and Chuck gets an A-plus in that category.

Recently, Chuck was appointed by Iowa Supreme Court Justice Lou Lavorato to an interim committee which will examine access to the judicial system, so I am glad to see that even in his retirement, Chuck will still be active. Mr. President, I want to salute the long and distinguished career of Chuck Gifford. I wish him all the best of health and happiness in the years ahead.●

ALASKA POWER ADMINISTRATION SALE ACT TRANS-ALASKA PIPELINE AMENDMENT ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives (S. 395), a bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

JULY 25, 1995.

Resolved, That the bill from the Senate (S. 395) entitled ''An Act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil and for other purposes'', do pass with the following amendments:

Page 2, strike out line 1 through page 9, line 6.

Page 9, strike out line 8 through page 13, line 26, and insert:

SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

''EXPORTS OF ALASKAN NORTH SLOPE OIL

''(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

''(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

''(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

''(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

''(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exports of this oil or under Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271–76).

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

''(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.''.

SEC. 2. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review two years after the date of enactment of this Act and, within six months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

Page 14, strike out line 1 through page 15, line 11.

Page 15, strike out line 12 through page 16, line 10.

Page 16, strike out line 14 through page 24, line 15.

Amend the title so as to read: ''An Act to permit exports of certain domestically produced crude oil, and for other purposes.''.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

There being no objection, the Presiding Officer appointed Mr. MURKOWSKI, Mr. HATFIELD, Mr. DOMENICI, Mr. JOHNSTON, and Mr. FORD conferees on the part of the Senate.

AMENDING THE FAIR LABOR STANDARDS ACT OF 1938

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1225, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1225) to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

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

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

Mr. PRESSLER. Mr. President, on Tuesday the House of Representatives unanimously passed H.R. 1225, the Court Reporter Fair Labor Amendments of 1995. The bill has since been received in the Senate. I rise to strongly support this much needed legislation, modeled after a bill, S. 190, I introduced last Congress and reintroduced again this January.

This legislation would correct a situation caused last year by a Labor Department interpretation of the Fair Labor Standards Act of 1938 [FLSA] as it relates to State and local court reporters. The bill would exempt from the overtime provisions of the FLSA the time official court reporters spend outside of work preparing transcripts of court proceedings for a private fee.

Mr. President, for purposes of legislative history, let me take a moment to explain the background of this issue and why this legislation is so necessary. Traditionally, court reporters have enjoyed a somewhat unique position of being treated as both public employees and independent contractors, depending on the nature of their work. While performing their primary duties of recording and reading back court proceedings, reporters have been considered employees of the court entitled to appropriate compensation and benefits.

In addition to these in-court duties, however, official court reporters also are required by most jurisdictions to prepare and certify transcripts of their stenographic records. Transcripts are typically requested by a wide range of persons—including attorneys for indigent and nonindigent criminal defendants, civil litigants, and judges. In return, reporters are paid a per-page fee by the party requesting the transcript.

When preparing transcripts for outside parties, not including judges, reporters have been considered independent contractors, not court employees. This makes sense because the court receives no benefit from the preparation of the transcript. The work is performed after normal working hours, on weekends, or when all their other court duties have been completed. Quite often, court reporters produce these transcripts at home using computer-aided transcription equipment, which they have personally purchased, without any supervision by the court.

For taxation purposes, the fee income received for the work is treated as separate and apart from reporters' court wages. In fact, court reporters in my home State of South Dakota are required to collect and pay sales tax on this income. They also file self-employment income forms with the U.S. Internal Revenue Service.

Mr. President, the situation I have described, typical of almost all State and local court reporters in the country, was thrown into turmoil last year by the Wage and Hour Division of the Labor Department. In a series of letters, the Division took the position that official court reporters in Oregon, Indiana, and North Carolina were still acting as court employees, for purposes of the FLSA, when they prepare transcripts of their stenographic records for private litigants, regardless of when or where the work is completed. Court reporters in most other States operate in circumstances similar to these three States.

None of the groups affected are pleased by the Labor Department's position. Many view the Labor Department as unnecessarily intruding into a situation with which everyone concerned was happy.

If allowed to stand, court employers would be forced to pay overtime for transcription work that is not supervised by the court and from which the court does not receive a benefit. As a result, many more hours of overtime would be accumulated by reporters. At one and one-half times the regular rate of pay, these additional overtime hours would severely strain the limited salary budgets of the courts. In response, courts would be forced to drastically cut back the number of hours allowed for transcription work, or cut back the number of court reporter positions.

State and local court reporters also are not happy with the Labor Department's interpretation. Though they purportedly would be the beneficiaries of the ''protections'' of the FLSA, reporters are worried their ability to earn outside income would be drastically reduced, that they would be subjected to court supervision when preparing transcripts, and that many reporter positions could be eliminated.

Finally, attorneys and others who request transcripts do not wish to see the current system changed. Under the traditional situation, they receive transcripts quickly and accurately at a reasonable price.

Mr. President, this legislation fixes the problem. It would allow State and local court reporters to continue to prepare transcripts for attorneys and others in their off hours for a per-page fee. During these hours, court reporters would be considered independent contractors, not employees of the court. These hours would not count toward the overtime provisions of the FLSA. Courts would not be required to pay reporters for these hours. The effect of the bill would be to preserve the system as it has existed for years. It is strongly supported by the National Court Reporters Association. I also have heard strong support from many judges and attorneys in South Dakota for preserving the present system.

Mr. President, this is not a partisan issue. As it progressed through the House, this legislation enjoyed broad support on both sides of the aisle. During a hearing held several weeks ago in the House Worker Protections Subcommittee of the Economic and Educational Opportunities Committee, no witness testified in opposition. After consultations with members of both parties and the Labor Department, the House bill was modified to clarify its intent. The modified version was then offered as an amendment in the nature of a substitute by Representative OWENS, the ranking member of the subcommittee, with the approval of the sponsor, Mr. FAWELL.

Essentially, two conditions must be met for the exemption to apply. First, when performing transcript preparation duties, reporters must be paid at a per-page rate that is fair. To ensure reporters are not exploited, the rate must not be less than the maximum rate set by State law or local ordinance or otherwise established by a judicial or administrative officer, or a fair market rate as negotiated by the reporter and the party requesting the transcript.

Second, transcription work must be performed during hours when reporters are not otherwise required by their court employer to be at work. Reporters are clearly acting as employees subject to compensation when they are required by the court to be working, or to be on call during a period of down time in a trial, for instance. However, when court reporters no longer are required to be at work, when they are free to go home or spend their time as they wish, and they choose to prepare transcripts for a private fee, then court employers are under no obligation to compensate them or count those hours toward the overtime provisions of the FLSA. This is common sense.

Mr. President, as I mentioned, no opposition to this legislation appeared in the House. I do not expect any opposition in this chamber either. S. 190, the bill I introduced, has been cosponsored by Senator KASSEBAUM, chairman of the Labor and Human Resources Committee, as well as Senators EXON, HELMS, JEFFORDS, COCHRAN, COATS and BROWN. I thank them for their support and am confident they also will find the House-passed legislation satisfactory.

H.R. 1225 is being held at the Senate desk pursuant to my request. It is my intention to seek unanimous consent to move this bill at the appropriate time. I understand from the staff of the ranking member of the Labor Committee, Senator KENNEDY, that he does not plan to object to moving this legislation. I also have checked with other members of the Labor Committee from the other party and have not heard of any opposition. Nor did I expect any.

To conclude, Mr. President, I thank all my colleagues for their support and look forward to moving this bill quickly.

Mr. DOLE. I ask unanimous consent that the bill be deemed to have been considered, read a third time, and passed, and the motion to reconsider be laid on the table, and any statement relating to the bill appear at the appropriate place in the RECORD.

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

So the bill (H.R. 1225) was deemed to have been read the third time and passed.

ORDERS FOR MONDAY, AUGUST 7, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m, Monday, August 7, 1995; that following the prayer, the Journal be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for routine morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator FRIST for up to 60 minutes, Senator DASCHLE or his designee for up to 30 minutes.

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

Mr. DOLE. I further ask that the cloture vote scheduled to occur on Monday be postponed to occur at a time to be determined by the majority leader after consultation with the Democratic leader.

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

PROGRAM

Mr. DOLE. For the information of all Senators, the Senate will resume consideration of the welfare reform bill at 10:30 a.m. Then the amendment I have offered is the Work Opportunity Act of 1995. Votes can be expected during Monday's session of the Senate, but will not occur prior to the hour of 4:30 p.m. on Monday. Also, votes could occur later that evening with respect to amendments to the DOD authorization bill during Monday's session. I