H.R. 584. A bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa (Rept. No. 104–131).

H.R. 614. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility (Rept. No. 104–132).

S. 369. A bill to designate the Federal Courthouse in Decautur, Alabama, as the ''Seybourn H. Lynne Federal Courthouse'', and for other purposes.

S. 734. A bill to designate the United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the ''Bruce R. Thompson United States Courthouse and Federal Building'', and for other purposes.

S. 965. A bill to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the Albert V. Bryan United States Courthouse.

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the ''Francis J. Hagel Building'', and for other purposes.

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1124. An original bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1125. An original bill to authorize appropriations for fiscal year 1996 for military construction, and for other purposes.

S. 1126. An orignial bill to authorize appropriations for fiscal year 1996 for defense activities of the Department of Energy, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board for a term of three years.

Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' 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. THURMOND:

S. 1124. An original bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 1125. An original bill to authorize appropriations for fiscal year 1996 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 1126. An original bill to authorize appropriations for fiscal year 1996 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 1127. A bill to establish the Vancouver National Historic Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself and Mr. LEAHY):

S. 1128. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

By Mr. ASHCROFT:

S. 1129. A bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BRADLEY (for himself, Mr. HATFIELD, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KOHL, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. SIMON, Mr. BINGAMAN, Mr. KENNEDY, and Mr. SIMPSON):

S. Res. 159. A resolution to express the sense of the Senate regarding the role of tobacco in leading to addiction, disease, and premature death among children and teenagers, and the role of increased excise taxes in reducing tobacco use by children and teenagers; to the Committee on Finance.

By Mr. D'AMATO:

S. Res. 160. A resolution marking the anniversary of the anti-Greek pogrom in Turkey, on September 6, 1955; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 1127. A bill to establish the Vancouver National Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

THE VANCOUVER NATIONAL HISTORIC RESERVE ACT OF 1995

Mr. GORTON. Mr. President, today I am pleased to introduce the Vancouver National Historic Reserve Act with my colleague from the State of Washington, Senator MURRAY.

Vancouver, WA, has been described as the cradle of civilization in the Pacific Northwest, as the place at which the first English-speaking settlers put down their roots. Dating back to its role as the western outpost for U.S. military operations and for the early American explorers, led by Lewis and Clark, Vancouver has been the locale of significant events of American history.

A few examples: Pearson Airpark, one of the oldest and most historic airports in our country. Pearson Airpark is the site of several aviation firsts, including the landing site of Valeri Chkalov, the ''Soviet Lindberg,'' after his transpolar flight. The Vancouver area is also home to the original Vancouver Barracks, established to counter British influence in the region. Officer's Row, 21 historic homes that were part of the barracks, housed some of our Nation's greatest military leaders, including Generals Sheridan, Howard, Grant, and Marshall.

Recognizing the potential significance for a National Reserve in Vancouver, WA, Congress established the Vancouver Historic Study Commission in 1990. The Commission was to develop a series of recommendations on how best to coordinate Vancouver's many historic resources. Not surprisingly, the Commission found that the city of Vancouver had an abundance of both historic sites and resources of national significance, and recommended the formation of a partnership between Federal, State, and local entities to coordinate and manage a historic reserve.

Today, I introduce legislation that is based on the findings and recommendations of the Commission's report, and a memorandum of agreement signed by the city of Vancouver and the National Park Service. This legislation will ensure the preservation of the historic legacy of Vancouver for our Nation.

Mr. President, the Vancouver National Historic Reserve is an example of the type of State, local, and Federal partnerships that make for sound public policy. This legislation represents a partnership among State, Federal, and local entities, working together toward one common goal: to preserve, enhance, and interpret significant components of the Pacific Northwest's history.

The Vancouver National Historic Act creates a unique relationship among the National Park Service, U.S. Army, the State of Washington, and the city of Vancouver. We intend that this relationship, established to coordinate and manage the many historic resources in the Vancouver area, will keep the important legacy of this part of the Pacific Northwest alive for future generations to enjoy.

The Vancouver National Historic Reserve consists of several sites: Fort Vancouver National Historic Site; Vancouver Barracks; O.O. Howard House; Pearson Airpark; Officer's Row; Old Apple Tree Park; Marine Park; and the Columbia River Waterfront. In its entirety, the reserve includes 366 acres of publicly owned land and extends from Officer's Row to the Columbia River.

In addition, thanks to a significant investment by the M.J. Murdock Trust,

a new air museum will be constructed on the reserve. The M.J. Murdock Aviation Museum at Pearson Airpark will be a living memorial to Vancouver resident Jack Murdock, in recognition of his innovative achievements and love of aviation. Along with original antique aircraft, the existing historic structures of a pre-World War II hanger will be rebuilt to honor one of the oldest U.S. Air Corps airfields, located at Pearson Airfield in the early 1920's.

Representatives from the city of Vancouver have been working to ensure that the many historic sites in Vancouver are maintained and restored. I praise the people of Vancouver for their outstanding efforts in securing private grants for the historic reserve. The mayor of Vancouver, Bruce Hagensen, deserves special thanks for his support and continued dedication to the development of this legislation.

I look forward to working with my colleagues to see that the Vancouver National Historic Reserve becomes a reality.

Mrs. MURRAY. Mr. President, today I am pleased to join my colleague from the State of Washington, Senator SLADE GORTON, in sponsoring the Vancouver National Historic Reserve Partnership Act of 1995.

This legislation is the product of years of effort by many people representing public groups and all levels of government, but it would not be before Congress today were it not for the vision, leadership, and hard work of former Congresswoman Jolene Unsoeld, who took on a daunting challenge and came away with a broadly supported plan to preserve and promote several chapters in the colorful history of the Pacific Northwest.

Briefly, the act would establish and coordinate the management of the Vancouver National Historic Reserve, which contains a number of contiguous historic sites located on the Columbia River. This area, situated in the heart of the Portland-Vancouver metropolitan area, provides a rare opportunity to save and interpret, in one central location, several layers of history. Vancouver's historic area has been referred to as the ''birthplace of history in the Northwest'' since Lewis and Clark explored the areas in 1805–6.

The historic reserve is located within an original 1848 military reserve and includes six principal elements: Fort Vancouver National Historic Site—National Park Service; Vancouver Barracks—U.S. Army; Pearson Airpark and museum—city of Vancouver—NPS/City, and Marine Park—City. These publicly-owned sites tell a story of Northwest history beginning with the rich native American culture that flourished along the river, early Euro-American settlement of the area, the American military presence in the Northwest, and more than 80 years of continuous aviation activity at Pearson Airfield, one of the original Army Corps fields and the site of several aviation milestones.

In 1990, pursuant to Public Law 101–523, Congress created the Vancouver Historical Study Commission and charged the five-member group with developing a plan to preserve these historic assets and coordinate the management of the area. After careful study and much public involvement, the Commission submitted, through Secretary of Interior Bruce Babbitt, a report that is the basis for this act. It is a carefully crafted plan which provides historic protection, a partnership among the property owners, and an opportunity—with no additional financial obligation to the Federal Government—to highlight some of the most important and interesting history in the Pacific Northwest.

I want to commend the city of Vancouver for demonstrating, through their outstanding restoration of Officers Row, that historic preservation can be economically self-sustaining and for working closely with the National Park Service, the U.S. Army, and the State Office of Historic Preservation to develop this plan.

The Vancouver National Historic Reserve Partnership Act provides a new standard for historic preservation. It emphasizes a narrative or layered approach to history instead of the single-point-in-time approach, and it demonstrates how—at a time when the Federal Government cannot afford expensive new initiatives to acquire, restore, or maintain historic properties—we can form partnerships to preserve and highlight our heritage.

I am proud to be the cosponsor of this act in the Senate and urge that it be given timely and favorable consideration by this body.

By Ms. MIKULSKI (for herself and Mr. LEAHY):

S. 1128. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

THE HAZARDOUS OCCUPATIONS RETIREMENT BENEFITS ACT OF 1995

● Ms. MIKULSKI. Mr. President, today I introduce the Hazardous Occupations Retirement Benefits Act of 1995.

This legislation will grant an early retirement package for revenue officers of the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service.

Under current law, with the exception of the groups listed in this legislation, all Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. The legislation will amend the current law and finally grant the same 20-year retirement to these members of the Internal Revenue Service, Customs Service, and Immigration and Naturalization Service. The employees under this bill have very hazardous, physically taxing occupations, and it is in the public's interest to tenure a young and competent work force in these jobs.

The need for a 20-year retirement benefit for inspectors of the Customs Service is easily apparent. These employees are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the authority to apprehend those engaged in such activities and carry a firearm on the job. They are responsible for the majority of arrests performed by Customs Service employees. In 1994, inspectors of the Customs Service seized 204,000 pounds of cocaine, 2,600 pounds of heroin, and 559,000 pounds of marijuana. They are required to undergo the same law enforcement training as all other law enforcement personnel. These employees face multiple challenges. They confront leading criminals in the drug war, organized crime figures, and increasingly sophisticated white-collar criminals.

Revenue officers struggle with heavy workloads and a high rate of job stress, resulting in a variety of physical and mental symptoms. Many IRS employees must employ pseudonyms to hide their identity because of the great threat to their personal safety. The Internal Revenue Service recently put out a manual for their employees entitled: ''Assaults and Threats: A Guide to Your Personal Safety'' to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

Mr. President, this legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these employees will reduce turnover, increase yield, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (25);

(2) by striking out the period at the end of paragraph (26) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

''(27) 'revenue officer' means an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns, including an employee engaged in this activity who is transferred to a supervisory or administrative position;

''(28) 'customs inspector' means an employee of the United States Customs Service, the duties of whose position are primarily to—

''(A) enforce laws and regulations governing the importing and exporting of merchandise;

''(B) process and control passengers and baggage;

''(C) interdict smuggled merchandise and contraband; and

''(D) apprehend (if warranted) persons involved in violations of customs laws,

including an employee engaged in this activity who is transferred to a supervisory or administrative position;

''(29) 'customs canine enforcement officer' means an employee of the United States Customs Service, the duties of whose position are primarily to work directly with a dog in an effort to—

''(A) enforce laws and regulations governing the importing and exporting of merchandise;

''(B) process and control passengers and baggage;

''(C) interdict smuggled merchandise and contraband; and

''(D) apprehend (if warranted) persons involved in violations of customs laws,

including an employee engaged in this activity who is transferred to a supervisory or administrative position; and

''(30) 'Immigration and Naturalization inspector' means an employee of the Immigration and Naturalization Service, the duties of whose position are primarily the controlling and guarding of the boundaries and borders of the United States against the illegal entry of aliens, including an employee engaged in this activity who is transferred to a supervisory or administrative position.''.

(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking out ''a law enforcement officer,'' and inserting in lieu thereof ''a law enforcement officer, a revenue officer, a customs inspector, a customs canine enforcement officer, an Immigration and Naturalization inspector,''; and

(2) in the table in subsection (c), by striking out ''and firefighter for firefighter service.'' and inserting in lieu thereof '', firefighter for firefighter service, revenue officer for revenue officer service, customs inspector for customs inspector service, customs canine enforcement officer for customs canine enforcement officer service, and Immigration and Naturalization inspector for Immigration and Naturalization inspector service''.

(c) MANDATORY SEPARATION.—Section 8335(b) of title 5, United States Code, is amended in the second sentence by striking out ''law enforcement officer'' and inserting in lieu thereof ''law enforcement officer, a revenue officer, a customs inspector, a customs canine enforcement officer, or an Immigration and Naturalization inspector''.

(d) IMMEDIATE RETIREMENT.—Section 8336(c)(1) of such title is amended by striking out ''law enforcement officer or firefighter,'' and inserting ''law enforcement officer, a firefighter, a revenue officer, a customs inspector, a customs canine enforcement officer, or an Immigration and Naturalization inspector,''.

SEC. 2. FEDERAL EMPLOYEES RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8401 of title 5, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (31);

(2) by striking out the period at the end of paragraph (32) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

''(33) 'revenue officer' means an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns, including an employee engaged in this activity who is transferred to a supervisory or administrative position;

''(34) 'customs inspector' means an employee of the United States Customs Service, the duties of whose position are primarily to—

''(A) enforce laws and regulations governing the importing and exporting of merchandise;

''(B) process and control passengers and baggage;

''(C) interdict smuggled merchandise and contraband; and

''(D) apprehend (if warranted) persons involved in violations of customs laws,

including an employee engaged in this activity who is transferred to a supervisory or administrative position;

''(35) 'customs canine enforcement officer' means an employee of the United States Customs Service, the duties of whose position are primarily to work directly with a dog in an effort to—

''(A) enforce laws and regulations governing the importing and exporting of merchandise;

''(B) process and control passengers and baggage;

''(C) interdict smuggled merchandise and contraband; and

''(D) apprehend (if warranted) persons involved in violations of customs laws,

including an employee engaged in this activity who is transferred to a supervisory or administrative position; and

''(36) 'Immigration and Naturalization inspector' means an employee of the Immigration and Naturalization Service, the duties of whose position are primarily the controlling and guarding of the boundaries and borders of the United States against the illegal entry of aliens, including an employee engaged in this activity who is transferred to a supervisory or administrative position.''.

(b) IMMEDIATE RETIREMENT.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out ''or firefighter,'' and inserting in lieu thereof ''firefighter, revenue officer, customs inspector, customs canine enforcement officer, or Immigration and Naturalization inspector,''; and

(2) in paragraph (2) by striking out ''or firefighter,'' and inserting in lieu thereof ''firefighter, revenue officer, customs inspector, customs canine enforcement officer, or Immigration and Naturalization inspector,''.

(c) COMPUTATION OF BASIC ANNUITY.—Section 8415(g)(2) of title 5, United States Code, is amended in the matter following subparagraph (B) by inserting ''revenue officer, customs inspector, customs canine enforcement officer, Immigration and Naturalization inspector,'' after ''firefighter,''.

(d) DEDUCTIONS.—Section 8422(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A) by inserting ''revenue officer, customs inspector, customs canine enforcement officer, Immigration and Naturalization inspector,'' after ''air traffic controller,''; and

(2) in subparagraph (B) by inserting ''revenue officer, customs inspector, customs canine enforcement officer, Immigration and Naturalization inspector,'' after ''air traffic controller,''.

(e) GOVERNMENT CONTRIBUTIONS.—Section 8423(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B)(i) by inserting ''revenue officers, customs inspectors, customs canine enforcement officers, Immigration and Naturalization inspectors,'' after ''law enforcement officers,''; and

(2) in paragraph (3)(A) by inserting ''revenue officers, customs inspectors, customs canine enforcement officers, Immigration and Naturalization inspectors,'' after ''law enforcement officers,''.

(f) MANDATORY SEPARATION.—Section 8425(b) of title 5, United States Code, is amended in the second sentence by inserting '', revenue officer, customs inspector, customs canine enforcement officer, or Immigration and Naturalization inspector'' after ''law enforcement officer''.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) EMPLOYEE CONTRIBUTIONS.—Any individual who has served as a revenue officer, customs inspector, customs canine enforcement officer, or Immigration and Naturalization inspector before the effective date of this Act, shall have such service credited and annuities determined in accordance with the amendments made by sections 1 and 2 of this Act, if such individual makes payment into the Civil Service Retirement and Disability Fund of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual (including interest thereon) under chapters 83 and 84 of title 5, United States Code, as if such amendments had been in effect during the periods of such service.

(b) AGENCY CONTRIBUTIONS.—No later than 90 days after a payment made by an individual under subsection (a), the Department of the Treasury or the Department of Justice (as the case may be) shall make a payment into the Civil Service Retirement and Disability Fund of an amount, determined by the Office of Personnel Management, which would have been contributed as a Government contribution (including interest thereon) under chapters 83 and 84 of title 5, United States Code, for the service credited and annuities determined for such individual, as if the amendments made by sections 1 and 2 of this Act had been in effect during the applicable periods of service.

(c) REGULATIONS.—The Office of Personnel Management shall determine the amount of interest to be paid under this section and may promulgate regulations to carry out the provisions of this Act.

SEC. 4. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act shall take effect on the date occurring 90 days after the date of enactment of this Act.●

By Mr. ASHCROFT:

S. 1129. A bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees

after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Labor and Human Resources.

THE WORK AND FAMILY INTEGRATION ACT

Mr. ASHCROFT. Mr. President, in 1938 American movies like ''Mr. Smith Goes to Washington'' and ''The Wizard of Oz'' were still in production; U.S. involvement in World War II was 3 years away; the American labor force was almost entirely made up of industrial and agricultural workers; the right to collective bargaining was not yet 3 years old; less than 16 percent of married women were working outside their homes; and the Fair Labor Standards Act [FLSA] of 1938 was enacted.

Now, nearly 60 years later, ''Mr. Smith Goes to Washington'' and ''The Wizard of Oz'' are American movie classics; World War II secured America's ascendency to superpower status; service sector jobs dominate the economy; the right to collectively bargain is deeply embedded in our labor laws; more than 75 percent of women with school-age children work; and as absurd as it may seem, our rules governing the workplace and working hours still are largely governed by the Fair Labor Standards Act of 1938.

Mr. President, America's working families and working conditions are undergoing major transformations today, yet the rules Americans must work under do not reflect changes in the structure and needs of society. Hopelessly outdated, our workplace laws reflect the needs of a bygone era that faced different challenges than we do today. It is incomprehensible that workplace law in this country is predominated by a workplace statute that was passed almost 60 years ago.

The Fair Labor Standards Act was enacted at the request of President Roosevelt, who charged the 75th Congress with passing a law to help those ''who toil in factory and on farm to obtain a fair day's work.'' The law was enacted to protect unskilled, low-pay workers—those unable to protect themselves. In the context of today's two-parent and service-oriented workplace; however, the law has unintended and unexpected consequences. In today's fast-paced, information-based society, its rigid and inflexible provisions have paralyzed those it was meant to help. The FLSA now deprives employees of the right to order their daily lives on and off the job to meet the responsibilities of work and home.

For example, under the FLSA a worker who wants to work 45 hours one week in exchange for working only 35 the following week so he or she can attend their child's baseball game, parent-teacher conference, or doctor's appointment, must first have an employer willing to pay him or her five hours of overtime pay for the 45 hour week. Since most employers cannot afford this additional expense, an employee is left with just two choices. He or she can forgo five hours of pay to be with their child, or miss the event their child needs them to attend. It is not an employer who places employees in this catch-22 regarding their families, it is the Federal Government. It is inside-the-beltway elitists who are depriving employees of the right to make decisions best suited for their circumstances.

Ironically, even though the Fair Labor Standards Act ostensibly exempts salaried employees from the catch-22 faced by the Nation's hourly workers regarding flexibility in workday and workweek lengths, the truth is that they are not exempt as a practical matter. Under recent FSLA interpretations, whenever an employer allows a salaried worker to sway extra work for time off in increments which are less than a full day, the salaried worker is then converted to an hourly worker. This opens employers up to huge overtime pay liability if they let their salaried workers swap a few hours off for a few hours of additional work before or after the time off.

Let me give an example, Mr. President. Pierce Processing was a professional engineering firm with 20 employees in Cincinnati, OH. William Pierce updated his personnel policies to provide his salaried employees with the maximum flexibility possible in their work schedules in order to meet the needs of their families and an attempt to increase their flexibility between work and family. Mr. Pierce had only one requirement, that the employees work 80 hours in a 2-week period. Even though the employees were salaried, Pierce agreed to pay them an additional straight time for hours worked over 80 or to subtract the time from an employees' pay if they did not work a full 80 hours. Through this arrangement, he hoped these employees could tailor their work schedules—and even income if necessary—to meet their family needs. This gave his salaried employees a great deal of control over their daily lives and schedules. The Department of Labor, however, learned of this progressive personnel policy, barged in and reclassified the professional employees as hourly workers. The Feds also required the company to pay the salaried employees 3 years of back overtime pay. To maintain any sort of flexibility for his workers, Pierce had to adopt a policy that required everyone to work a full day extra or take a full day off—to satisfy the Federal Government—so very little flexibility could be provided. Ultimately, however, Mr. Pierce was forced, due to the enormous litigation expenses, to declare bankruptcy and 20 people lost their jobs—all because he paid his employees well and provided them with the maximum flexibility he could in scheduling.

Malcolm Pirnie, an engineering firm with offices throughout the United States and over 400 employees, suffered the same fate at the hands of the Department of Labor because the firm allowed salaried employees to take a partial day of unpaid leave to attend parent-teacher conferences, to visit the doctor, or to further their education. This action cost Malcolm Pirnie $875,000 in back pay for overtime and his employees lost their flexibility to schedule their work day to meet their individual needs.

More recently, the Department of Labor has alleged that the Boeing Co. misclassified professional employees earning an average of $54,000 a year because, in addition to their salaries, they also were paid straight time plus $6.50 an hour for all hours worked over 40 per week. With the tools provided by our Government under the FLSA, there now is a plaintiff's attorney currently soliciting 20,000 employees to join a class action suit againt Boeing. I have the solicitation letter here, where the attorney informs potential litigants of their rights and specifies that he can help only if the employees salary averages at least $13 an hour for a 40-hour week. As a result, Boeing's workers now will be entitled to their salaries only no matter how many hours they work—extra hours will not be additionally compensated any longer.

Mr. President, FSLA's straightjacket on work schedules is not limited to the private sector, it also affects State and local government workers. In Philadelphia, one FLSA court case will cost the city $60 million because the Federal Government says the city misclassified police officers as salaried workers. New York City's liability for the alleged misclassification will be $16 million and California anticipates over $565 million in liability due to five pending FLSA cases. In almost every case, some of the most highly paid workers in the labor force are collecting a windfall through this technical provision in the law, thus costing taxpayers millions of dollars—simply because State and local governments tried to provide their employees with workplace flexibility to meet personal and family needs.

Mr. President, I do not believe these are the kind of results Congress intended in passing the Fair Labor Standards Act. I know this is a result this Congress should no longer tolerate.

Today, I am pleased to introduce the Work and Family Integration Act in an effort to make the Fair Labor Standards Act conform to the realities of the current workplace. This legislation will put work schedule decisionmaking back in the hands of employees. It is designed to recognize that Washington does not know best, and that the millions of workers' individual circumstances cannot even begin to be addressed by this 60-year-old law, inflexible law. Today, flexibility is important and Americans deserve the benefit of setting their own schedules—not to be forced into the straightjacket demanded by the Department of Labor.

Flexible schedules were first introduced in Germany in 1967. Shortly

thereafter, many American institutions began realizing the benefits of these schedules for their salaried workers—in both productivity in the workplace and quality of life at home. In 1978, Congress recognized the benefit of these work arrangements and passed the Federal Employees Flexible & Compressed Work Schedules Act. This act authorized a 3-year experimental period of alternative work schedules for Federal employees. The experiment was so successful, it was extended again in 1982 and made permanent in 1985. Sixty-six Senators as Members of either the House or the Senate, either voted in favor of these laws, or were Members in 1985 when the permanent authorization passed the House and the Senate by voice vote.

Flexible work schedules give employees more control over their lives by allowing them to balance family and work obligations better. In addition, employees may attend to family needs without using limited sick leave allowances. Under compressed work schedules, day care expenses can be reduced by as much as 20 percent. Time lost to commuting would decline for employees able to travel during nonpeak hours.

Employers also would win. By having such family-friendly work arrangements, they would enjoy increased employee productivity and loyalty. These benefits are essential for employers to compete in today's international, service-oriented economies.

It is uncontested that flexible work schedules are advantageous to both employees and employers. Even President Clinton recognized the benefits of flexible work schedules when he extended the FEFCWS to executive branch employees. On July 11, 1994, he said ''[b]road use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism.'' However, private sector employers remain unable to offer this benefit to their hourly workers—even when both employers and employees agree—due to the Congress' failure to update Federal workplace laws. If such flexibility has been good for Federal Government employees over the last decade and a half, why are such benefits being denied private sector employees and the employees of State and local governments?

Mr. President, the Work and Family Integration Act I am introducing is modeled after the Federal Employee Flexible and Compressed Work Schedules Act. It would allow private sector employees, specifically hourly employees, the same flexible work schedules that Federal workers have enjoyed for almost twenty years. I emphasize that this bill is meant to drag the Fair Labor Standards Act into the work and family realities of the 1990's—instead of the 1930's—by doing three things:

First, the bill would alter the FLSA's rigid 40-hour maximum workweek provision. It would allow employees to work 160 hours in any combination, over a 4-week period before employers would have to pay overtime compensation. In addition, when time is more valuable than money, employees would be able to request—and employers could provide—compensatory time-and-a-half off in lieu of compensatory overtime pay. Such flexibility in scheduling would enable employees to meet better their family, community, and personal needs. Employees, not the FSLA, will have control over their work lives.

As a safeguard against abuse, this legislation would require that any flexible work arrangement be agreed upon by both the employee and the employer and coercion into such an arrangement is prohibited. An employer who ahead of time schedules hours over 40 per week, without the prior request of the employee, would continue to be obligated to pay time-and-a-half. Employers also would be obligated to pay overtime compensation for all hours worked over 160 in a 4-week period. Finally, collective bargaining agreements would remain unaffected and would be free to set whatever hours are reached in such agreements.

A second area in which my bill would update the FLSA is to correct the Department of Labor concerns the salaried employee overtime exemption interpretation. In 1938, when the FLSA was written, employees generally were not paid unless they worked. Paid sick time, vacation time, holiday or compensatory time off were virtually unknown. Employees were either paid on an hourly basis for hours they actually worked or were paid a weekly salary. Therefore, the definition of salary was simple and easily understood.

Now that paid time-off policies have become so varied and sophisticated, the differences between salaried and hourly paid employees are often almost indistinguishable. Application of the FLSA's salaried exemption frequently is arbitrary, unpredictable, and contrary to good-faith efforts by employers to help—not abuse—employees. As a result, many employers who have provided progressive flexible schedules for their salaried employees—unintentionally turning these employees into hourly workers, according to the Department of Labor—have been held liable for massive amounts of overtime back pay. Once reclassified as an hourly employee rather a salaried one, not only is the employer liable for hundreds of thousands of dollars of allegedly unpaid overtime, but the employee also loses control over their daily and weekly work schedules—and thus their ability to meet their family responsibilities.

By clarifying the FLSA's exemption for salaried employees, employers will then be free to offer flexible work schedules to employees without the fear of having to pay back overtime instead of having to consult an attorney for every personnel decision.

Finally, the bill contains a provision allowing former employees a priority in rehiring if they quit in order to take care of family member. An individual would then be able to take time off from his or her place of employment for up to 5 years to raise a child or care for a parent, and upon return, could receive priority treatment in rehiring by the employer. The employer could not have such an employee's priority treatment used against it as evidence of, or an actual violation of, Federal equal protection laws.

Mr. President, while the other institutions of society have updated the modes and means of their production and operation, the Nation's workplace laws have lagged far behind. Today, the most successful corporations in America reflect the new realities of American life—they are decentralized, flexible, and nonhierachical. Meanwhile, our Federal workplace laws continue to function along the centralized, hierarchical, and one-size-fits-all principles that were the mandates of an age long past. For far too long Congress has largely ignored the changes in modern society's work and family realities. There is no need for the Federal Government to continue protecting employees from themselves in allegiance to an outdated law.

In the November election, Americans spoke loud and clear. Unfortunately, the voters' roar was barely audible to those in Washington who are no longer attuned to reality of the American experience outside the beltway. On the other hand, for many of us, the frustrated cries of those outside of Washington still echo in our ears. The resounding mandate from the electorate is to drastically reduce Government spending, to shrink the size of the Federal Government, and to stop Government from interfering in making decisions for themselves, their property, and their lives. That means that the attitude of Washington-knows-best must come to an end.

Unfortunately, this attitude has become so prevalent in the minds of this city's elite inside-the-beltway thinkers that they can no longer recognize it in themselves. Washington has become so obsessed with taking care of the American people that it is blind to the fact that such protection is often detrimental to the people's ability to order their activities and day-to-day lives as their desire.

Amending the Fair Labor Standards Act is essential to allow all people—mothers, fathers, sons, and daughters—to work with their employers to arrange a schedule which suits their obligations in the home place as well as the workplace. This bill I am introducing would largely remove the Federal Government from the most important decisions Americans face each and every day, week, and month of the year.

And that, Mr. President, is precisely what voters sent us here to do.

SENATE RESOLUTION 159—RELATIVE TO TOBACCO

Mr. BRADLEY (for himself, Mr. HATFIELD, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KOHL, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. SIMON, Mr. BINGAMAN, Mr. KENNEDY, and Mr. SIMPSON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 159

Whereas more than 3,000,000 American children and teenagers smoke cigarettes, and every 30 seconds a child in the United States smokes for the first time;

Whereas about 90 percent of new smokers start smoking when they are age 18 or younger;

Whereas longitudinal research has indicated that tobacco use among children and teenagers has risen dramatically over the last 4 years;

Whereas tobacco causes heart disease, strokes, lung cancer, throat cancer, emphysema, and numerous other diseases, and kills one out of every three long-term users;

Whereas tobacco causes the premature death of well over 400,000 Americans every year—more than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS combined;

Whereas numerous researchers have concluded that children's and teenagers' use of tobacco decreases significantly when the price of tobacco increases;

Whereas one study has recently concluded that a small increase in the excise tax on cigarettes would save thousands of lives each year;

Whereas the American Medical Association has recommended that excise taxes on tobacco products should be dramatically increased to help deter young people from becoming addicted; and

Whereas the American Cancer Society has stated that raising tobacco taxes is one of the most effective ways to rapidly and significantly reduce tobacco use by young people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) tobacco use among children and teenagers has been shown to lead to addiction, disease, and premature death;

(2) raising the Federal excise tax on tobacco products will prevent hundreds of thousands of American children and teenagers from smoking;

(3) the Federal excise tax on tobacco products should be increased in order to protect the health of children and teenagers; and

(4) revenues raised by increasing the excise tax on tobacco products should be used in part to help finance Federal health programs.

Mr. BRADLEY. Mr. President, I rise today to submit a sense-of-the-Senate resolution that addresses a severe and growing public health crisis—the large, and increasing, number of children and teenagers who are using cigarettes and other tobacco products. The sense-of-the-Senate makes three simple points: First, the tobacco use among children and teenagers has been shown to lead to addiction, disease, and premature death. Second, it States that raising the Federal excise tax on tobacco products will prevent hundreds of thousands of American children and teenagers from using tobacco. Finally, my amendment, states the logical conclusion of these two previous statements-that the Senate should support an increase in the Federal tax on tobacco products in order to protect the health of children and teenagers.

Mr. President, I would like to go through these three statements in order, explaining why I consider them to be irrefutable. First, I have stated that the tobacco use among children and teenagers leads to addiction, disease, and premature death. Let me offer a few statistics to demonstrate how widespread this problem is. More than 3 million American children and teenagers smoke cigarettes. Every 30 seconds a child in the United States smokes for the first time. And 90 percent of new smokers start when they are teenagers or younger.

As if these statistics aren't frightening enough, they are soon going to get worse. Just last month the University of Michigan released a study showing that the rate of smoking among children has surged upwards over the last 4 years. In 1994, close to 20 percent of eighth graders surveyed said they used cigarettes. This is a 30 percent increase over the number of eighth graders who smoked in 1991. The trend is similar for high school seniors: in 1992, 28 percent said they smoked; by last year, this number had increased to over 31 percent. And these numbers don't even count the number of children who use smokeless tobacco products.

Mr. President, the fact that well over 30 percent of America's high school seniors use tobacco is a cause for great alarm in this chamber and around the country. Although the tobacco companies may seek to deny it publicly, it is well know that tobacco use causes addition, disease, and premature death. Tobacco is directly linked to a wide range of illnesses, including heart disease, strokes, emphysema, lung cancer, oral cancer, and throat cancer, to name a few. One of every two long-term tobacco users will die prematurely as a result of their tobacco use. That totals to 1,100 deaths a day, or over 400,000 deaths a year—more than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS combined. Of every 1,000 20-year-olds who smoke regularly, 250 of them will die in middle age from tobacco-related illnesses. These individuals will cut an estimated 20 to 25 years off of their lives as a result of their tobacco use. Another 250 will die in old age from a tobacco-related illness. In comparison, only 6 of these 1,000 20-year-olds will die from homicides, and only 12 will die from car accidents. And, Mr. President, these statistics only show the number of today's children and teenagers who will eventually die from tobacco use; millions more will spend their lives addicted to nicotine, and will suffer from avoidable illnesses as a result of their tobacco use.

Mr. President, most of today's kids do not know these statistics, and even if they know them, they often don't believe them. Last Sunday's New York Times contained interviews with a group of Texas teenagers who smoked. When asked about the health warnings listed on cigarettes, they replied with comments such as ''I heard they have a cure for cancer now.'' and ''I figure that if they really were so bad for you, they wouldn't be selling them everywhere.'' While these kids don't know about the health effects of smoking, they certainly know about the different brands of cigarettes. Last year, the tobacco industry spent about $5 billion advertising their products, and much of this money was spent on marketing that appeals to kids. As just one example, consider the cartoon character Joe Camel. Six-year-olds are as familiar with Joe Camel as they are with Mickey Mouse. Kids can send away for posters, T-shirts, and sandals with Joe Camel emblazoned all over them. Can it be any coincidence that after the Joe Camel campaign was introduced, Camel's market share among underage smokers jumped from one-half of 1 percent to 33 percent?

Mr. President, the second statement in my sense-of-the-Senate discusses one of the most effective measures the Federal Government can take to reduce children's use of tobacco. The statement simply says that raising the Federal excise tax on tobacco products will prevent hundreds of thousands of American children and teenagers from smoking.

Mr. President, I do not consider this statement a matter of opinon—I consider it a fact. It has been proven in study after study. For example, a researcher at Harvard's School of Public Health concluded earlier this year that every 10 percent increase in cigarette prices causes demand among teenagers to decline by as much as 14 percent. And a researcher from the Business School at Duke University released a study just last month projecting that a 10 percent increase in the tax on cigarettes would save approximately 5,200 lives a year. These are just two of the studies proving my point. There are many more.

And it doesn't take a professional researcher to figure out that raising the tobacco tax will discourage kids from smoking. Last Sunday's New York Times article included an interview with an 18-year-old girl who had been smoking since she was 12. When asked if she could think of a way to get people to quit smoking, she replied:

> Hike the price. If it was $4 a pack, I wouldn't smoke. Of course, I don't want them to do that, but I think if they were serious about it you'd get a lot of people saying, ''That's too much money for a smoke, so forget it.''

Mr. President, the Senate should act on this young girl's suggestion. The third statement of this resolution calls