Senator Mansfield, I think is something we must all make time for. It is a memorable thing. We are starting, I think, a great new tradition in the Senate from today.

Mr. KENNEDY. Mr. President, I have just a question of the floor manager. I have no amendments. I am quite prepared to vote at any time on this particular measure. I am just wondering if we are going to have any time prior to the 5:30 vote so we could discuss the Coverdell amendment. I want to accommodate the floor manager. I don't want to interrupt the orderly procedure. It is 9:40 now. I note we do have an issue before the Senate which is not directly related to the supplemental which will be taking up some time. So I am just wondering if there is any time that is preferable to the Senator, or whether there might be a designated period of time before a vote on the legislation of Senator COVERDELL, and maybe those that oppose it—not a lengthy time, but maybe there is a time that we could address it prior to 5 or 5:30 that would be convenient?

Mr. STEVENS. The Senator makes a good request, and I will consult with the majority leader on that. As the Senator knows, we took almost 2 hours yesterday on that bill. But I do think it would be a fair thing to have a period prior to the vote at 5:30 so both sides might state their positions.

It is not our intention this morning to have any morning hour time. We have Senator ASHCROFT's amendment pending. Senator HUTCHISON is waiting to bring up an amendment, and there are other amendments waiting in line behind that. So it is our hope that we can dispose of many of those this morning if possible. And if we can, that will mean we can open up some time later in the afternoon for a period for the discussion of the Senator from Massachusetts. I hope that is agreeable.

Mr. KENNEDY. I appreciate the cooperation and courtesy of the Senator. I see Senator ASHCROFT on the floor now. I know he wants to address the comptime issue, which is not directly related. I am prepared to respond to that. But, again, I have no interest in taking us off the measure which we have before us. I just want to cooperate with the floor manager on it. I was unaware that this amendment was coming up, but that's life around here.

But I want to cooperate with the Senator from Alaska in any way, so they can move the process forward. As I say, I am ready to vote on the supplemental now. I do not intend to either speak or offer amendments on it.

Mr. STEVENS. This amendment was offered last evening and is the pending amendment. It needs to be disposed of. I hope as soon as possible we will dispose of this amendment and move on to another amendment that Senator HUTCHISON also discussed last night, and that is the amendment pertaining to some conditions on the Bosnia deployment. That is relevant to the money in the bill. We expect to get to that as soon as possible.

But I commit to the Senator from Massachusetts, we will notify him if there is a lull in activities here and try to accommodate his request for some morning hour time. Senator COVERDELL still has about 20 minutes coming under the agreement we reached yesterday for equal time, under the discussion that took place yesterday, but now that has to be accommodated, and we will do our best to do so.

I yield to Senator ASHCROFT.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Stevens (for Kyl) amendment No. 2079, to provide contingent emergency funds for the enhancement of a number of theater missile defense programs.

Ashcroft amendment No. 2080, 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 and bi-weekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, and 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.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2080

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to spend a few moments speaking about two of America's most fundamental values. These values are embraced by our people across the Nation from sea to shining sea. If we were to inventory values among the American people, I think these would percolate to the top. They are the values of family and the values of work. These values come together when we think about how our workplaces impact families.

Sometimes when they come together, it is through collision. This collision takes place when the value of family conflicts with the value of work—the workplace actually competes with the family and the family's needs. Sometimes, though, they can come together through cooperation instead of by collision. I think that is what we ought to seek to encourage in our culture that these two most important values of our culture—work and family—should be able to coexist and to cooperate. They must be able to coexist and cooperate to build a strong America. But when one of these values undermines, erodes or undercuts the other value, we develop tensions that keep us from operating at our highest and best.

How we resolve the particular conflicts between these values that are important will determine how well we do in the next century. Most of us want to be survivors in the next century; we don't want to be succumbers. We want to be swimmers; we don't want to be sinkers. We want America to continue to define the world culture. We want the 21st century to be marked as an American century. We can do that if the Congress builds an important framework which allows people to respect these values in cooperation rather than in conflict. If we make it possible for the value of work to be a value which can be elevated without undermining or eroding the value of family.

So it is important for us to make sure that, as a Government, that we allow rules to exist and we provide a framework in which both the value of work and the value of family can flourish. Without hard work, we will never make it. Without strong families, we will never make it. Without finding a way to harmonize these competing interests—we will never be able to succeed in the next century.

Since 1965, the amount of time that parents spend with their children has dropped 40 percent. This is a decrease of almost half of the amount of time that parents spend with their children. This does not necessarily threaten the work part of the equation, but it certainly indicates that there is a serious challenge to the family side of the equation. These two values of work and family must work together—must be elevated together. And if we have elevated work to the detriment of family, we have to find out ways, we have to seek out ways, we have to search for ways to make it possible for families to spend more time together.

A 1993 study found that 66 percent—two out of every three adults surveyed nationwide—wanted to spend more time with their children.

How can we begin to restore a balance? How can we restore the capacity of families to have that kind of chemistry within them that builds the strong sense of loyalty, of belonging, and of confidence that provides the basis for transmitting values from one generation to the next?

The family is the best department of education; it is the best department of social services and health; it is the best employment training in the world. If we have strong families, we will succeed.

How can we make it possible for these 66 percent of American adults

who want to spend more time with their children to do so?

Fifty-five percent of the adults surveyed are willing to give up some seniority or pay at work in exchange for more personal time. People feel this need to be with their family very strongly.

According to the U.S. Department of Labor in its report ''Working Women Count''—and here is the cover of the report. This was the executive summary of the cover from the Women's Bureau, the U.S. Department of Labor. According to that, ''The number one issue women want to bring to the President's attention is the difficulty of balancing work and family obligations.''

That was out of this report from the President's Department of Labor, U.S. Department of Labor, May 1994.

In 1940, just 2 years after the passage of the Fair Labor Standards Act, 67 percent of all the families had sort of a traditional structure. Let's go to the next chart.

In 1938, only 2 out of 12 women with school-aged children worked outside the home. So for these women, they had lots of time with their children. Only 2 out of 12, 1 out of 6—about 17 percent—only 2 out of 12 worked outside the home. Look at the difference today. By 1995, we had a situation where 9 out of 12 women with school-aged children worked outside the home.

This represents a major change in America's families, a substantial change in the structure of the home, a major change in the ability of people to spend time with their children. It is becoming very clear that we need to do something to make it possible, if we can, to allow families to spend time together.

By 1995, only 70 percent of families had a traditional structure; 43 percent of all families had two working spouses.

In 1995, almost 70 percent of single women headed families with children. That is a real situation where not only do you not have a mom and dad to work to help children together, but you have one-parent families. And if you take that one-parent family into a rigid employment environment where there is no ability to accommodate the needs of the family, you basically have a situation where there is no capacity to meet the needs of children when the work of the family comes in conflict with the work of the workplace.

There is a way for us to improve this situation. There is a way for us to help American families meet the needs of their families and the needs of the workplace as well. This solution was recognized as far back as 1945 when the Federal Employee Pay Act was passed to give Federal workers a compensatory time-off option. I want to restate the date. That is 1945. That is a long time ago. In 1945, over half a century ago, Federal workers began to have the ability, instead of taking time-and-a-half pay for overtime hours they worked, to take time off sometime later when they realized, ''Wait a second, all the time-and-a-half pay in the world will never buy me more time with my family if I can't get a break. Could I possibly make it some time so that when I work an extra hour, instead of getting an hour and a half pay for the overtime, I would get time off sometime later to spend with my family?''

This concept was recognized again in 1978 when Congress gave flextime options to the Federal Government. I think it is important to note that that was a major step forward. It took individuals looking down the tunnel of time a little bit to understand there would be more and more women in the work force, more and more families without time spent by parents for children.

Among those who were at the forefront of the march to help preserve the capacity of families to spend time with their children is the senior Senator from Alaska, who was part of this 1978 effort to give Federal Government employees options for flextime in addition to comptime.

What is important is that in 1994, President Clinton decided that flextime was so valuable that he extended this sort of flexible-working-arrangement time situation to a whole group of individuals in the executive department of Government, because he understood the need that workers and their families have to spend more time together. The Federal workers have it.

Here is a little chart: Flexible scheduling today. Who can benefit? Mr. President, 2.9 million Federal employees are eligible for flexible scheduling benefits under the current law.

Who can't have it? By law, 59.2 million private-sector workers cannot make the same choices about their work schedules. Special privilege to the Federal worker with flexible scheduling; the absence of this capacity to assist individuals, reinforce the value of family and work together for non-Federal workers.

When asked, 8 out of 10 respondents supported continuation of the program in the Federal sector. The General Accounting Office, conducted the study and workers indicated that they approve the program; 72 percent stated they had more flexibility to spend time with their families. Just think of that, flexible working arrangements had helped 72 percent of the Federal employees spend more time with their families—that is something we should encourage—rather than discourage, all Americans to do.

What is interesting is that these studies also included that productivity went up. What we are beginning to define here is a win-win situation. The workers have their capacity to spend more time with their family—at the same time—the employer has its capacity elevated because productivity goes up. This defines a new way of looking at the relationship between employees and employers. We need for the next century to see ourselves as teams going forward together, not adversaries that can only move forward if the other moves backward. That is a very important concept as we face the 21st century. We will never do well in the 21st century if we don't understand that we only walk forward together.

Seventy-four percent of Federal employees participating in these programs said that alternative work schedules improve their morale. Overwhelmingly, American workers want the same options to be available in the private sector.

There is a group of those who survey public attitudes, Penn and Schoen, these are pollsters who often work for President Clinton. Their studies show that 75 percent favor allowing employees the choice of getting time off, time and a half either in wages or as time off. Three out of four, 7½ out of 10 people surveyed said they would like to have that choice—they just want a choice. Fifty-seven percent said they would take time off instead of being paid, if the option were available, from time to time.

What is interesting is that you don't have to make a choice under these proposals to always take time as comptime and never get paid for it. As a matter of fact, you can take it as comptime when you have something, some needs, arising in your families, not take it as comptime if you need the money more—it is your decision. Unlike the current situation when workers have no choice, no choice whatsoever, as to whether time is more valuable than money.

If you decide you want it as comptime and later on change your mind because you need the money, the proposal allows you to cash in the comptime. Fifty-eight percent of those who would choose the option of time off would choose it more often than pay, they say. This indicates that there is a strong demand and a capacity of American workers who believe they could make their own choice here. They would like simply to have the choice. In fact, a recent poll by Money magazine found that 64 percent of the American people and 68 percent of women would rather have their overtime in the form of time off than in cash wages.

We wouldn't be here to tell people that they had to take it in time off, to say they must take it in wages or must take it in time off. I think what we ought to do is allow people to have the flexibility to meet their needs at the moment, to meet the needs of their families at the moment. There are times when they might prefer to work a little extra and have the extra cash, but there are times when they would be asked to work overtime and they would like to say, ''You know, I have been working a lot, I need to spend time with my family, we need to take a day off together, we need to go to the zoo,

we need to go to the basketball game, we need to see our son and daughter in a play; how about I work the extra time you are asking me and I get time and a half off later on?'' Eighty-two percent of the people said they support the Republican proposal to give working men and women more control over their time.

This is the challenge we face. We have two competing values in America: the value of work, which is understood as one of the primary values of our culture, and the value of family, family the primary institution of our culture. We shouldn't have them colliding and conflicting in the law. We should have them cooperating, and we should find ways to give people more options to make choices that respect both of those values.

Let me make a few points about the amendment which I propose. First of all, it does not alter the 40-hour workweek. It is a new section at the end of the Fair Labor Standards Act that does not revise the 40-hour workweek, and it is voluntary, totally voluntary. Anyone who wants to operate under the current law could continue to operate that way without discrimination, and if there are any violations of this provision, the penalties are doubled for violations.

It just provides that there is a potential for compensatory time off when time is more valuable than money to individuals. There would be limits so that we wouldn't have a situation where people might be putting a lot of compensatory time off into a bank and then if the employer went out of business or were to leave the area that the person, his or her time off or income would be jeopardized. Accumulation would be limited to 160 hours. At the end of every year, any accumulated time would be cashed out so that if you didn't use your comptime by the end of the year, you just got time-and-a-half pay. Or any time prior to taking the time off that a worker decides, ''Hey, I don't think I am going to be able to afford to take that time off, I just would like to have my money instead,'' the law would allow the worker to just take the time-and-a-half pay instead of the time off for comptime. Under this amendment, cashing-out your comp time bank is an absolute right.

There is a strong provision in this amendment which would allow for a reasonable use, at the employee's option, of the time off if it does not unduly disrupt the employer's operation. The undue-disruption criterion has been used in the employment setting for quite some time now, so that there is relatively good understanding that employers are required to make a significant showing, and can't just unreasonably deny an employee's request to take that time off.

Sometimes people worry about whether or not there would be some sort of coercion under this proposal. I think it is important for us to understand that there are strong protections to prohibit coercion. The protections that are provided in this law would be far greater than the protections that are enjoyed by the State and local and Federal Government workers as it relates to comptime now.

For instance, for State and local workers, workers can be required to participate—as a condition of employment—in comptime provisions. Ours would be totally voluntary in the private sector. So that is a protection, a safeguard, against coercion of any worker who didn't want to participate in comptime. This would be an authorization for an employer and employee to work together, but an employee who chose not to participate in getting comptime off could, with total assurance, have the resources instead, and even if the worker decided to take the comptime off and later changed his or her mind, just like that, the money has to be paid.

Management can decide when a worker must use comptime under the State and local workers' law. Not so under ours. Management cannot dictate, and the workers would have the right to make choices about when to use them.

Under the State and local workers' law, comptime is paid in cash only when the worker leaves the job. Under the State and local situation, in order to convert your comptime to cash, you have to leave your job. Not so under the provision of the amendment which we are proposing. Any time you want to convert your comptime to cash, you could automatically do it, as a matter of right. Just say, I want to change from the comptime which I have in the bank, time I had intended to take off, and I would like to have the overtime pay instead.

Under S. 4, participation is strictly voluntary. It cannot be required. This is in stark contrast to the required participation condition of State and local workers which currently is the law now.

Under this proposal, workers cannot be coerced into using their comptime. For state and local government workers—management can decide when the comptime is to be used. Under this proposal, workers cannot be coerced, comptime must be cashed out on request under our proposal and must be cashed out at the end of every year.

You can only cash out your comptime under the State and local provisions which have been in effect now for the last, basically, dozen years. You can only get your money when you leave the job. Under our proposal, you get the money anytime you decide you want the money.

Now, in addition to the compensatory time option to make the values of family and work harmonious—so that they are in cooperation, not in conflict—so that they work together in harmony and unity to provide a better setting for workers, there is another thing besides comptime. It is called flexible schedules.

One of the most popular programs in the Federal Government is the ability to—the ability to—allocate hours from one week to the next and to figure the 40-hour week over a 2-week period. A lot of Federal workers have done this so that they can take a day off, an extra day off every other week.

When a lot of folks are asked the question, would you like to have every other Friday off or every other Monday off or would you like to have a weekday off every other week, they respond very positively to that. In order to do that, sometimes you will have to allow people, as a matter of choice, to say, ''I'll work more than 40 hours in one week in return for working less the next week.'' So that the most popular schedule among Federal workers in flexible working arrangements is to work 45 hours the first week, 35 hours the next week, and in so doing by working 9 hours a day for most of the days, have every other Friday off.

Now this gives people a chance to take a weekday off so that they can go to the schoolhouse and talk to teachers or they can attend events or maybe even just go to the motor vehicle department and stand in line so they can get their license renewed. Or maybe just be told that they did not bring the right supporting documents and get sent home to get whatever is necessary.

But this ability to have flex hours at the option of the workers—at the request of the workers—so that people can take an extra day off every other week and still preserve their paycheck and still have the complete capacity, is an important thing. This flexible credit hour provision is important because not all workers earn overtime. In other words, comptime alone will not solve the problem. Workers who do not earn overtime also would like to have some time off so they can just rearrange their schedule but would be precluded from doing so under a comp time only plan.

Flexible scheduling. Sure, lots of people who work overtime can take Friday off every other week, if they are working enough overtime. The vast majority of people do not get overtime, but they would like to have flexible scheduling. They would like to have some time off in which they can meet the needs of their families.

Only 20 percent of workers who get paid by the hour report receiving overtime during a typical week—only one out of five. Seventy-two percent of those reporting overtime compensation are men. So that some of the people who need flexibility—women—need to be able to take some time off, but are not the ones who are getting the capacity to take time off. Comptime alone would help only 1.9 million working women. That is only 4.5 percent of all the working women in the private sector.

Other flexible scheduling options: Instead of helping just 4.5 percent of the women, flexible scheduling options

would help 67 percent of all working women. In addition to the comptime for people who actually get overtime, we ought to be working with individuals who are only going to get 40 hours a week. We can do this by giving them the opportunity to tailor that 40 hours a week in ways that gives them time off to spend with their families, spend with their children, or if they do not have families, they can spend it on themselves.

The idea that individuals should not be able to agree with their employers to arrange things so they can have a more fulfilling life—to be with their children or take care of themselves—is an idea of the past. American workers know how to accommodate their needs and should be able to agree with their employers in a framework of protections to do that.

Comptime would only help 5 million working men. That is only 10 percent of the working men in the private sector. The other flexible scheduling options provided in this amendment would benefit 61 percent of all men working in the private sector.

Who would gain from flexible scheduling? Mr. President, 59.2 million private sector workers would have new choices in setting work schedules and making time for their family and friends—30.4 million men, 28.8 million women.

These are individuals with families; these are individuals who have something that competes with the workplace for their interests. We should not make it a situation where in order to do your job you cannot be a parent or be a good parent or in order to be a good parent you have to be a bad employee. We should provide the flexibility of scheduling. We should tailor the laws of this country to make it possible for individuals—to make it possible for individuals—to be able to meet the needs of their families and the workplace.

We mentioned earlier, when we surveyed the situation in Government, the General Accounting Office said two things happened: Morale and productivity went up, and worker satisfaction and their ability to spend time with their families went up. Wait a second. Here is a win-win situation. The value of work went up and the value of family went up. When Government can provide a basis for enhancing the value of families and enhancing the value of work in this culture, we ought to seize that opportunity. Too much of what we do impairs the value of these cultures.

Well, there are others who have said there are other solutions. Frankly, the solution that has been proposed on the other side of the aisle is more unpaid leave, more of the so-called Family and Medical Leave. And that is a tragedy because unpaid leave exacerbates one of the problems that families are enduring—that is, they need resources.

A lot of families would not have both adults in the work force if they did not need the money. So telling people that they should not get money, that they should take unpaid leave, is saying, sure, we know you are having a problem spending time with your family and a problem funding your family, so you should take more time with your family and, therefore, have greater difficulty funding it. That is a vice. That is a crack into which we should not let families fall.

That exacerbates the tension between the home place and the workplace. It does not lift them both together. Let me give you some data which I found to be stunning. The Family and Medical Leave Commission report, which included notable Members of this Chamber, reported that in order to make up for the money people lost when they took family leave, 28 percent of the families had to borrow money—go further into debt.

This basically says, if you need to have some time off, you have to go into debt to spend time with your family. We should not try to force people into financial crisis. As a matter of fact, 10.4 percent of the families who took family and medical leave had to go on welfare in order to accommodate the needs that arose from the lack of resources when they took family and medical leave. And this is stunning, 42 percent—41.9 percent; let me not overstate it—41.9 percent had to put off paying bills.

I don't know about most folks, but if I have to put off paying a bill, that is a matter of serious tension. If you have to go on welfare just to make up for your family and medical leave that you took for your time off, that is a matter of serious tension. Or if you have to go into debt, 28.1 percent had to borrow money under the family and medical leave provisions in order to meet the needs of their family. That is serious tension.

I think it would be far better if, instead of asking people to take a pay cut, which you have to do in order to address the needs of your family under family and medical leave, that you should allow us to have flexible working arrangements where you might have compensatory time off as a result of overtime you have worked or you have a flexible working schedule that you have designed.

Well, the provisions in this bill are not the kinds of things that are new or novel or have not been tested. Since 1945, comptime has been available to Federal workers. We have seen how it works. Since 1985, it has been available to State and local workers. We know how it works. And we have designed a superior product with more choices for workers in this amendment than are existent for Federal workers and for State and local workers who like the program. It seems like common sense.

We offered this during the 104th Congress, the Work and Family Integration Act. It was selected as one of the top 10 agenda items on the Republican side of the Senate for the 105th Congress. This past summer the bill was filibustered by the other side of the aisle.

Yesterday, there was a lot of talk in this Chamber about having time for debate, having time for amendments, and the need to have amendments and debate. Well, you know, last year we brought up the Family Friendly Workplace Act. There was not a single amendment brought forward by the individuals who opposed this on the other side of the aisle. Not one amendment came to the floor, and yet they would not let us vote. They talked and talked and talked. I stood on this floor and encouraged them to offer amendments to address their concerns. I encouraged them to offer these amendments so the issues could be resolved—so we could end up with a product they could support. Not one amendment was offered.

We did fail to get two cloture votes while I, along with many other Republicans, stood on the floor and asked for our colleagues on the other side of the aisle to offer their amendments. They simply were not forthcoming. We even had Republican Members come down to offer our own amendments to address some of their concerns. But we were unable to because Democrats were stonewalling the issue.

Eventually President Clinton rhetorically supported comptime. He even spoke to me personally about it. The very day of the last failed cloture vote, I was told that flextime is the most important thing we could do for American families by the President himself. But when we tried to begin negotiations, it became a series of unreturned phone calls while making continued statements to the press of the importance of flextime and their desire to compromise—but no real negotiations.

Not only did I try to get the White House to sit down and talk, so did the chairman of the Labor Committee and Congressman BALLENGER, the sponsor of the House comptime bill. We were told, ''Wait until we finish the budget,'' and then ''Wait until the fast track vote,'' and wait and wait and wait.

I am reminded of the old saying in the Ozarks, ''Wait is what broke the bridge down.'' I think the bridge collapsed under the waiting of the bridge. We are still waiting.

Well, we will not wait idly by while millions of Americans are denied the ability to balance their work and family demands. This is something the American people deserve. This is something that is essential to the survival of our culture. We must respect our families. We must give them the opportunity to survive, and we must have a competitive and productive work force. And there are ways for this to happen. We must harmonize these values. They must work together in cooperation. They cannot work antagonistically in conflict.

This is an issue that the Democrats in Congress and the President will not be able to make disappear. I will continue to bring this issue up at every opportunity. We have been accused of

being unwilling to compromise. Well, we have made changes in the bill to try to address concerns that have been raised.

We added bankruptcy protections to ensure that employees will be able to collect accumulated comptime if their employer declares bankruptcy. We limited the number of hours that an employee can accrue from 240 hours to 160 to make sure that a person does not get too many hours of comptime out there and somehow it might not be fulfilled.

We have put a sunset provision on the bill saying, look, we are only trying it for 5 years. Let the American people find out about it. If it is abusive to the workers, it will be over in 5 years. It will not be abusive. If this was an abuse of workers, they would have curtailed it after 5 years in 1950, from the time it started in 1945; or for State and local workers in 1990, after it was started in 1985.

We completely eliminated the flexible credit hour provisions of the bill so that we are just talking about flexible scheduling. This amendment only permits workers to move 10 hours from one week to the next, but that would provide a basis for a day off every other week.

We will find out who really supports giving workers the flexible work schedules that workers desperately need. We will do so by asking that this bill move forward. We will find out who believes that it is appropriate for Government to allow flexible work schedules for their own employees and for salaried workers but not for laborers, those who have built this great Nation. Everybody has flexible work time. All the Government does, all the salaried workers. The boardroom has it, the people on salary.

Local and State governments have it. But who doesn't have it? Hourly workers in America, the people who built this country. They are in the minority now. They don't have it. I believe it is time for them to have this same kind of capacity to be with their families the way others have found it to be with theirs. We also will find out who really cares about women's positions in the workplace.

It is interesting to note that Working Woman Magazine says this:

> Poll after poll shows that Americans want to spend time with their families and cite flexible scheduling as a top priority. . . . Give women what they want, not what you (Members of Congress) think they need.

That is what Working Woman Magazine said. This is a fight that must be continued. I believe that this is a fight that should be continued for the hourly workers of America, who don't happen to be Federal workers, who don't happen to be State workers, who don't happen to be local government workers, who don't happen to be salaried workers, who don't happen to inhabit the walnut-paneled boardrooms of America, but do happen to have families and do happen to have the same kinds of needs.

President Clinton and the Democratic platform have all endorsed flextime as a way to help Americans balance the needs of work and family. It is time for that endorsement to become a reality. It is time for Congress to stop ignoring the serious challenges that are facing families in today's workplace and give American workers what they want and need.

This issue will not go away. This issue of giving working Americans the ability to balance work and family must be addressed. I am not going to tie up this supplemental appropriations bill with this amendment at this time. But I lay this before the Congress as a clear signal and indication that this is a must-address issue. I will bring this issue back to the floor on an insistent basis. While we are meeting the emergency needs of Government, we cannot continue to ignore the needs, emergency needs, of families and of the American work force, particularly those who have built this Nation as hourly workers.

So I will withdraw my amendment at this time. I will indicate that this is a must-address issue, but I will not allow it to foreclose or preclude or otherwise impair our ability to address the emergency needs of troops that are deployed by this country overseas. But I will say that neither will I allow this body to ignore this issue and thereby ignore the needs of American families, just as we are not going to ignore the needs of the American Government.

Mr. President, I ask for the opportunity to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS, is recognized.

Mr. STEVENS. Mr. President, I thank the Senator for his courtesy. He is the original sponsor of the legislation that provided the Federal system flextime and comptime, and I have supported what the Senator is doing. I think it is a step that should be taken. I regret that we cannot proceed, but I appreciate the fact that he has seen fit to withdraw this amendment now so that we can proceed and try to keep this bill limited to those items that are emergency in nature, which affect our defense and affect the disasters that have taken place in this country. I commend the Senator for his action. I am very appreciative of it.

AMENDMENT NO. 2079

Mr. STEVENS. Mr. President, as I understand it, the Kyl amendment that I offered on behalf of the Senator from Arizona is the pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I would like to have that remain the pending amendment now so we can see if we can dispose of it. I am not sure we can do that before noon, but I hope that we can. I urge any Members who have any questions about this to come and discuss them with me. Unfortunately, Senator KYL is not here. I am not sure whether he will be here today because of illness. It is not serious; he just has a problem, I am told.

Let me say this to the Senate. I and a number of my colleagues have watched with concern as Iran has worked aggressively to develop longer range theater ballistic missiles.

There have been many reports that a new Iranian missile, the Shahab-3, may be tested within the coming year.

This new missile, with a range approaching 1,300 kilometers, can now reach targets in the Middle East that were previously not threatened by ballistic missiles from Iran.

Further, the Shahab-3's velocity and range could require changes in our own theater missile defense systems currently under development.

Obviously, our allies, particularly Israel, are very concerned about this new Iranian missile development effort. In parallel—and I believe this is of utmost importance—North Korea has continued to pursue the development of a longer range missile. They are working on the no dong and the taepo dong missiles. These missiles have created concern not just in Asia, but in my home State of Alaska, as well as in Hawaii, which is the home State of both of my colleagues from Hawaii.

Now, I believe the Senate should know that the first targets within the reach of the longer range Korean missiles are in fact the States of Alaska and Hawaii.

As a nation, I think we have to react swiftly to the threat posed by these new ballistic missile development and test efforts.

Senator KYL and others who have watched this issue closely have urged that we take action now to respond to this threat. Therefore, I have offered this amendment on behalf of Senator KYL and myself to provide emergency appropriations to respond to this dangerous new threat.

The amendment will provide $151 million for urgent development efforts which directly address these new missile threats. I might say that this matter has been reviewed by the Deputy Secretary of Defense. They have indicated that if additional resources are not made available, they can address these initiatives with reallocation of existing funds. Now, that is exactly what we don't want. The funds have already been allocated, and what this bill is doing is trying to make additional funds available to make up for the ones that have already been used in Bosnia and in the deployment in Southwest Asia.

This amendment provides for better integration of Army and Navy missile defense systems and radars, for additional testing of the Patriot and lower tier systems against these longer range

theater ballistic missiles, and other efforts which will link our existing sensors, communications, and weapon systems to defeat improved theater ballistic missiles.

In addition, the amendment specifically provides funds to assist Israel in purchasing a third arrow missile battery. The capabilities of the emerging Iranian threat force us and Israel to add additional batteries to protect not only our forces, but our allies in Israel.

Mr. President, I believe these efforts have some of the most urgent projects we could undertake in the Department of Defense. As I indicated, Deputy Secretary of Defense John Hamre wrote a letter bringing these needed investments to the attention of our colleagues in the House. The emergency supplemental before us provides an opportunity to deal with these critical investments. But we cannot do it from here directly. This amendment provides that the moneys in the amendment will only be available if there is an official budget estimate for the amounts that are designated to be an emergency. This would be in a request transmitted to the Congress as emergency requirements, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Now, as I say, the amendment I offered for the Senator from Arizona, Mr. KYL, does not make that money available. It will only be available if the administration agrees that there is a critical issue here and that these moneys should be available now to deal with these issues.

Mr. President, we have troops, once again, stationed in this area. We do not have an adequate theater missile defense system. We don't have a missile defense system that is even currently planned for the total 50 States. When it was presented to our committee, the Department specifically pointed out that it was not possible for a period of 15 or more years to cover the States of Alaska and Hawaii. But a theater missile defense system would.

I believe there is an emergency. I believe it is highly important that we proceed to make these investments. I do not think the investments should be made available from funds we have already appropriated for other critical projects in the Department; nor do I think we should defer acquisitions of new systems. That has been done too much already.

Mr. President, we spent more time in the last 3 years reprogramming money we have already made available to the Department of Defense than we have in considering how much money should be available to the Department of Defense. I don't want to start the concept of reprogramming. What this does is, it says to the administration that if they are as serious as we are about proceeding now with the ballistic missile defense system—we have made the finding ourselves that it is an emergency, and we ask the President to simply make the decision. I hope the executive branch will agree that these funds will respond to security crises and the projects should be added. If they do not, these funds would not be available under this amendment. I do believe that my good friend from Hawaii wants to make a statement on the matter when he arrives.

(At the request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD.)

Mr. KYL. Madam President, my amendment to the supplemental appropriations bill (S. 1768) would accelerate the development and deployment of theater missile defense systems.

Recent revelations that Iran has nearly completed development of two new ballistic missiles—made possible with Russian assistance—that will allow it to strike targets as far away as Central Europe have convinced me that U.S. theater missile defenses must be accelerated in order to counter the emerging Iranian threat. This increased Iranian missile threat has materialized much sooner than expected due to the extensive assistance Russia has provided over the past year.

According to press reports, development of Iran's 1,300 kilometer-range Shahab-3 missile, which will be capable of reaching Israel, could be completed in 12 to 18 months. Development of a longer-range missile, called the Shahab-4, whose 2,000 kilometer range will allow it to reach targets in Central Europe, could be completed in as little as three years. Both missiles could be armed with chemical or biological warheads. These revelations are part of a string of very troubling disclosures that have surfaced over the past year detailing the extensive aid Russia has provided to Iran.

A bipartisan group of Senators and Representatives have been working on various legislative approaches to address the Iranian threat for some time. For example, last fall both Houses of Congress passed a Concurrent Resolution which Representative JANE HARMAN and I submitted expressing the sense of the Congress that the Administration should impose sanctions against the Russian organizations and individuals that have transferred ballistic missile technology to Iran. The annual foreign aid bill passed last year also contains a provision conditioning the release of foreign aid to Russia on a halt to the transfer of nuclear and missile technology to Iran. And, Senator LOTT and Representative GILMAN have introduced legislation that would require that sanctions be imposed against any entity caught transferring goods to support Iran's ballistic missile program.

In addition to these legislative initiatives, the Administration has engaged in a series of diplomatic exchanges with the Russians. According to press accounts, Vice President GORE has raised the issue with Prime Minister Chernomyrdin on several occasions. President Clinton has discussed the matter with President Yeltsin at the Helsinki summit in March 1997 and at the P–8 summit last June. The President also appointed Ambassador Frank Wisner as his special envoy to hold detailed discussions with Russian officials about the dangers of aiding Iran's ballistic missile program. This is a very serious issue which the Clinton Administration has clearly acknowledged.

As a result of the Administration's diplomatic efforts, in January Russian Prime Minister Chernomyrdin signed a decree issuing catch-all export controls on nuclear, biological, chemical, and missile technology. The Russian government has also said it will not assist Iran's missile program. While we all hope this will lead to an end to the transfer of Russian missile hardware and expertise to Iran, I think the jury is still out on whether Moscow will fully comply with its obligations. For example, just one month after Prime Minister Chernomyrdin issued the decree on catch-all export controls, the Washington Times reported that Russia was still providing missile aid to Tehran. Specifically Russia and Iran's intelligence services were reportedly coordinating a visit to Moscow by a group of Iranian missile technicians and Russian missile experts were planning to teach courses in Tehran on missile guidance systems and pyrotechnics.

It is also worth remembering that Russia promised three years ago to phase out conventional arms sales to Iran and to join the Missile Technology Control Regime. In addition, last March, President Yeltsin assured President Clinton at the Helsinki summit that it was not Russia's policy to assist Iran's missile program. But Russia has given missile aid to Iran in violation of these commitments. Deputy Assistant Secretary of State Einhorn summarized this situation well in Senate testimony last year stating,

We have pressed the Russian leadership at the highest levels and we have been told that it is not Russia's policy to assist Iran's long-range missile program. But the problem is this: There's a disconnect between those reassurances, which we welcome, and what we believe is actually occurring.

In any event, the United States and our allies must be prepared to protect ourselves from the possibility that Iran will use ballistic missiles armed with nuclear, biological, or nuclear warheads. It is that possibility that this amendment is intended to address. Neither the United States nor Israel will have missile defenses capable of countering the threat from the Shahab-3 or Shahab-4 missiles before those systems are deployed. This amendment provides funding to accelerate the development of some key theater missile defense systems, as well as procurement of items for a third Arrow missile defense battery for Israel.

In crafting this amendment, I have worked closely with the Defense Department and my colleagues in the

House of Representatives. Last month, Deputy Defense Secretary Hamre identified a variety of initiatives which DoD felt were needed to counter the new missile threat from Iran. In a letter to Representative WELDON, Mr. Hamre indicated the Administration felt so strongly about the need for these new initiatives that if additional funding was not provided, that the Ballistic Missile Defense Organization would reprogram $100 million from existing missile defense programs for this purpose. Reprogramming missile defense funds would be counterproductive since, in effect, we would be robbing Peter to pay Paul.

The $100 million of funding for initiatives identified by DoD are the core of this amendment. This funding requested by the Administration would provide:

$35 million for integration of the Patriot (PAC–3), Navy Upper and Lower Tier, and THAAD radar systems to allow earlier, more accurate cueing that will increase the effective range of these missile defense systems.

$15 million to accelerate completion of the PAC–3 remote launch capability. Remote launch allows PAC–3 missiles to be deployed at considerable distances from the PAC–3 radars effectively doubling the amount of territory defended.

$40 million for one additional test flight of the PAC–3 and Navy Lower Tier systems to test their capabilities against longer-range missiles such as the Shahab-3 missile that Iran is developing.

$10 million to improve interoperability between the Arrow and U.S. TMD systems.

In addition to providing funding for the programs identified by the Administration, this amendment would also provide $6 million to integrate a variety of sensors and communication systems to provide better, more accurate early warning data from a missile launch, and $45 million to purchase a third radar for the Israeli Arrow system, the first step toward eventually providing a third battery of the system to Israel.

The proposals contained in this amendment enjoy bipartisan support. Last week, the House National Security Committee passed a bill, which is very similar to the amendment I have offered, by a vote of 45 to 0. It is also important to note that the amendment I have offered simply makes $151 million in funding available to the administration. In order for the Administration to use this funding it must designate it as an emergency requirement.

In closing, I thank the distinguished Chairman of the Appropriations Committee, Senator STEVENS for his support and urge my Senate colleagues to support this amendment which will help ensure that the United States and its allies can take meaningful steps to counter the growing threat from Iran's missile program.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2085

(Purpose: Treatment of Educational Accomplishments of National Guard Challenge Program Participants)

Mr. STEVENS. Mr. President, I have three amendments that have been discussed on both sides of the aisle and have been cleared now. I send to the desk an amendment on behalf of Senator LEAHY; a second amendment proposed by myself and Senators COCHRAN, BOXER, and BUMPERS; and an amendment for Senator MCCAIN that has been cleared.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, I ask that the clerk read only the amendment that I offered for myself and Senator COCHRAN at this time.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself, Mr. COCHRAN, Mrs. BOXER, and Mr. BUMPERS, proposes an amendment numbered 2085.

The amendment is as follows:

On page 15, after line 21 of the bill insert:

''SEC. . Notwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces.''

Mr. STEVENS. Mr. President, this came to light during a hearing we held in the Defense Subcommittee of our Committee on Appropriations last week. Since that time, I have discussed it with members of the Joint Chiefs of Staff and other members in the armed services.

These young people who go through the Challenge Program get a general equivalent degree, a GED, but under our existing law a person must have a high school diploma to enlist. This amendment covers only those people who come through that program with a GED. They will have spent 20 weeks or more with the National Guard in a semimilitary situation, and they go through and get their GED, which is acceptable to colleges and universities but not acceptable for enlistment in the Armed Forces. Having spent their time with the National Guard in its Challenge Program, many of them really want to continue and go into military service and continue their education as a member of the armed services. We believe that opportunity ought to be there for these young people who have made a commitment to change their lives and who have made a commitment that they want to be part of the military system.

This, as I said, is something that is very limited in scope and only deals with a few hundred people in the country as a whole. But they are people that the Guard has worked with, and they have worked with the Guard.

As I said, that was one of the most impressive hearings that I have conducted in the Defense Appropriations Subcommittee. It was very emotional, really, to listen to these young people who came forward and told us they had problems with drugs, or being members of gangs, and they decided they wanted to change. And they have changed. One young man was in his second year at The Citadel. He got into The Citadel with a GED, but he could not have gotten into the Army, or the Navy, or the Air Force. We think that ought to change.

This provision will change that. I believe it should be adopted. It has been cleared on both sides, and Senator BYRD wishes to be listed as a cosponsor.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. STEVENS. I am pleased to make that request.

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

Mr. STEVENS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2085) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for the time being, I ask that the other two amendments I have sent to the desk be held in abeyance.

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

Mr. STEVENS. Mr. President, has the Kyl amendment finally been disposed of?

The PRESIDING OFFICER. It has not been disposed of.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. I ask unanimous consent Senator BOND be listed as a cosponsor of amendment No. 2085.

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

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Madam President, on behalf of Mr. BIDEN, I ask unanimous consent that Mark Tauber, a State Department Pearson Fellow on the Foreign Relations Committee staff, be granted floor privileges for the duration of consideration of S. 1768, the emergency supplemental appropriations bill.

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

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am now informed that the Kyl amendment has been cleared on both sides. Is it the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2079) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2092

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2092.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B–278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission under the Commission's Report and Order (FCC 97–157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) SECOND-HALF 1998 CONTRIBUTIONS.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

Mr. STEVENS. Mr. President, I am informed that this amendment is acceptable on both sides. This substitute is very similar to the original section 2004 of the bill before the Senate. We have made some changes based upon input from several Senators in segments of the telecommunications industry.

This amendment and legislation addresses the fact that the GAO has determined that the Federal Communications Commission established the Schools and Library and Rural Health Care Corporations in violation of the Government Corporations Control Act. That law states that agencies must have specific statutory authority to establish such corporations.

Our bipartisan bill urges the FCC to come to Congress with an acceptable structure. Our effort also mandates that the FCC report to Congress by May 8 of each year on the cost of this program.

Consumers experienced a 4.9 percent rate increase on their business phone bills after initial collections to fund this program. Congress needs to know why rates went up and how we can avoid such an outcome in the future.

I want to personally thank Senators HOLLINGS, MCCAIN, BURNS, DORGAN, and ROCKEFELLER for their help with this amendment. As I said, it has now been found acceptable to both sides as a substitute to the provisions that are in this bill as reported by the committee. I urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2092) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield the floor.

Mr. LEAHY. Mr. President, I tell my friend, the senior Senator from Alaska, we have a matter that I think has been somewhat of a regional and local controversy about to be worked out. I advise the distinguished chairman of the Appropriations Committee, I think within a matter of minutes we will be able to move on that.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2098

Mr. LEAHY. Mr. President, I send an amendment to S. 1768 to the desk on behalf of myself, Mr. ABRAHAM and Mr. LEVIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. ABRAHAM and Mr. LEVIN, proposes an amendment numbered 2098.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

''(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);''

Mr. LEAHY. Mr. President, I am pleased to join my colleagues from the Great Lakes State today to offer an amendment that clarifies an issue that relates to ecological research involving Lake Champlain and its relatives, the Great Lakes of the Midwest.

Almost 10 years ago, I embarked on a campaign to reverse what was the appearance of initial environmental degradation of Lake Champlain. This campaign included access to the research and expertise of the National Oceanic and Atmospheric Administration and the National Sea Grant Program.

When I included Lake Champlain within the definition of the ''Great Lakes'' for the purpose, and solely for the purpose, of the National Sea Grant Program, that change ignited some regional anxiety in the Midwest, the traditional home of the five Great Lakes. It sparked a geography debate over the last month that has enlightened many a classroom. It certainly enlivened the conversation across many a dinner table, including my own in Middlesex, VT. But it has had the added advantage of even classes that did a poor job of teaching geography now had something with which they could do a good job, and people now know at least where the top northern tier of States are.

My original amendment only modified the term ''Great Lakes'' for the purpose of the National Sea Grant Program. But it snowballed into concerns that we would have to rewrite our encyclopedias or throw out our atlases. My amendment to the National Sea Grant Program simply allows Vermont colleges that border Lake Champlain to compete for Sea Grant College status and research funds.

Although Vermonters, I must admit to my good friends from the Midwest, and New Englanders have always thought of Lake Champlain as the ''sixth Great Lake,'' because it is the sixth largest body of fresh water in the continental United States, I recognize the historical and emotional significance this definition carries in much of the Midwest where they have the fantastic Great Lakes—Huron, Ontario, Michigan, Erie and Superior. That is why I have been working with my colleagues of the Midwest to ensure their image of the Great Lakes remains intact, while allowing schools in Vermont to compete for research dollars on a level playing field with other schools within the National Sea Grant Program.

Over the last weeks, we have all heard tales of the greatness of Lake Champlain and the Great Lakes. We all agree that these lakes share in the greatness, whether from their common geological history or their shared biological system that supports the diverse flora and fauna in the region.

Lake Champlain is not as large as the Great Lakes of the Midwest, but it has proved its greatness throughout American history. The pivotal Battle of Valcour in 1776 on Lake Champlain was a key element in winning the Revolutionary War, because it turned back the British fleet coming down to resupply their forces. A turning point in the War of 1812 was the Battle of Plattsburg. And last year, the sister ship to the Smithsonian's Philadelphia, Benedict Arnold's gunboat, was discovered intact in Lake Champlain. So, if we expand the National Sea Grant Program to include Lake Champlain, we will be able to preserve the environmental, economic, and historical value of a lake that is a Vermont and a national treasure.

The amendment I am offering today with Senators LEVIN and ABRAHAM clarifies the definition of ''Great Lakes.'' Representative Fred Upton has also been extremely active and helpful in developing this solution. Senator LEVIN, the new chair of the Great Lakes task force, has made darn sure, as have his other colleagues and friends from the Midwest, that I have read every editorial written in their region. In fact, I expect at some moment to be in front of the blackboard saying, ''I shall name''—but, because they are such good friends, and both are on the floor now, they didn't make me do that. But the fact that all of us are offering this amendment together is testimony to the shared understanding and respect for the importance of our lakes to our environment, our economy, and our history.

Unfortunately, while we have that shared interest, we also share some common threats to our lakes. In the last year, we have witnessed the spread of the zebra mussel infestation throughout Lake Champlain, because we connect through the St. Lawrence Seaway, and we share that with the

other lakes. These small freshwater pests are threatening native mussels, community water systems, and the network of underwater shipwrecks that make up a rich part of our Nation's history. In fact, scientists forecast that zebra mussels and other invasive species are likely to reach their maximum levels within the next few years.

The zebra mussel represents one of the many connections between the Great Lakes and Lake Champlain, having spread through waterways by boaters who travel among our lakes. We share other concerns such as toxic pollutants, nutrient enrichment and habitat degradation, and these threaten our common fisheries.

For the most part, this Great Lakes debate has not been a dispute among scientists who know the common history and problems facing these lakes, but among politicians and columnists and radio talk show hosts. By pooling all of our resources on freshwater lake research and allowing schools conducting research on Lake Champlain to directly participate in the Sea Grant College Program, we are going to be better prepared to solve these environmental and economic problems. We have already heard from scientists who are excited about the prospect of sharing information and starting joint research projects to address these problems.

Our amendment will build on our existing partnership and ensure the Sea Grant Program protects the water resources, biodiversity, and economic health of the Great Lakes and Lake Champlain.

The purpose of my earlier amendment was not to change any maps but to promote ecological research on the common problems facing our lakes. I understand the symbolic issue this has become with our friends in the Midwest and, because they are my friends, I do not want to create problems for them.

Even though we are the sixth largest lake in this country, we have agreed to call Lake Champlain the cousin instead of a little brother to those larger lakes in the Midwest. But we accomplish our goal of improving the ecological health of our lakes. I think it is a win-win solution that achieves our purposes while skirting the symbolism. We can say, ''Mission accomplished,'' because it means all our lakes will share the benefits of this research about the common problems, like phosphorous runoff, zebra mussels, and mercury pollution. It will help us avoid some of the pollution pitfalls that have stricken other lakes.

In the meantime, it has been a marvelous tourism ad for our beautiful lake. I have never seen so many pictures of Lake Champlain on television ringed by the Adirondack Mountains of New York and the Green Mountains of Vermont. In fact, having watched some more pictures of it today, it makes me all the more homesick. I can't wait to be back home this weekend.

I yield the floor with an invitation to any of my friends from the Midwest, or any other area: Come to Vermont; we would love to have you there.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank Senator LEAHY for offering this amendment. It is a very important amendment to those of us in the Great Lakes for the reasons he has described. His initiative was aimed at making certain that Lake Champlain would be eligible to compete for certain funds. That eligibility is dependent upon Lake Champlain facing a common problem.

There is no reason why Lake Champlain should not be able to compete for funds where they face a common problem with the Great Lakes, such as zebra mussels or contaminated sediments. So that was never the problem. The problem was the redesignation of Lake Champlain as a Great Lake, and that is what created the difficulty.

Basically, what this Leahy amendment does is to reconfirm the historical definition of the Great Lakes. That historical definition of the five Great Lakes is learned by every child in the Great Lakes region. It is HOMES. It is the easy way for our children to learn what the Great Lakes are. HOMES—Lake Huron, Lake Ontario, Lake Michigan, Lake Erie and Lake Superior. Together they spell HOMES. That is a very significant part of our identity in the Great Lakes.

Senator LEAHY, in his amendment this morning and in his words on the floor, recognizes the importance of that historical identity to us, and we are very supportive of this amendment, indeed, have actively helped to create it, to cosponsor it.

I also thank Senator ABRAHAM who has played such an active role in this effort to maintain the Great Lakes as the traditional five Great Lakes. His role has also been critically important, as has the role of the other Great Lakes Senators who have been supportive of this amendment.

There are many, many laws that designate the Great Lakes as the five traditional Great Lakes. Under the Great Lakes Critical Programs Act, for instance, the Great Lakes have been defined as the ''five Great Lakes.'' Under the Great Lakes Water Quality Agreement of 1978, the traditional ''five Great Lakes'' have been designated. And so forth throughout history, both legislative and geographic, the ''five Great Lakes'' have been clearly identified as those five Great Lakes that I have just identified.

I want to, again, state that this amendment may hopefully now resolve a controversy. We hope this will pass the House of Representatives. We believe it will. But this is not just a tempest in a teapot for those of us who live in the Great Lakes region. This is a matter of our very identity. The importance of these Great Lakes to us, to our economy, to our ecology, to our environment, and to our recreation is clear. So, in reversing the designation, as this amendment would, continuing Vermont and Lake Champlain as being eligible to compete for funds where there is a common problem is the right way to go.

We thank Senator LEAHY for his recognition of that. All of us who live in the Great Lakes region, I think, are now going to be assured that a traditional definition, which has been so important to us in our identities, will be maintained and will be restored.

Now this language will hopefully pass the House of Representatives, and I am sure with Senator LEAHY's support, it will do so. Again, I thank him, I thank Senator ABRAHAM, and I thank our colleagues from the Great Lakes region for their effort in this legislation.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I rise today with my colleagues in support of the Leahy amendment which includes S. 1873, legislation which I had previously introduced with Senators LEAHY and LEVIN, legislation which will resolve the recent controversy surrounding the designation of Lake Champlain as a Great Lake. Since being signed into law last month, the Sea Grant College Program Act has received a tremendous amount of attention, not for the important research it fosters, but for a single sentence that designated Lake Champlain as a Great Lake for purposes of the bill.

Today's agreement will restore the designation of a ''Great Lake'' to the original five. This has been made possible as a result of several weeks of discussion among myself, Senator LEVIN, and Senator LEAHY. I thank them for their efforts. I also thank and draw attention to Congressman FRED UPTON, our Michigan colleague in the House, for his important participation and contributions which have helped us reach this agreement.

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act as passed out of the Commerce Committee last year. This act is an important piece of legislation which supplies crucial funding for research into a host of problems which challenge the health of the Great Lakes, such as zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow Vermont colleges and universities to apply to the Sea Grant programs in the hope of securing research grant dollars for the study of Lake Champlain. This amendment was offered as part of a managers' amendment which addressed a number of technical issues. Unfortunately, it did so in a manner totally unacceptable to the residents of the Great Lakes, in that it named Lake Champlain a ''Great Lake.''

As my colleague from Michigan indicated, at least in our part of the country, it is a very typical teaching device

to have students memorize the names of the Great Lakes by using the acronym HOMES, H-O-M-E-S.

To add another letter to this acronym at this late date, Mr. President, would, in my judgment, not make sense. And I cannot quite figure out what acronym it would be that would be sufficiently memorable for our young people to use this as a study device.

Beyond that, we in Michigan pride ourselves in the fact that our State bears, as its own self-proclaimed motto, ''The Great Lake State.'' Obviously, to the people in Michigan, it is quite important that we remain a State that is in contact with and connected to the Great Lakes.

For those reasons, among many others, great concern was registered, as has been previously noted by editorial writers and educators, and others, about the way the legislation that was passed with respect to Sea Grant colleges might affect the Great Lakes designation for other purposes.

So, Mr. President, although this designation only applied for purposes of the Sea Grant Program Act, it still created a serious perception problem. The residents of the Great Lakes take great pride in the Lakes. In all the world, there is no comparable system of fresh water. Even for the limited purposes outlined in this Sea Grant Program Act, the designation of any lake as a Great Lake beyond the original five was simply unacceptable. So this legislation introduced today strikes any reference to Lake Champlain as a Great Lake.

Yet, Mr. President, it is clear that something needs to be done to help Lake Champlain. While not a Great Lake, it is nevertheless an important body of water that is part of the Great Lakes freshwater system. Outside the obvious differences, Lake Champlain does share a host of similarities with its larger cousins and suffers from many of the same problems present in the five Great Lakes. Zebra mussel infestation is just one of the similarities. Michiganians especially can understand and empathize with Vermont's efforts to battle this invader. For this reason, my colleagues and I have agreed to language which will allow colleges and universities in Vermont to apply for a sea grant program in the same manner that a school in a Great Lakes State would apply.

Specifically, this legislation also makes clear that sea grant funds directed to the study of Lake Champlain are applicable to the Great Lakes system. Because funds directed to Vermont institutions for research on Lake Champlain will also be applicable to the Great Lakes, funding of sea grant research into Great Lakes problems will not be diminished.

So, Mr. President, I am pleased to have introduced this legislation earlier and to support this amendment now, which will reverse the designation of Lake Champlain as a Great Lake and will yet allow Vermont colleges and universities to apply to the Sea Grant Program.

I am pleased that we could come to an agreement with our colleague from Vermont. He is a tireless advocate for his State. The Great Lakes and the St. Lawrence River will benefit from his energy and understanding and support of the Sea Grant Program. And I look forward to working with him and the Great Lakes delegation in the months ahead to facilitate Sea Grant's efforts to preserve and protect the entire Great Lakes system.

Mr. President, before I yield the floor, I would also like to state for the record the names of a number of individuals who cosponsored my bill, which is now being incorporated into this amendment in the supplemental appropriations bill, because I know that they wish to be associated with this effort as we move to the finish line. So in addition to myself and Senators LEVIN and LEAHY, I ask unanimous consent to add on to that legislation as cosponsors Senators SANTORUM, DEWINE, GLENN, COATS, GORTON, and GRAMS.

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

Mr. ABRAHAM. Mr. President, I thank all the Senators for their help and their support of this legislation.

Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I would like to engage the chair of the Oceans and Fisheries Subcommittee, Senator SNOWE in a colloquy regarding her understanding of the amendment offered by Senator LEAHY and myself on the Sea Grant College Program. The Commerce Committee and its Oceans and Fisheries Subcommittee have jurisdiction over the Sea Grant College Program.

Ms. SNOWE. I would be pleased to join the Senator from Michigan in a colloquy.

Mr. ABRAHAM. The Leahy-Abraham amendment, which is based on a bill that I introduced, deletes the line in the National Sea Grant College Program Act that says ''the term 'Great Lakes' includes Lake Champlain.'' This line was included in the recent reauthorization of the act, and it has caused all of the recent concern on this issue in the Great Lakes region. In lieu of this language, the amendment lists Lake Champlain separately from the Great lakes in the list of water bodies for which Sea Grant projects can be undertaken. It is therefore clear from the amendment that Lake Champlain is not designated a Great Lake under the National Sea Grant College Program Act. Nevertheless, I do think it would be useful to have the chairman of the authorizing subcommittee with jurisdiction over this issue state her understanding of the term ''Great Lakes'' in the act as it would be amended by our amendment.

Ms. SNOWE. Mr. President, I would be happy to comment on this issue. The Leahy-Abraham amendment makes a clear distinction between the Great Lakes and Lake Champlain. Lake Champlain is not a Great Lake. There are only five Great Lakes—Michigan, Superior, Huron, Ontario, and Erie. The Leahy-Abraham amendment clearly reflects this traditional understanding of the Great Lakes. With passage of the Leahy-Abraham amendment, there should be no doubt that the term ''Great Lakes'' in the Sea Grant Act means only Michigan, Superior, Huron, Ontario, and Erie.

Mr. ABRAHAM. I thank Senator SNOWE for her comments on this point.

Mr. LEAHY. Mr. President, I know we are about to go into recess. I ask unanimous consent to be able to continue for 3 more minutes.

The PRESIDING OFFICER. Under the previous order, 12:30 was the time to recess. Without objection, the Senator may proceed.

Mr. LEAHY. I thank the Chair.

Mr. President, I ask unanimous consent to add as cosponsors to this amendment Senators DEWINE, GLENN, KOHL, and GORTON.

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

Mr. LEAHY. Mr. President, I thank my two friends from Michigan for their efforts on this. The distinguished Senator from Michigan, Mr. ABRAHAM, is on the floor now. We have spent hours going back and forth. And we are good friends. We talked about this a great deal, as we did with Senator LEVIN, whose office is down the hall from mine. It seems we went back and forth and discussed this over and over again, and the way to do it.

I commend them because they have made it very clear they do not want in any way to hurt the ecology of the environment of Lake Champlain, which is a spectacular lake. They have tried to find a way that they can retain their own identity, a well-deserved identity, and with a remarkable geographic situation with the five lakes. And I think we have ended up with a win-win situation.

So, Mr. President, I thank them for their help. It is one of the nice things about being in the Senate—when you know each other, you can sometimes work out things that would be more difficult otherwise.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2098) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.