

after about 8 o'clock, they start making mistakes. And some of us still have wives that we like to see or spouses that we like to see or children that we enjoy being with. So the threat of staying up all night tonight to talk about a bill that in fact we hope we can come to agreement on shortly rings hollow to me. Let's just do our work and keep calm and we can get this thing solved.

#### MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. HOBSON, and Mr. SPRATT as managers of the conference on the part of the House.

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

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1019. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

H.R. 1020. An act to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest.

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California.

H.J. Res. 75. Joint Resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

#### MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Indian Affairs.

H.R. 1019. An act to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the ef-

fects of earlier erroneous land surveys; to the Committee on Energy and Natural Resources.

H.R. 1020. An act to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest; to the Committee on Energy and Natural Resources.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California; to the Committee on Energy and Natural Resources.

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans' Affairs.

#### AMENDMENTS SUBMITTED

##### THE FAMILY FRIENDLY WORKPLACE ACT

##### KENNEDY AMENDMENT NO. 368

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 256 proposed by Mr. GRASSLEY 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 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 off the compensatory time of 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.

##### KENNEDY AMENDMENT NO. 369

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 265 proposed by Mr. GORTON to the bill, S. 4, supra; as follows:

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".

##### SPECTER AMENDMENT NO. 370

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

Beginning on page 6, strike line 20 and all that follows through page 8, line 23 and insert the following:

"(6)(A) An employer that provides compensatory time off under paragraph (2) to an employee shall not—

"(i) directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

"(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

"(III) requiring the employee to use the compensatory time off; or

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

"(II) discriminate by qualifying the availability of work for which overtime compensation is required on the request of an employee for, or the acceptance by an employee of, compensatory time off in lieu of payment of monetary overtime compensation.

"(B) An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

"(i) the payment of monetary overtime compensation for the workweek; or

"(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.

"(C) In this paragraph, the term 'intimidate, threaten, or coerce' has the meaning given the term in section 13A(d)(2)."

#### (2) REMEDIES AND SANCTIONS.—

(A) IN GENERAL.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) If an employee demonstrates that an employer has engaged in an employment practice that violates either or both of clauses (i) and (ii) of section 7(r)(6)(A), and that the employee has been harmed by the practice, the employer shall be liable to the employee in an amount equal to—

"(A) such legal or equitable relief as may be appropriate to effectuate the purposes of section 7(r)(6)(A), including employment, reinstatement, promotion, and the payment of wages lost; and

"(B) 3 times the legal or equitable monetary relief provided in accordance with subparagraph (A), as liquidated damages.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section (other than the first sentence of subsection (b)) or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e)."

(B) CONFORMING AMENDMENTS.—Section 16 of such Act is amended—

(i) in subsection (a)—

(I) by striking "(a) Any" and inserting "(a)(1) Except as provided in paragraph (2), any";

(II) in paragraph (1) (as designated in subclause (I)), by striking "subsection" the first place it appears and inserting "paragraph"; and

(III) by adding at the end the following:

"(2) Any person who willfully engages in an employment practice that violates either or both of clauses (i) and (ii) of section 7(r)(6)(A) shall on conviction be subject to a fine of not more than \$25,000, or to imprisonment for not more than 5 years, or both. No person shall be imprisoned under this paragraph except for an offense committed after the conviction of such person for a prior offense under this subsection."

(ii) in subsection (b)—

(I) in the first sentence, by inserting "(other than section 7(r)(6)(A))" after "of this Act";

(II) in the third sentence, by striking "preceding sentences" and inserting "preceding sentences, or in subsection (f) or (g)."; and

(III) in the last sentence, by inserting before the period the following: "or section 7(r)(6)(A)."; and

(iii) in subsection (c)—

(I) in the first sentence—

(aa) by inserting after "7 of this Act" the following: "; or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 7(r)(6)(A) or section 13A"; and

(bb) by striking "wages or unpaid overtime compensation and an additional equal amount as" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and the appropriate amount (as determined under subsection (b), (f), or (g)) of";

(II) in the second sentence, by striking "wages or overtime compensation and an equal amount as" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and the appropriate amount of"; and

(III) in the third sentence—

(aa) by striking "first sentence of such subsection" and inserting "third sentence of such subsection"; and

(bb) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or".

(C) RULE.—Notwithstanding subsection (b)(3), the amendments made by subsection (b)(3) to section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) shall not take effect.

## AUTHORITY FOR COMMITTEES TO MEET

### SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 4, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

### SUBCOMMITTEE ON AVIATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 4, 1997, at 2 p.m., on bilateral aviation relations with the United Kingdom.

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

## ADDITIONAL STATEMENTS

### EIGHTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

• Mr. FEINGOLD. Mr. President, I rise today to join in marking the eighth anniversary of the Tiananmen Square Massacre, a tragic day when a still unknown number of Chinese—some say hundreds, others thousands—died at the hands of the People's Liberation Army.

This anniversary is significant because it is the first since the death of China's paramount leader Deng Xiaoping, the man who orchestrated the bloody crackdown against the prodemocracy movement. Unfortunately, even with Deng out of the picture, the Chinese Communist Party remains unwilling to re-examine the events of June 4, 1989. Indeed, China's leaders would like nothing more than to have Tiananmen fade from the world's memory.

But Tiananmen is still very much a part of the present. As all of us are aware, Wang Dan, a student leader of Tiananmen, was sent back to prison last October for continuing to advocate democratic reform. According to Amnesty International, 303 people remain in prison for their role in the 1989 demonstrations. Certainly for these people and their families, Tiananmen remains a part of daily life.

Today, Tiananmen is still very much on the minds of Hong Kong's people. The 1989 prodemocracy demonstrations

created an outpouring of support from the British colony. Hong Kong residents donated hundreds of tents and sleeping bags to the students occupying Tiananmen Square. Thousands are expected to gather this evening in Hong Kong's Victoria Park for a candlelight vigil. Many are worried that public observance of Tiananmen will be banned once Hong Kong reverts to Chinese rule this summer. After the transfer of Hong Kong is completed, commemoration of June 4 will become the ultimate test of whether China will allow Hong Kong to maintain its cherished freedoms.

For those of us who are concerned about human rights in China, June 4 is still a powerful reminder that the Chinese Government has not changed. I was appalled to hear that, during his visit to Washington last December, China's Defense Minister Chi Haotian said that "not a single person lost their life in Tiananmen Square." That was an insult to the memory of those who died on the streets of Beijing that night.

Mr. President, yesterday Senator HELMS and I submitted a resolution of disapproval of the President's decision to renew most-favored-nation trade privileges to China. I feel strongly that the decision in 1994 to delink human rights and MFN was a mistake. Disconnecting the two has helped make China's leaders feel secure enough to renew their crackdown on the democracy movement and commit further human rights atrocities in Tibet. I believe that denying MFN is the best way to communicate to the leadership in Beijing that the United States still values human rights.

It is the best way to tell the Chinese Government that we will not forget Tiananmen. •

### IN MEMORY OF TIANANMEN

• Mr. MOYNIHAN. Mr. President, I rise today to note the solemn anniversary of the massacre of Chinese students and prodemocracy activists in Tiananmen Square, and to honor the memory of the men and women who were so cruelly murdered by the totalitarian regime of the People's Republic of China.

No one who witnessed the events will soon forget the images of students and others rallying around the Goddess of Democracy statue, modeled on Bartholdi's Statue of Liberty Enlightening the World in New York harbor.

The Chinese Government has long argued that democracy is inimical to Asian values and that Americans' insistence on human rights is a form of cultural imperialism. The students in Tiananmen Square provided the most compelling refutation of such tripe.

Our hope that we were witnessing the dawn of a new era in China was dashed when, on June 4, 1989, the so-called People's Liberation Army moved into Tiananmen to thwart the aspirations of the Chinese people. The photograph