

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 468. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

S. 900. An act to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes.

H.R. 3122. An act to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch.

H.J. Res. 54. Joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6084. A communication from the Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report relative to accelerator transmutation of waste; referred jointly, pursuant to Public Law 97-425, to the Committees on Energy and Natural Resources, and the Environment and Public Works.

EC-6085. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Program Fraud Civil Remedies Act for fiscal year 1999; to the Committee on Governmental Affairs.

EC-6086. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

EC-6087. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Greece; to the Committee on Foreign Relations.

EC-6088. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC-6089. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to the Republic of Croatia; to the Committee on Foreign Relations.

EC-6090. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, a report relative to certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC-6091. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to the Making of Plastic Explosives for the Purpose of Detection" (RIN1512-AB63), received November 4, 1999; to the Committee on the Judiciary.

EC-6092. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Health Claims; Soy Protein and Coronary Artery Disease", received November 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6093. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Trans-Alaska Pipeline Liability Fund; to the Committee on Energy and Natural Resources.

EC-6094. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Investment Securities; Rules, Policies, and Procedures for Corporate Activities; and Bank Activities and Operations" (RIN1557-AB61), received November 1, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-6095. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports to Kosovo" (RIN0694-AB99), received November 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-6096. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Addition of Persons Blocked Pursuant to Executive Order 13088" (Appendices A and B to 31 CFR Chapter V), received November 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-6097. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Export-Import Bank of 1945 Act and Executive Order 12660, a report relative to an Export-Import Bank guarantee of the financing of the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-6098. A communication from the Administrator, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Fundamental Properties of Asphalts and Modified Asphalts-II"; to the Committee on Environment and Public Works.

EC-6099. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District" (FRL #6466-4), received November 1, 1999; to

the Committee on Environment and Public Works.

EC-6100. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991" (FRL #6469-8), received November 1, 1999; to the Committee on Environment and Public Works.

EC-6101. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Persistent Bioaccumulative Toxic (PBT) Chemicals; Lowering of Reporting Thresholds for Certain PBT Chemicals; Addition of Certain PBT Chemicals; Community Right-to-Know Toxic Chemical Reporting" (FRL #6839-11), received November 1, 1999; to the Committee on Environment and Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 964. A bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes (Rept. No. 106-217).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1707. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes (Rept. No. 106-218).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1508. A bill to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes (Rept. No. 106-219).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1453. A bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1516. A bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1877. An original bill to amend the Federal Report Elimination and Sunset Act of 1995.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive report of a committee was submitted:

By Mr. ROTH for the Committee on Finance:

William A. Halter, of Arkansas, to be Deputy Commissioner of Social Security for the term expiring January 19, 2001. (New Position)

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 1877. An original bill to amend the Federal Report Elimination and Sunset Act of 1995; from the Committee on Governmental Affairs; placed on the calendar.

By Mrs. HUTCHISON (for herself, Mr. NICKLES, Mr. BROWNBAC, Mr. VOINOVICH, Mr. ASHCROFT, Mr. CRAIG, Mr. ENZI, Mr. THOMAS, and Mr. HELMS):

S. 1878. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating compensation will not be affected by certain additional payments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MACK:

S. 1879. A bill to promote international monetary stability and to share seigniorage with officially dollarized countries; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. INOUE, Mrs. LINCOLN, and Mr. WELLSTONE): S. 1880. A bill to amend the Public Health Service Act to improve the health of minority individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1881. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service creditable for retirement purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself and Mr. STEVENS):

S. 1882. A bill to expand child support enforcement through means other than programs financed at Federal expense; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1883. A bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians; to the Committee on Governmental Affairs.

By Mr. KERRY:

S. 1884. A bill to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building"; to the Committee on Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. BIDEN, Mr. WELLSTONE, and Mr. LUGAR):

S. Res. 223. A resolution condemning the violence in Chechnya; to the Committee on Foreign Relations.

By Mr. CLELAND:

S. Res. 224. A resolution expressing the sense of the Senate to designate November

11, 1999, as a special day for recognizing the members of the Armed Forces and the civilian employees of the United States who participated in the recent conflict in Kosovo and the Balkans; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. FRIST, Mr. DEWINE, Mr. LEVIN, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mrs. BOXER, Mr. MACK, Mr. DODD, and Mr. THURMOND):

S. Res. 225. A resolution to designate November 23, 2000, Thanksgiving Day, as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. MACK):

S. Con. Res. 71. A concurrent resolution expressing the sense of Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. NICKLES, Mr. BROWNBAC, Mr. VOINOVICH, Mr. ASHCROFT, Mr. CRAIG, Mr. ENZI, Mr. THOMAS, and Mr. HELMS):

S. 1878. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating compensation will not be affected by certain additional payments; to the Committee on Health, Education, Labor, and Pensions.

##### BONUS INCENTIVE ACT OF 1999

Mrs. HUTCHISON. Mr. President, I rise today to introduce the Bonus Incentive Act of 1999. I am joined in introducing this bill by my colleagues, Senators NICKLES, BROWNBAC, VOINOVICH, ASHCROFT, CRAIG, ENZI, and THOMAS. This important legislation will give America's hourly wage workers the same ability to receive performance-based bonuses that salaried employees currently have.

Mr. President, under the Fair Labor Standards Act, employers who give performance-based bonuses (usually at the end of the year) must go back and recalculate each employee's hourly base rate of pay and thus any overtime pay they received must be adjusted accordingly. Often, the employer must spend many hours of accountants' time for relatively minor adjustments in overtime pay.

This unnecessary and overly burdensome requirement discourages many employers (those who even know about this obscure provision) from providing a performance-based bonus system to their hourly wage employees, while salaried or "exempt" employees can enjoy such bonuses. Other employers attempt to comply with the law by reclassifying bonuses as not being performance-based. The net result of this law has been to hamper the productivity of the American worker and to trap unwary employers with unnecessary paperwork and even fines.

My legislation, the companion of which has been passed by the House Education and Workforce Committee, would allow performance-based bonuses to be paid to employees without the need to recalculate overtime pay, provided that employees are made fully aware of the requirements of receiving such bonuses and provided that such bonuses are not used as a substitute for hourly pay.

Mr. President, when the Fair Labor Standards Act (FLSA) was enacted in 1938, over 60 years ago, employers typically rewarded only their management personnel for the level of their achievement with performance-based bonuses. Such bonus programs for employees were very rare. But times have changed, and so has the American workplace. With the rise of the service-sector, post-industrial economy, increased competition from overseas, and the growing importance of workplace productivity and efficiency, "gainsharing" and other performance-based bonus programs for workers are commonplace.

Such programs are as varied as they are common. The model that comes first to mind is a bonus based on the number of items a factory worker produces in a month, quarter, or year. But gainsharing programs are equally effective in the service sector. Pam Farr, former senior vice president for Marriott Lodging and now president of the Cabot Advisory Group, recently testified before the House Education and the Workforce Committee that Marriott used gainsharing plans for housekeeping and customer service personnel that rewarded employees for the cleanliness of rooms, and customer service evaluations. Cordant Technologies, which makes solid rocket boosters for the space shuttle, rewards its workers for achieving goals involving workplace safety, customer satisfaction, and indirect cost reduction.

Whatever type of gainsharing arrangement an employer may have, there can be no doubt that these programs increase workers' pay, productivity, and contribute to higher customer satisfaction and better workplace relations. Studies have demonstrated that employees who participate in gainsharing arrangements on average receive about 5 to 10 percent more pay from such participation, and many bonus programs allow employees to increase their base pay by as much as 50 percent.

Employees who participate in these programs also report being more satisfied on the job and to have a more positive attitude toward their employer. A 1981 survey by the General Accounting Office found that over 80 percent of firms they interviewed reported improvements in labor-management relations from such programs. Grievances in such companies dropped 50 percent, and absenteeism by 20 percent when gainsharing was offered to workers.