

JIM EXON, HANK BROWN, ALAN SIMPSON, PAUL SIMON, BILL BRADLEY, MARK HATFIELD, BENNETT JOHNSTON, and BILL COHEN for a job well done and my wishes for continued success in the future.

SECTION 405 OF THE HIGHER EDUCATION ACT OF 1965

Mr. MACK. Mr. President, I rise today to address a situation resulting from the Department of Education's interpretation of section 435 of the Higher Education Act of 1965 [HEA] which has adversely impacted many schools in Florida and across the country. In 1990, Congress amended the act to prohibit institutions from continuing their participation in the Federal Family Education Loan [FFEL] Program if their cohort default rate is equal to or above the threshold percentage for the 3 consecutive years "for which data is available." Along similar lines, this year Congress passed additional legislation which required that any school terminated from the FFEL program will no longer be eligible to receive Pell Grants for its students.

However, the Department of Education has taken the position that this law will be enforced using default rate data for years 1991, 1992, and 1993. Schools have already received their prepublished 1994 rates, many which are below the current threshold requirement, and some are even half of what they were in years prior. Despite this achievement, the Department has terminated or is currently terminating schools based on their 1991, 1992, and 1993 rate—not on their 1994 rate—because the Department does not consider the 1994 rate to be "available" until it is published. Based upon their technicality, the Department is essentially punishing schools which have implemented costly default management programs and achieved the desired result of the law—reducing their cohort default rate.

Mr. President, the intent of this law was for schools to educate their students about the importance of repaying their loans, and established a 3-year period within which a school must take proper measures to reduce its cohort default rate. It is perfectly acceptable for Congress to enact legislation to protect taxpayers from the costs associated with high default rates, and current law does so by requiring those involved in the Federal student loan process to educate students about the importance of repayment. However, I do not believe that Congress intended for schools which have reduced their default rate to be terminated from these programs.

Given this late hour, it is unlikely that legislation addressing this situation will be enacted prior to the close of the 104th Congress. Therefore, I ask the Department to do everything in its power to use the most recent data when evaluating the eligibility status of these institutions. I thank the Chair and I yield the floor.

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 OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 172

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1995, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12 (l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 173

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Seventeenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1995.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

REPORT OF PROPOSED LEGISLATION ENTITLED "THE FAMILY-FRIENDLY WORKPLACE ACT OF 1996"—MESSAGE FROM THE PRESIDENT—PM 174

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying

report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 221. Concurrent resolution correcting the enrollment of H.R. 3159.

The message also announced that the House agrees to the amendment of the Senate bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998,

and 1999 for the National Transportation Safety Board, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3535. An act to redesignate a Federal building in Suitland, Maryland, as the "W. Edwards Deming Federal Building."

H.R. 4138. An act to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1577. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001.

S. 2085. An act to authorize the Capital Guide Service to accept voluntary services.

S. 2100. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

S. Con. Res. 34. Concurrent resolution to authorize the printing of "Vice Presidents of the United States, 1789-1993."

S. Con. Res. 67. Concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4011. An act to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such member shall not be eligible for retirement benefits based on that individual's service as a member, and for other purposes.

H.J. Res. 195. Joint resolution recognizing the end of slavery in the United States, and a true day of independence for African-Americans.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3546) entitled "An Act to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3378) to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 145. Concurrent resolution concerning the removal of Russian Armed Forces from Moldova.

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding

the importance of United States membership and participation in the regional South Pacific organizations.

H. Con. Res. 216. Concurrent resolution providing for relocation of the Portrait Monument.

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 4194. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message further announced that the House has agreed to the resolution (H. Res. 545) that the bill of the Senate (S. 1311) to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

At 4:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 39. An act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills.

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under the Act, and for other purposes.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes.

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

The enrolled bills were signed subsequently by the President pro tempore [Mr. BYRD].

At 6:34 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1031. An act for the relief of Oscar Salas-Velazquez.

H.R. 1087. An act for the relief of Nguyen Quy An.

H.R. 4000. An act to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before amendments made by the National Defense Authorization Act for Fiscal Year 1997.

H.R. 4041. An act to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

H.R. 4139. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act.

The message also announced that the House has passed the following bill, without amendment:

S. 1505. An act to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and Hazardous liquids, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1972. An act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker, has signed the following enrolled bills:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 1970. An act to amend the national Museum of the American Indian Act to make improvements in the Act, and for other purposes.

S. 2085. An act to authorize the Capital Guide Service to accept voluntary services.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrent of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3391. An act to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act; to the Committee on Environment and Public Works.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.