

from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 460

At the request of Mr. BOND, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from Louisiana [Mr. BREAU], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 529

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 529, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 599

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 599, a bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

S. 621

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 621, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes.

S. 643

At the request of Mr. DURBIN, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S.

643, a bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco.

S. 657

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 673

At the request of Mr. BREAU, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 713

At the request of Mr. DODD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 713, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes.

S. 731

At the request of Mr. BUMPERS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 731, a bill to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 755, a bill 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 the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 772

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposi-

tion of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 781

At the request of Mr. HATCH, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Mississippi [Mr. LOTT], the Senator from Kansas [Mr. ROBERTS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 800

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. LEVIN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Delaware [Mr. ROTH], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. MOYNIHAN], the Senator from Louisiana [Mr. BREAU], the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Mr. DURBIN], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY
WORKPLACE ACTBAUCUS (AND OTHERS)
AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. KERREY, and Mr. LANDRIEU) submitted an amendment intended to be proposed by them to the 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; as follows:

Beginning on page 1, strike line 3 and all that follows through page 28, line 16 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family-Friendly Workplace Act of 1997".

SEC. 2. APPLICATION TO CERTAIN EMPLOYEES IN THE PRIVATE SECTOR.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r)(1) An employee who is not a part-time, temporary, or seasonal employee (as defined in paragraph (13)(C)), who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations promulgated by the Secretary under paragraph (3)(D), may receive, in accordance with this subsection and in lieu of overtime compensation, compensatory time at a rate not less than 1½ hours for each hour of employment for which overtime compensation is required by this section.

"(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other written agreement between the employer and the representative of the employee; or

"(ii) in the case of an employee who is not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employees of the employer which provides employees with a voluntary option to receive compensatory time in lieu of overtime compensation for overtime work where there is an express, voluntary written request by an individual employee for compensatory time in lieu of overtime compensation, provided to the employer prior to the performance of any overtime assignment;

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (3)(A) or in regulations issued by the Secretary under paragraph (3)(D);

"(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations promulgated by the Secretary thereunder, including the availability of compensatory time to similarly situated employees on an equal basis.

"(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

"(B) Upon the request of an employee who has earned compensatory time, the employer

shall, within 15 days after the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(C) Not later than January 31 of each calendar year, an employer shall provide monetary compensation to each employee of the employer for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through compensatory time or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such monetary compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to subparagraph (D).

"(D) The Secretary may promulgate regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to—

"(i) exempt such employees from the provisions of this subsection;

"(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A); or

"(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C); where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, where a pattern of violations of this Act may exist, or to ensure that employees receive the compensation due them.

"(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of, or eligibility to receive, monetary compensation for earned compensatory time shall not be used—

"(A) by the employer to oppose an application of the employee for unemployment compensation; or

"(B) by a State to deny unemployment compensation or diminish the entitlement of the employee to unemployment compensation benefits.

"(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1)—

"(A) for any reason that would qualify for leave under section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such Act or law; or

"(B) for any other purpose—

"(i) upon notice to the employer at least 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the operations of the employer; or

"(ii) upon notice to the employer within the 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

"(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

"(7)(A) When an employee receives monetary compensation for earned compensatory time, the monetary compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits.

"(B) When an employee uses earned compensatory time, the employee shall be paid for the compensatory time at the employee's regular rate at the time the employee performed the overtime work or at the regular rate earned by the employee when the compensatory time is used, whichever is higher, and the hours for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

"(8) Except in a case of a collective bargaining agreement, an employer may modify or terminate a compensatory time plan described in paragraph (2)(A)(ii) upon not less than 60 days' notice to the employees of the employer.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

"(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(A) to discharge, or in any other manner penalize, discriminate against, or interfere with, any employee because such employee may refuse or has refused to request or accept compensatory time in lieu of overtime compensation, or because such employee may request to use or has used compensatory time in lieu of receiving overtime compensation;

"(B)(i) to request, directly or indirectly, that an employee accept compensatory time in lieu of overtime compensation;

"(ii) to require an employee to request such compensatory time as a condition of employment or as a condition of employment rights or benefits; or

"(iii) to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time in lieu of overtime compensation; or

"(C) to deny an employee the right to use, or force an employee to use, earned compensatory time in violation of this subsection.

"(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to subsection (b) or (c) of section 16, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as

may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the liability of the employer under this paragraph, but not against liquidated damages due.

"(12)(A) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual—

"(i) if the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time was more than 90 days before the cessation of business, as if such date was within 90 days before the cessation of business by the employer;

"(ii) if the date the employer was or becomes legally or contractually obligated to provide such monetary compensation was within 90 days before the cessation of business by the employer, as of such date; or

"(iii) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, as of the date of ceasing to do business.

"(B) The amount of such monetary compensation shall not be limited by any ceiling on the dollar amount of wage claims provided under Federal law for such proceedings.

"(13) In this subsection—

"(A) the term 'overtime compensation' means the compensation required by subsection (a);

"(B) the term 'compensatory time' means hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of overtime compensation;

"(C) the term 'part-time, temporary, or seasonal employee' means—

"(i) an employee whose regular workweek for the employer is less than 35 hours per week;

"(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

"(iii) an employee in the construction industry, in agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

"(D) the term 'overtime assignment' means an assignment of hours for which overtime compensation is required under this section.

"(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification."

SEC. 3. CIVIL MONEY PENALTIES.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended by striking the second sentence and inserting the following: "Any person who violates section 6, 7, or 11(c) shall be subject to a civil penalty not to exceed \$1,000 for each such violation."

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by adding at the end the following:

"(c)(1) No provision of this Act or of any order thereunder shall be construed to—

"(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time in lieu of overtime compensation;

"(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time in lieu of overtime compensation; or

"(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from section 7(r), to allow employers to provide more compensatory time than allowed under subsection (o) or (r) of section 7, or to supersede any limitations placed by subsection (o) or (r) of section 7, including exemptions and limitations in regulations issued by the Secretary thereunder."

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (referred to in this section as the "Commission").

(b) MEMBERSHIP; COMPENSATION; POWERS; TRAVEL EXPENSES.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b) of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633(a)(1) and (2) and (b)). The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of such Act (29 U.S.C. 2634 and 2635). The members of the Commission shall be allowed reasonable travel expenses in accordance with section 305(b) of such Act (29 U.S.C. 2635(b)).

(c) DUTIES.—

(1) STUDY.—The Commission shall conduct a comprehensive study of the impact of the provision of compensatory time on public and private sector employees, including the impact of this Act—

(A) on average earnings of employees, hours of work of employees, work schedules of employees, and flexibility of scheduling work to accommodate family needs; and

(B) on the ability of vulnerable employees or other employees to obtain the compensation to which the employees are entitled.

(2) REPORT.—

(A) IN GENERAL.—A report concerning the findings of the study described in paragraph (1) shall be prepared and submitted to the appropriate committees of Congress and to the Secretary not later than 1 year prior to the expiration of this title.

(B) RECOMMENDATIONS.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et. seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise given special treatment under the provisions;

(II) a recommendation on whether additional protections should be provided, including additional protections to employees of public agencies; and

(III) a recommendation on whether the provisions should be applied to any category of exempt employees.

(C) SPECIAL RULE.—The Commission shall have no obligation to conduct a study and prepare and submit a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; CESSATION OF EFFECTIVENESS.

(a) EFFECTIVE DATE.—The provisions of this title, and the amendments made by this title, shall become effective 6 months after the date of enactment of this Act.

(b) CESSATION OF EFFECTIVENESS.—The provisions of this title, and the amendments made by this title, shall cease to be effective 4 years after the date of enactment of this Act.

KENNEDY AMENDMENT NO. 362-367

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 362

Beginning on page 10, strike line 17 and all that follows through page 26, line 18, and insert the following:

(b) TECHNICAL AMENDMENT.—Section 7(r) of the Fair Labor Standards Act of 1938 (as added by subsection (a)) is amended in paragraph (6)(A) by striking clause (ii) and inserting the following:

"(ii) In clause (i), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation."

AMENDMENT NO. 363

On page 28, after line 16, add the following:

(d) PROTECTION FOR CLAIMS RELATING TO COMPENSATORY TIME OFF.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "\$4,000" and inserting "\$9,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

AMENDMENT NO. 364.

On page 7, strike line 13 and insert the following:

"(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

"(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

"(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

"(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

"(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

"(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

"(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

"(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

"(C) An agreement or understanding that is entered".

AMENDMENT NO. 365.

Beginning on page 3, strike lines 15 through 23 and insert the following:

"(B) In this subsection:

"(i) The term 'employee' does not include—

"(I) an employee of a public agency;

"(II) an employee who is a part-time employee;

"(III) an employee who is a temporary employee; and

"(IV) an employee who is a seasonal employee.

"(ii) The term 'employer' does not include—

"(I) a public agency; and

"(II) an employee in the garment industry.

"(iii) The term 'employer in the garment industry' means an employer who is involved in the manufacture of apparel.

"(iv) The term 'part-time employee' means an employee whose regular workweek for the employer involved is less than 35 hours per week.

"(v) The term 'seasonal employee' means an employee in—

"(I) the construction industry;

"(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

"(III) any other industry that the Secretary by regulation determines is a seasonal industry.

"(vi) The term 'temporary employee' means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer."

AMENDMENT NO. 366

On page 10, strike lines 4 through 7 and insert the following:

"(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

"(11)(A) The term 'compensatory time off' means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

"(B) The term 'monetary overtime compensation' means the compensation required by subsection (a)."

AMENDMENT NO. 367

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer."

NOTICES OF HEARINGS

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families will be held on Thursday, June 5, 1997, at 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Pre-to-3: Policy Implications of Child Brain Development." For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Aging will be held on Thursday, June 5, 1997, at 2:30 p.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Challenges of Alzheimer's Disease: The Biomedical Research That Will Carry Us into the 21st Century." For further information, please call the committee, 202/224-5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Oversight of SBA's Microloan Program." The hearing will be held on June 12, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the Need for Renewal of the Fast Track Trade Negotiating Authority on Tuesday, June 3, 1997, beginning at 10 a.m. in SD-215, Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 3, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 3, 1997, at 1:30 p.m. for a hearing on the Department of Commerce's Technology Grant Programs.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 9:30 a.m. on Second Generation Internet.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 2:30 p.m. on Universal Service.

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

ADDITIONAL STATEMENTS

ON ALL SHORES

• Mr. MOYNIHAN. Mr. President, on my recent trip to Israel, I read an illustrative article in the Financial Times of London. It seems financial experts in England have come to a conclusion many financial institutions in the United States have failed, thus far, to reach. Namely, that it is too late to solve the year 2000 computer problem completely, and that it is hopeless to rely on a "silver bullet" to solve the problem. Instead, officials in the United Kingdom have concluded that the world economy faces a very time-consuming, labor-intensive project—the scope of which is unparalleled in modern history.

Upon my return to the United States, I found that Newsweek had just published an important article that will increase awareness, I hope, to the point of action. Thus, I remind my colleagues of my bill (S. 22) to set up a commission responsible for ensuring that all executive agencies are compliant by 2000. I hope my colleagues recognize—as the British have begun to do—what we now face and what we must do to ensure the proper functioning not only of our Government, but of the economy.