Vandenberg Air Force Bases, the Department of Energy's Livermore Laboratories, San Diego Naval Station, and Sacramento Army Depot. Do Californians want this? No.

It would further delay the cleanup of 230 Superfund sites across this Nation, including a dozen or more in my State. One of them that would be delayed is called Iron Mountain Mine, located in Redding. It is interesting. It is a mountain that used to be an old copper mine. It has holes in it the height of a 30-story office building because the mountain was drilled. When it rains, the water mixes with the chemical and it produces sulfuric acid, which drains out into the Trinity River and metalizes the river bed. There are a couple of ways of controlling it, but they are very expensive. It is a big Superfund site. Is it important to do it? Of course. This river eventually becomes part of the drinking water for two-thirds of the people in the State of California.

But balancing the budget is not all that this agenda is about, because at the same time many are proposing cutbacks in funds to enforce environmental and safety standards, they want to give away billions of dollars in gold and mineral resources owned by American taxpayers to mining companies at a fraction of what they are worth. They want to open up the Arctic National Wildlife Refuge to oil development companies and permit logging on public lands, while waiving environmental laws that protect those lands.

This is not budget cutting; it is ''setback'' political agenda. These proposals place cost above safety in regulatory reform. To me, this means many safety standards can be challenged because they do not meet the least-cost alternative test, including shoulder belts and rear seat belts in cars, airbags in cars, and black boxes on airplanes. It means critical delays in safety regulations for things like commuter airlines and meat inspections. This is not reform; this is an abdication of responsibility.

This agenda is not about reducing taxes—at least not for everyone. While some plan to cut Medicare to give a capital gains tax break, they also want to increase taxes for 7.4 million lower income Americans. Republican proposals would reduce the earned-income tax credit for low-income workers and their families, and eliminate it entirely for low-income workers without children.

While the Senate proposals would also make cuts in capital gains taxes, a House plan would eliminate $3.5 billion in tax credits for developers investing in housing for low and moderate-income families.

Education, without an education and skilled work force this country will be nowhere. We cannot compete in a global marketplace. We all agree with that, regardless of party. Yet, there are efforts to cut the number of students receiving Pell Grants, to eliminate the direct student loan program, to tax colleges for every student that receives a Federal loan, to eliminate the AmeriCorps Program, which provides money for college to more than 4 million youngsters who serve their communities over the next 7 years.

This is not about getting Government off of our backs. We see attacks on a woman's right to choose everywhere in these bills—from preventing women in the military from using their own funds to pay for an abortion at military hospitals overseas, to preventing the District of Columbia from using its own locally-raised tax dollars to provide abortions for poor women, to denying Federal employees access to abortion services in their health benefits—an option available to all nongovernment employees—to the most insidious of all: House measures, and an expected Senate measure, to make Medicaid funding of abortion optional for States even in cases of rape and incest.

This is not reform, it is a step backward in time to the days we all remember well, where desperate women were forced to seek medical treatment in back allies. I remember it. I remember college dormitory students passing the plate so an 18 year old woman could go to Mexico for an abortion. There is no other way of describing this, except extremism.

The irony of the reconciliation bill is that it will contain many of these things. And our process, theoretically, is designed on big issues to have full discussion and debate. That is what this Senate is supposed to be all about. Some of these issues will have little public hearing. They will be limited to 20 hours of debate. These extreme proposals can set back our Nation, and they most certainly will impact the future of tens of millions of Americans.

I thank the Chair and yield the floor.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, I ask the Chair to state the pending business.

The PRESIDING OFFICER. The pending business is amendment No. 2898 to H.R. 927.

CLOTURE MOTION

Mr. HELMS. I send a cloture motion to the desk.

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

The assistant legislative 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, hereby move to bring to a close debate on the substitute amendment, calendar No. 202, H.R. 927, an act to seek international sanctions against the Castro government in Cuba:

Senators Robert Dole, Jesse Helms, Bob Smith, Bill Frist, John Ashcroft, James M. Inhofe, Paul Coverdell, Spencer Abraham, Larry E. Craig, Trent Lott, Rod Grams, Frank Murkowski, Fred Thompson, Mike DeWine, Hank Brown, and Charles E. Grassley.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to the Congressional Accountability Act and the Extension of Rights and Protections under the Fair Labor Standards Act of 1938, as applied to interns and irregular work schedules in the House of Representatives.

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

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (INTERNS; IRREGULAR WORK SCHEDULES)

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed rules to implement section 203(a)(2) and 203(c)(3) of the Congressional Accountability Act (P.L. 104–1). The proposed regulations, which are to be applied to the House of Representatives and employees of the House of Representatives, set forth the recommendations of the Deputy Executive Director for the House of Representatives, Office of Compliance, as approved by the Board of Directors, Office of Compliance.

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

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

For Further Information Contact: Deputy Executive Director for the House of Representatives, Office of Compliance at (202) 252–3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of

the Sergeant at Arms and Doorkeeper of the Senate, (202) 244–2705.

Supplementary Information:

Background—General: The Congressional Accountability Act of 1995 (''CAA''), PL 104–1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 203(a) of the CAA applies the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) and (d), 207, 212(c) to covered employees and employing offices. Section 203(c) of the CAA directs the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement the section. Section 203(c)(2) further states that such regulations, with the exception of certain irregular work schedule regulations to be issued under section 203(a)(3), ''shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' Section 203(a)(2) of the CAA provides that ''the term 'covered employee' [for the purpose of FLSA rights and protections] does not include an intern as defined in regulations * * *'' issued by the Board pursuant to section 203(c).

Background: Part A—Interns: Part A of the proposed regulations defines the term ''intern.''

While there appears to be no definitive interpretation of the term ''intern'' for FLSA purposes in current House usage, the Board has consulted several House sources in formulating the proposed definition set forth herein. For example, the House Ethics Manual gives the following definition of the term ''intern'':

''An *intern* means an individual performing services in a House office on a temporary basis incidental to the pursuit of the individual's educational objectives. Some interns receive no compensation from any source, while some receive compensation or other assistance from an educational institution or other sponsoring entity.''

House Comm. on Standards of Official Conduct, *House Ethics Manual*, a p. 196 (1992)(''Ethics Manual''). *See also* ''Guidance on Intern, Volunteer and Fellow Programs,'' dated June 29, 1990, reprinted at *Ethics Manual*, p. 206 (utilizing identical definition). It is from these background materials that the proposed definition has been drawn. The proposed regulation is not intended to cover other similar job positions such as volunteers or fellows, nor does it cover pages.

Part A—Interns: Section 1. An intern is an individual who:

(a) is performing services in an employing office as part of the pursuit of the individual's educational objectives, and

(b) is appointed on a temporary basis for a period not to exceed one academic semester (including the period between semesters); provided that an intern may be reappointed for one succeeding temporary period.

Background: Part B—Irregular Work Schedules: Section 203(c)(3) of the Act directs the Board to issue regulations for employees ''whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions of the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.''

Section 7(f) of the Fair Labor Standards Act (29 U.S.C. 207(f)) provides that ''No employer shall be deemed to have violated subsection (a) [requiring overtime pay after an employee has worked 40 hours in a workweek] by employing any employee in a workweek in excess of the maximum workweek applicable [currently 40 hours] if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work and the contract or agreement (1) specifies a regular rate of pay not less than the minimum provided in * * * section 6 [currently set at $4.25 per hour] * * * and compensation at not less than one and one-half times that rate for all hours worked in excess of such maximum workweek and (2) provides a weekly guarantee of pay for not more than sixty hours based on the rates so specified.'' Part B of the proposed regulations implements the provisions of section 203(a)(3) of the CAA by developing FLSA overtime pay requirements for employees of covered employing offices whose schedules directly depend on the schedule of the House of Representatives.

The proposed regulation develops a standard for determining whether an individual's work schedule ''directly depends'' on the schedule of the House of Representatives. In setting the remaining requirements for such employees, the proposed regulations adopt almost verbatim the requirements of sections 7(f) and 7(o) of the FLSA, (29 U.S.C. §§207(f) and (o)).

Section 203(a)(3) directs the Board to adopt regulations ''comparable'' to the irregular work provisions of the FLSA. Section 2 of the proposed regulation incorporates the provisions of section 7(f) of the FLSA. The Board has not proposed to vary the requirements of section 7(f) because the Board is not currently aware of any working conditions which would require modification of the requirements for covered employees who work irregular hours, as compared to employees who work irregular hours in the private sector. However, there may be aspects to the House of Representatives' operations, such as very wide variations in weekly hours of work of some covered employees whose schedules directly depend on the schedule of the House of Representatives or times when such employees may work a large number of overtime hours for extended periods, which commentors may believe would require a modification of the proposed regulation. Accordingly, the Board invites comments on whether the contracts or agreements referenced in Section 2 of the proposed regulation can or should be permitted to provide for a guaranty of pay for more than 60 hours and whether the terms and use of such contracts or agreements should differ in some other manner from those permitted in the private sector. The Board further invites comment on whether and to what extent the regulations in this subpart may and should vary in any other respect from the provisions of section 7(f) of the FLSA.

The Board also invites comment on whether this proposed regulation should be considered the sole irregular work schedule provision applicable to covered employees or whether, in addition, section 203 of the CAA applies the irregular hours provision of section 7(f) of the FLSA with respect to covered employees whose work schedules do not directly depend on the schedule of the House or Senate.

Pursuant to section 203(a)(3) of the CAA, the proposed regulation also authorizes employing offices to compensate covered employees with compensatory time off in lieu of overtime compensation where such employees' work schedules meet the irregular schedule definition of Section 1 of the proposed regulation. The Secretary of Labor has not promulgated regulations regarding the receipt of compensatory time in lieu of overtime compensation by employees who work irregular work schedules and no comparable authority exists for employees covered by the FLSA in the private sector to accrue compensatory time in lieu of paid overtime. The proposed regulation's terms regarding compensatory time are derived from the provisions of section 7(o) of the FLSA which permits public employers to continue the practice of providing compensatory time in lieu of monetary payment for overtime worked. The Board is not currently aware of any working conditions in the House of Representatives which would require a different approach to the accrual and use of compensatory time than that applied to public employers and employees under the FLSA. However, there may be aspects of the House's operations which commentors may believe warrant a different approach.

Section 7(o) was incorporated into the FLSA as part of the Fair Labor Standards Amendments of 1985. The legislative history of those amendments reflects that the amendments ''respond[ed] to [concerns of state and local governments] by adjusting certain FLSA principles with respect to employees of states and their political subdivisions.'' S. Rep. No. 159, 99th Cong., 1st Sess. 4 (1985), *reprinted in* 1985 U.S.C.C.A.N. 651, 655. In this regard there was a recognition that ''the financial costs of coming into compliance with the FLSA—particularly the overtime provisions of section 7—[were] a matter of grave concern'' and that ''many state and local government employers and their employees voluntarily [had] worked out arrangements providing for compensatory time off in lieu of pay for hours worked beyond the normally scheduled work week. These arrangements * * * reflect[ed] mutually satisfactory solutions that [were] both fiscally and socially responsible. To the extent practicable, [Congress sought] to accommodate such arrangements''. *Id*. at 8–9. In arriving at the maximum number of hours that could be accrued, the original Senate bill provided for a cap of 480 hours of compensatory time for all employees. The House proposed a cap of 180 hours for all employees except public safety employees, who would be permitted to accrual 480 hours. The current provisions of section 7(o) were agreed to in conference. See H.R. CONF. Rep. No. 357, 99th Cong., 1st Sess. 8 (1985), *reprinted in* 1985 U.S.C.C.A.N. 669.

The Board invites comment on whether and to what extent Section 7(o) is an appropriate model for the Board's regulations. The Board also invites comment, if Section 7(o) does provide an appropriate model, on whether and to what extent the regulations, including the accrual and use of compensatory time off and the limits on the maximum number of hours that can be accrued, should vary from the provisions of section 7(o) of the FLSA.

Part B—Irregular Work Schedules: Section 1. For the purposes of this Part, a covered employee's work schedule ''directly depends'' on the schedule of the House of Representatives only if the employee's normal workweek arrangement requires that the employee be scheduled to work during the hours that the House is in session and the employee may not schedule vacation, personal or other leave or time off during those hours, absent emergencies and leaves mandated by law. A covered employee's schedule ''directly depends'' on the schedule of the House of Representatives under the above definition regardless of the employee's schedule on days when the House is not in session.

Section 2. No employing office shall be deemed to have violated section 203(a)(1) of the CAA, which applies the protections of section 7(a)(1) of the Fair Labor Standards Act (''FLSA'') to covered employees and employing offices, by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under section 7(a) of the FLSA if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the employee's work schedule directly depends on the schedule of the House of Representatives within the meaning of Section 1, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (a) of section 6 of the FLSA and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek [currently 40 hours], and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates of pay so specified.

Section 3. Covered employees whose work schedules directly depend on the schedule of the House of Representatives within the meaning of Section 1 must be compensated for all hours worked in excess of the maximum workweek applicable to such employees at time-and-a-half either in pay or in time off, pursuant to the relevant collective bargaining agreement, employment agreement or understanding arrived at before the performance of the work. However, those employees employed under a contract or agreement under Section 2 may be compensated in time off only for hours worked in excess of the weekly guaranty. In the case of a covered employee hired prior to the effective date of this regulation, the regular practice in effect immediately prior to the effective date with respect to the grant of compensatory time off in lieu of the receipt of overtime compensation shall constitute an agreement or understanding for purposes of this section. A covered employee under this section may not accrue compensatory time in excess of 240 hours of compensatory time for hours worked, except that if the work of such employee for which compensatory time may be provided includes work in a public safety activity, an emergency response activity or seasonal activity, the employee may accrue not more than 480 hours of compensatory time. Any employee who has accrued the maximum hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment. The employee shall be permitted by the employing office to use compensatory time within a reasonable period after making the request if the use of such time does not unduly disrupt the operations of the employing office.

An employee who has accrued compensatory time authorized by this Section shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than (A) the average regular rate received by such employee during the last 3 years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher.

Method of Approval:

The Board recommends that these regulations be approved by resolution of the House of Representatives.

Signed at Washington, D.C., on this 10th day of October, 1995.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to the Congressional Accountability Act and the Extension of Rights and Protections under the Fair Labor Standards Act of 1938, as applied to interns and irregular work schedules in all employing offices except the Senate and the House of Representatives.

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

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (INTERNS; IRREGULAR WORK SCHEDULES)

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed rules to implement section 203(a)(2) and 203(c)(3) of the Congressional Accountability Act (P.L. 104–1). The proposed regulations, which are to be applied to all covered employees and employing offices except the Senate and the House of Representatives and employees of the Senate and the House of Representatives, set forth the recommendations of the Executive Director, Office of Compliance, as approved by the Board of Directors, Office of Compliance.

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

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Supplementary Information: Background—General: The Congressional Accountability Act of 1995 (''CAA''), PL 104–1, was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 203(a) of the CAA applies the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) and (d), 207, 212(c), to covered employees and employing offices. Section 203(c) of the CAA directs the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement the section. Section 203(c)(2) further states that such regulations, with the exception of certain irregular work schedule regulations to be issued under section 203(a)(3), ''shall be the same as substantive regulations issued by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' Section 203(a)(2) of the CAA provides that ''the term 'covered employee' [for the purpose of FLSA rights and protections] does not include an intern as defined in regulations. . .'' issued by the Board pursuant to section 203(c).

Background: Part A—Interns: Part A of the proposed regulations defines the term ''intern.''

While there appears to be no definitive interpretation of the term ''intern'' for FLSA purposes in current House usage, the Board has consulted several sources in formulating the proposed definition set forth herein. For example, the House Ethics Manual gives the following definition of the term ''intern'':

''An *intern* means an individual performing services in a House office on a temporary basis incidental to the pursuit of the individual's educational objectives. Some interns receive no compensation from any source, while some receive compensation or other assistance from an educational institution or other sponsoring entity.''

House Comm. on Standards of Official Conduct, *House Ethics Manual*, a p. 196 (1992)(''Ethics Manual''). *See also* ''Guidance on Intern, Volunteer and Fellow Programs,'' dated June 29, 1990, reprinted at *Ethics Manual*, p. 206 (utilizing identical definition).

Interpretive Ruling No. 442 issued by the Senate Select Committee on Ethics on April 15, 1992, states that intern programs designed for the educational benefit of the participants are deemed to be ''officially connected'' expenses that are related to the performance of a Senator's official responsibilities and that the supervising Senator is responsible for determining if such program ''is primarily for the benefit of the intern.'' Similarly, the Senate Edition of the *Congressional Handbook* (1994) (''Senate Handbook'') states that ''Interns may be employed on a temporary basis for a few weeks to several months...''. (Senate Handbook at p. I–10)

The proposed definition has drawn upon these sources. This proposed regulation is not intended to cover other similar job positions such as volunteers or fellows, nor does it cover pages.

Part A—Interns: Section 1. An intern is an individual who:

(a) is performing services in an employing office as part of the pursuit of the individual's educational objectives, and

(b) is appointed on a temporary basis for a period not to exceed one academic semester (including the period between semesters); provided that an intern may be reappointed for one succeeding temporary period.

Background: Part B—Irregular Work Schedules: