

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

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

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

The PRESIDING OFFICER. The Senator from North Carolina.

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

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

#### RECESS

The PRESIDING OFFICER. The Senate will stand in recess.

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

#### FAMILY FRIENDLY WORKPLACE ACT

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

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

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

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

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

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

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

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

At the same time, I know every family is different and their needs vary greatly. Lots of folks depend on a little extra money to make ends meet. Oth-

ers need time for their families. And that is why we need to make sure that every household can choose how to use their time and money.

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

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

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

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

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

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

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

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

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

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

for up to 10 minutes as if in morning business.

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

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

#### VIOLATION OF SWISS BANK SECURITY LAWS

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

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

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

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

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

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

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

released by the Union Bank and the police authorities.

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

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

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

Washington, DC, May 15, 1997.

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

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

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

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

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

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

Respectfully,

ALFONSE M. D'AMATO,  
Chairman.

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

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

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

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

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

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

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

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