlene E. Schmidt of CFX Bank, Joshua Morse of Southern New Hampshire Services, JoAnn St. Pierre of the Voluntary Action Center, Ann Puglielli of St. Anselm College, Richard Shannon of New Hampshire Catholic Charities, Susan Gilbert of Manchester, Suzanne Carbon of the Grafton County Family Court, Catie Doucette of the White Mountain School, Ed Farrell of the White Mountain School, Dick Fowler of the Division of Children and Youth Services, Katie Kelley of the Pathfinders Program, Theresa Kennett of Kennett High School, Bruce Labs of Woodsville High School, Sara Lang of Woodsville High School, Mike Purcell of White Mountain Mental Health, Lynn Wheeler of Nighswander, Lord and Martin, Debbie Tasker of the Dover Adult Learning Center, Bernie Mucci of Tyco International Ltd., Elise Klysa of the Timberland Corp., Ron Borelli of Aavid Thermal Technologies Inc., Karen Brown of Channel 9 News, Chris Gallagher of the Corporation for National Service, Sidney Swartz of the Timberland Corp., and Ken Freitas of the Timberland Corp.

Each and every delegate from the State of New Hampshire has achieved success in effective citizen service. They are experienced in creating opportunities for others to contribute to solutions, and have a record of getting things done. Above all, they are trusted by others in their community and for that they can be very proud.

The summit proved to be beneficial. The representatives from New Hampshire combined their efforts with delegates from Delaware. They came up with creative plans to bring adults and college students into Manchester's public schools together to help establish a mentoring program. The New Hampshire delegates will meet again in the summer to review this proposal and the other ideas they collected and decide how to use them.

I commend the New Hampshire delegates on their willingness to help make the Granite State a better place to live, and to ignite the spirit of volunteerism to provide a strong foundation for America's youth. New Hampshire is fortunate to be blessed by their leadership and dedication. I applaud them for their outstanding work, and am proud to represent all of them in the U.S. Senate.●

HEALTH CARE PROTECTION ACT OF 1997

● Mr. GRASSLEY. Mr. President, on May 23, I introduced legislation designed to maintain rural communities' access to hospital care.

Today many rural Americans live in fear that they may lose access to local and regional hospital care. In these rural areas, where serious accidents, often related to farm equipment, are a constant threat. Access to an emergency care hospital within 35 miles can mean the difference between life and death. The ability to be referred to a major regional hospital for more specialized care can be of like importance. Congress must recognize the special needs of rural America and work to meet them. This bill is a step in the right direction.

The Rural Health Care Protection Act of 1997 focuses on providing support of sole community hospitals and rural referral centers. Sole community hospitals [SCH's] are hospitals located at least 35 miles from other hospitals and are often the sole source of emergency care or impatient services in their areas. There are currently 728 SCH's in 46 States. There are 11 in my home State of Iowa. Rural referral centers [RRC's] are relatively large and specialized rural hospitals which receive referrals from community hospitals throughout a region. There are currently 142 RRC's in 39 States, including 5 in Iowa.

This legislation contains four proposals designed to help keep these care centers operating. First, the act would give SCH's the option of choosing an updated fiscal year 1994–95 base year for Medicare funding instead of the outdated based years which they must currently use. Second, the act would permanently grandfather as an RRC any hospital that has previously qualified as an RRC. Third, the act would exempt the RRC's from the statewide rural wage index threshold for geographic reclassification. Finally, the bill would allow rural hospitals that meet the reclassification criteria to be reclassified as urban hospitals for purposes of disproportionate share hospital [DSH] payment adjustments.

This bill would help ensure that rural Americans maintain access to these essential care centers. I ask my colleagues on both sides of the aisle to join me in support of this measures. ●

ORDERS FOR TUESDAY, JUNE 3, 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Tuesday, June 3.

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

Mr. CRAIG. I ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate be in a period of morning business until the hour of 12:30 p.m. to allow Senators to pay tribute to our President pro tempore, Senator THURMOND.

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

Mr. CRAIG. I ask unanimous consent that the Senate recess from the hours of 12:30 to 2:15 for the weekly party conferences to meet.

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

Mr. CRAIG. Mr. President, I further ask unanimous consent at 2:15 the Senate resume consideration of S. 4.

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

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, tomorrow from 9:30 a.m. to 12:30 p.m., the Senate will honor the service of our President pro tempore, Senator STROM THURMOND, as the longest serving Member of the U.S. Senate. By previous consent, from 12:30 p.m. to 2:15 p.m. the Senate will be in recess to allow the weekly policy luncheons to meet. At 2:15, the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act. Members who intend to offer amendments to S. 4 should be prepared to offer those amendments during tomorrow's session. Therefore, Senators can expect rollcall votes throughout tomorrow's session of the Senate as we make progress on this important legislation.

A cloture motion was filed this evening on the pending amendment to S. 4, and therefore Members can anticipate a cloture vote on Wednesday morning. As always, Members will be notified accordingly as any votes are ordered with respect to the legislation.

Also, under the provisions of rule XXII, Senators have until the hour of 12:30 tomorrow afternoon in order to file first-degree amendments. It is the leader's hope that we can complete action on S. 4 midweek so we can continue action on the concurrent budget resolution and supplemental appropriations conference report this week. I appreciate all Members' cooperation and I thank Members for their attention.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:04 p.m., adjourned until Tuesday, June 3, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 2, 1997:

DEPARTMENT OF STATE

JAMES FRANKLIN COLLINS, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

OFFICE OF PERSONNEL MANAGEMENT

JANICE R. LACHANCE, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE LORRAINE ALLYCE GREEN, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID K. HEEBNER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. DARREL P. BAKER, 0000
BRIG. GEN. MURREL J. BOWEN, JR., 0000
BRIG. GEN. JOHN D. HAVENS, 0000
BRIG. GEN. EUGENE S. IMAI, 0000
BRIG. GEN. THOMAS D. KINLEY, 0000
BRIG. GEN. FEDERICO LOPEZ III, 0000
BRIG. GEN. JOEL W. NORMAN, 0000
BRIG. GEN. JOHN C. ROWLAND, 0000

To be brigadier general

COL. JOHN C. ATKINSON, 0000
COL. JOHN A. BATHKE, 0000
COL. WILLIAM H. HALL, 0000
COL. DENNIS A. KAMIMURA, 0000
COL. EUGENE P. KLYNOOT, 0000
COL. DENNIS D. KRSNAK, 0000
COL. BENNY M. PAULINO, 0000
COL. JAMES L. PRUITT, 0000
COL. EDWIN H. ROBERTS, JR., 0000
COL. CHARLES L. ROSENFELD, 0000
COL. JOHN R. SCALES, 0000
COL. JOHN A. TYMESON, 0000
COL. BRIAN D. WINTER, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID J. KELLEY, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD A. CHILCOAT, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RANDOLPH W. HOUSE, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS N. BURNETTE, JR., 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. KERN, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK LIBUTTI, 0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be real admiral (lower half)

CAPT. JOSEPH W. DYER, JR., 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral (lower half)

CAPT. KENNETH C. BELISLE, 0000
CAPT. JOHN G. COTTON 0000
CAPT. STEPHEN S. ISRAEL, 0000
CAPT. GERALD J. SCOTT, JR., 0000
CAPT. JOE S. THOMPSON, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral (lower half)

CAPT. HOWARD W. DAWSON, JR., 0000
CAPT. WILLIAM J. LYNCH, 0000
CAPT. ROBERT R. PERCY III, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

DAVID J. BIOW, 0000
JOHN R. BRANCH, 0000
PATRICK J. BURGER, 0000
JOHN M. CLAPP, 0000
ALLAN F. CRUZ, 0000
RICHARD M. CUSICK, 0000
DELL M. DEMPSEY, 0000
ROBERT W. FOLTYN, 0000
WILLIARD D. HALL, JR., 0000
RICHARD F. HAMILTON, 0000
KEVIN P. HART, 0000
JAMES C. HOSMER, 0000
DAVID M. JESPERSEN, 0000
JAMES A. KELLY, 0000
ROYDEN T. KOITO, 0000
MICHELE D. KRAUSE, 0000
HENRY E. MAHER, 0000
KENNETH L. MARSHBANKS, 0000
NATHANIEL T. MC CLESKEY, 0000
GARY L. MC ELVAIN, 0363
DANIEL W. MC SPADDEN, 5631
ROGER K. MOORE, 0000
DANIEL A. MOROCO, JR., 0000
WILLIAM J. O'BRIEN, JR., 0000
WILLIAM F. OEHL, JR., 0000
LAWRENCE P. O'NEIL, 0000
JOHN P. PACZKOWSKI, 0000
GREGORY A. PATTERSON, 0000
KIM T. POOLE, 0000
HARRY H. PORTER, JR., 0000
ANNE E. RATHMELL, 0000
STEVEN B. RAY, 0000
NICHOLAS E. REYNOLDS, 0000
GLENN H. ROBINSON, 0000
JOHN R. RUCKRIEGEL, 0000
JOHN M. SEVOLD, 0000
ALAN R. SMITH, 0000
JAMES A. SMITH, 0000
DARRYL D. STANLEY, 0000
SUSAN M. SWIATEK, 0000
CHARLES J. TEMPLE, 0000
MARK THIFFAULT, 0000
BETTYANN P. THOMPSON, 0000
GERALD E. WEBB, 0000
THOMAS P. WILKINSON, 0000
JOHN K. YOUNG, 0000
ANDREW D. ZINN, 0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

JAMES P. ADAMS, 0000
MARK K. ADRICK, 0000
GREGORY J. ALLEN, 0000
MICHAEL D. ANDERSEN, 0000
ROBERT W. ANDERSEN, 0000
THOMAS J. ARMINIO, 0000
DAVID M. ARMITAGE, 0000
JEFFREY S. ASHBY, 0000
ROBIN M. BABB, 0000
RANDAL L. BAHR, 0000
DUANE M. BAKER, JR, 0000
ROBERT D. BARBAREE, JR, 0000
CLAUDE E. BARRON, 0000
WILLIAM D. BARRON, 0000
DAVID C. BEAM, 0000
THOMAS C. BENNETT, 0000
MARK M. BENSON, 0000
JOHN M. BIRD, 0000
DOUGLAS A. BLOCK, 0000
PATRICK M. BLOOMFIELD, 0000
SUSAN J. BLUNT, 0000
BROOKS O. BOATWRIGHT, JR, 0000
RICHARD L. BOOTH, 0000
BARBARA J. BOWYER, 0000
ROBERT K. BOYD, 0000
TED N. BRANCH, 0000
RONALD W. BRINKLEY, 0000
DAVID F. BRITT, 0000
JOHN M. BROWNELL, 0000
WILLIAM A. BRY, 0000
FRANK M. BUERGER, 0000
KIM S. BUIKE, 0000
WILLIAM R. BURKE, 0000
STEPHEN B. BURNETT, 0000
LARRY D. BURRILL, 0000
JOHANNA K. BURTON, 0000
DAVID H. BUSS, 0000
JAMES M. BUYSKE, 0000
THOMAS A. CAHILL, 0000
CHRIS C. CAIN, 0000
FRANCIS J. CAMELIO, 0000
JAMES J. CARDOSI, 0000
WILLIAM H. CAREY, 0000
JOSEPH CELANO, 0000
TIMOTHY J. CEPAK, 0000
ROBERT S. CHAPMAN, 0000
DAVID L. COMIS, 0000
TIMOTHY J. CONCANNON, 0000
STEPHEN A. CONN, 0000
ROBERT J. CONNELLY, 0000
STEPHEN L. CONNORS, 0000
DONALD P. COOK, 0000
PHILIP J. CORBETT, 0000
PETER A. CORNELL, 0000
GREGORY CORNISH, 0000
JOSE R. CORPUS, 0000
JOSEPH A. CORSI, JR, 0000
LAWRENCE S. COTTON, JR, 0000
DWIGHT L. COUSINS, 0000
DAVID T. CUNNINGHAM, 0000
RICHARD CURRENT, 0000
PETER H. DALY, 0000
THOMAS R. DANIEL, JR, 0000
WILLIAM D. DANIELS, 0000
GEORGE D. DAVIS III, 0000
DEBRA L. DEACON, 0000
WILEY R. DEAL, JR, 0000
CHARLES G. DEITCHMAN, 0000
THOMAS A. DELERY, 0000
DIRK P. DEVERILL, 0000
WILLIAM E. DEWES, 0000
EMMITT D. DICKENS, 0000
RYLAND T. DODGE III, 0000
GEORGE B. DOM, 0000
DANIEL R. DONOGHUE, 0000
BARRY M. DONOVAN, 0000
DAVID J. DORSETT, 0000
HENRY E. DOSKER, JR, 0000
KEVIN P. DOWLING, 0000
BRUCE L. DRAKE, 0000
JANICE M. DUNDAS, 0000
CHRISTOPHER R. EARL, 0000
ROBERT M. EICHELBERGER, 0000
DANIEL C. ELLIOTT, 0000
GARY J. ELLIS, 0000
STEPHEN A. EWELL, 0000
JOHN R. EXELL, 0000
WILLIAM R. FARAWELL, 0000
RICHARD A. FECKLER, 0000
MARK E. FERGUSON III, 0000
IAN P. FETTERMAN, 0000
DAVID J. FONTAINE, 0000
RICHARD K. FORD, 0000
GEORGE T. FOSTER, 0000
THOMAS J. FREY, 0000
MICHAEL S. FRICK, 0000
CARL T. FROEHLICH, 0000
JOHN D. FURNESS, 0000
ALBERT J. GALLARDO, JR, 0000
KURT D. GARBOW, 0000
ROBERT P. GARRETT, 0000
LOUIS J. GEANULEAS, 0000
JOSEPH T. GENGO, 0000
HENRY GONZALES, JR, 0000
DALE R. GOVAN, 0000
KENNETH A. GRABER, 0000
PHILIP W. GRANDFIELD, 0000
VICTOR GUILLORY, 0000
NORMA L. HACKNEY, 0000
DENNIS HAINES, 0000
DANIEL L. HANSEN, 0000
DAVID A. HARRINGTON, 0000
THOMAS A. HAWKINS, 0000
JOHN W. HEDLUND, 0000
KARL R. HEINZ, 0000
THOMAS A. HEJL, 0000
RONALD H. HENDERSON, JR, 0000
WILLIAM J. HENDRICKSON, 0000
VAN A. HENLEY, 0000
DONALD E. HEPFER II, 0000
MICHAEL C. HERB, 0000
LEENDERT R. HERING, 0000
RICHARD D. HIGH, 0000
ELIZABETH A. HIGHT, 0000
ALEX S. HILL, JR, 0000
RICHARD C. HILL III, 0000
MARK J. HIMLER, 0000
ALBERT HOCHEVAR, 0000
THEODORE J. HOFFMAN, 0000
ROY L. HOLBROOK III, 0000
RICHARD T. HOLDCROFT, 0000
GARY M. HOLST, 0000
DOUGLAS L. HOVLAND, 0000
MICHAEL R. HOWARD, 0000
STEPHEN R. HOWARD, 0000
MICHAEL L. HOYT, 0000
MARK A. HUGEL, 0000
RONALD D. HUGHES, 0000
PAUL J. C. HULLEY, 0000
ROBERT C. JACKSON, 0000
CHARLES JAMISON, 0000
RALPH E. JANIKOWSKY, 0000
WILLIAM E. JEZIERSKI, 0000
DOUGLAS P. JOHNSON, 0000
PHILIP N. JOHNSON, 0000
STEPHEN E. JOHNSON, 0000
SCOTT L. JONES, 0000
STEPHEN R. JONES, 0000
STEVE V. JONES, 0000
STEVEN A. JONES, 0000
EDWIN J. KANERVA, 0000
THOMAS F. KEELEY, 0000
STEPHEN W. KEITH, 0000
THOMAS S. KENNEDY, 0000
MARK W. KENNY, 0000
DONALD F. KERRIGAN, JR, 0000
DANIEL T. KEUHLEN, 0000
JONATHAN KIELL, 0000
ANTHONY L. KIGGINS, 0000
RICHARD V. KIKLA, 0000
JOSEPH F. KILKENNY, 0000
RAYMOND M. KLEIN, 0000
GARY D. KLINK, 0000
CHRISTOPHER A. KLYNE, 0000
KEITH F. KOON, 0000
KENNETH G. KRECH, 0000
MARK W. LAMBONI, 0000
DAVID R. LANDON, 0000

FREDERIC A. LANES, 0000
CRAIG E. LANGMAN, 0000
PETER J. LASZCZ, 0000
KEVIN J. LATHAM, 0000
NORMAN G. LAWS, JR., 0000
ROBERT A. LAWSON, 0000
PETER M. LEENHOUTS, 0000
MICHAEL A. LEMIEUX, 0000
JOHN T. LEWIS III, 0000
THOMAS E. LINDNER, 0000
JOHN T. LOCKS, 0000
ROBERT W. LOONEY, 0000
ROBERT A. LOPEZ, 0000
JOHN C. MACKERCHER, JR., 0000
ROBERT H. MAGEE, 0000
MANUEL A. MALAGONFAJAR, 0000
GREGORY E. MALINAK, 0000
CHESTER J. MALINS, 0000
GEORGE E. MANASKIE, 0000
R. L. MARCANTONIO, 0000
JOSEPH B. MARSHALL, JR., 0000
GERALD A. MASON, 0000
GERARD M. MAUER, JR., 0000
MARY E. MC ADAMS, 0000
DOUGLAS L. MC CLAIN, 0000
JOHN K. MC CLAIN, 0000
TIMOTHY V. MC CULLY, 0000
MICHAEL J. MC DERMOTT, 0000
BRADFORD N. MC DONALD, 0000
JAMES A. MC DONELL, 0000
JAMES W. MC GLOON, JR., 0000
JOHN T. MC MURTRIE, JR., 0000
WILLIAM H. MC RAVEN, 0000
JACK S. MENENDEZ, 0000
MICHAEL W. MENTAS, 0000
DONALD A. MEYER, 0000
JAMES R. MILLER, 0000
JOHN W. MILLER, 0000
SAMUEL C. MILLER, 0000
WILLIAM H. MILLWARD, 0000
DALE A. MILTON, 0000
ROBERT C. MOCK, 0000
DANIEL E. MOORE, JR., 0000
DAVID C. MOORE, 0000
DAVID MOREL, 0000
SHAWN MORRISSEY, 0000
JOEL S. MORROW, 0000
JOHN J. MORROW, 0000
RONAL B. MORSE, 0000
FRANK M. MUNOZ, 0000
ALLEN G. MYERS, 0000
PATRICK D. MYERS, 0000
LINDA M. NAGEL, 0000
TIMOTHY M. NAPLE, 0000
RONALD E. NASMAN, 0000
LAWRENCE A. NEWTON, 0000
STANLEY R. O'CONNOR, 0000
JOSEPH J. O'CONOR, 0000
JOSEPH W. O'DONNELL, 0000
CARL D. OLSON, 0000
MICHAEL J. O'MOORE, 0000
PETER B. OPSAL, 0000
MICHAEL H. ORFINI, 0000
MILTON A. OUTTEN, 0000
MICHAEL J. OWENS, 0000
PETER H. OZIMEK, 0000
KENNETH P. PARKS, 0000
JAMES H. PATRICK, 0000
STUART L. PAUL, 0000
GREGORY J. PITMAN, 0000
JOHN J. POLCARI, 0000
DON H. POTTER, JR., 0000
RICHARD M. PREVATT, 0000
PHILIP S. PRITULSKY, 0000
CARLTON W. PURYEAR, JR., 0000
KEVIN M. QUINN, 0000
ROBERT J. QUINN, 0000
JOHN A. READ, 0000
WILLIAM C. REED, 0000
CAROL A. RENGSTORFF, 0000
DANIEL M. RENWICK, 0000
DAVID E. RIFKIN, 0000
WILLIAM D. RODRIGUEZ, 0000
GARY L. ROEMMICH, 0000
STEVEN ROMANO, 0000
LEE H. ROSENBERG, 0000
CHRISTOPHER J. ROUM, 0000
STEVEN C. ROWLAND, 0000
RICHARD T. RUSHTON, 0000
JOHN E. RYAN, 0000
KEVIN P. RYAN, 0000
CHARLES P. SALSMAN, 0000
JAMES A. SANFORD, 0000
STEPHEN F. SANTEZ, JR., 0000
STANLEY L. SAUNDERS, 0000
STEVEN SCHLIENTZ, 0000
CAROL J. SCHMIDT, 0000
DAVID C. SCHMITZ, 0000
CHRISTOPHER P. SCHNEDAR, 0000
DAVID M. SCHUBERT, 0000
JOHN J. SCHWANZ, 0000
RICHARD N. SCHWENK, 0000
WALTER G. SCULL III, 0000
STEVE A. SEAL, 0000
JONATHAN E. SEARS, 0000
MICHAEL L. SEIFERT, 0000
ANDREW G. SEVALD, 0000
JOHN W. SHERMAN, JR., 0000
DAVID K. SHIMP, 0000
WOODY T. SHORTT, 0000
DANIEL R. SIGG, 0000
WALTER M. SKINNER, 0000
KEMP L. SKUDIN, 0000
DON E. SLATON, 0000
WAYNE D. SLAUGHTER, 0000
BRUCE E. SMITH, 0000
FRANK J. SMITH, 0000
RICHARD L. SNEAD, 0000
SCOTT A. SPENCER, 0000
EDWIN H. SROKA, 0000
LARRY J. STACK, 0000
GARY L. STARK, 0000
C. L. STATHOS, 0000
MARIANNE V. STEADLEY, 0000
JOHN G. STEELE, 0000
DENNIS W. STEVENS, 0000
JAMES W. STEVENSON, JR., 0000
DENNIS T. STOKOWSKI, 0000
DANE C. SWANSON, 0000
XZANA M. TELLIS, 0000
RICHARD L. THAYER, 0000
MARC J. THOMAS, 0000
SCOTT M. THOMAS, 0000
GRACIE L. THOMPSON, 0000
ROLLAND C. THOMPSON, 0000
RUSSELL P. TJEPKEMA, 0000
JAMES P. TOSCANO, 0000
NICHOLAS A. TRONGALE, 0000
THOMAS W. TROTTER, 0000
CRAIG W. TURLEY, 0000
DAVE J. URICH, 0000
RICHARD D. UYAK, 0000
ERNEST L. VALDES, 0000
PIETER N. A. VANDENBERGH, 0000
ALBERTO E. VASQUEZ, JR., 0000
JOHN P. VINSON, 0000
MICHAEL C. VITALE, 0000
JOHN F. VUOLO, 0000
MARK G. WAHLSTROM, 0000
DOROTHY E. WALIZER, 0000
PATRICK M. WALSH, 0000
JOHN R. WARNECKE, 0000
ROBERT S. WARNER, 0000
DANNY L. WATERMAN, 0000
MICHAEL G. WATSON, 0000
MICHAEL N. WELLMAN, 0000
TIMOTHY S. WETTER, 0000
ROBERT N. WHITKOP, 0000
LYNDEN D. WHITMER, 0000
COLUMBUS WILLIAMS, JR., 0000
THOMAS D. WILLIAMS IV, 0000
GARY L. WILLIS, 0000
ROBERT J. WINKLER, 0000
ROBERT O. WIRT, JR., 0000
JAMES P. WISECUP, 0000
RONALD J. WOJDYLA, 0000
ROBERT F. WOOD, JR., 0000
HAROLD J. WOODBURN, 0000
HUBERT F. WOODS, JR., 0000
EDMUND T. WOOLDRIDGE, 0000
RICHARD A. WRIGHT, 0000
WARDELL C. S. WRIGHT, 0000
WILLIAM E. WRIGHT, 0000
BRAD L. WROOLIE, 0000
ALBERT W. YODER, 0000
PAUL E. YOUNG, 0000
WALTER YOURSTONE, 0000
JOSEPH ZACHARZUK, JR., 0000
DAVID ZIEMBA, 0000
LEONARD A. ZINGARELLI, 0000