

this Body have traditionally viewed such an amendment with concern.

At the same time, some Members of this Body are concerned that potentially meritorious ADEA claims have faced statute of limitations problems based on the application of the Supreme Court decision in *Lorance versus AT&T Technologies*.

I understand there have been efforts to address these concerns, and I would like to pose a question to my colleague from Massachusetts, Senator KENNEDY. Senator KENNEDY, is it your understanding that the House of Representatives has addressed one or both of these issues in its version of this bill?

Mr. KENNEDY. The House of Representatives has addressed only one of these issues. It has proposed a limited exception to the Age Discrimination in Employment Act for tenured faculty. But you are correct that there is an additional concern regarding older workers and their ability to pursue claims under the Age Discrimination in Employment Act, and that has to do, as you noted, with the application of the Supreme Court case, *Lorance versus AT&T Technologies*.

In 1991, Congress passed legislation that partially overturned *Lorance*. Today, *Lorance* does not apply to claims brought under Title VII of the Civil Rights Act. Unfortunately, Congress did not consider the effect of the *Lorance* decision on other statutes, in particular, the Age Discrimination in Employment Act.

Mr. GRASSLEY. Yes, it is unfortunate. *Lorance* established an unworkable system for filing claims under the employment discrimination laws. It held that when a seniority system was allegedly adopted with a discriminatory purpose, the time limit for challenging that system begins to run on the date the system is first adopted—not the date it begins to apply to the individual employee. This could be a “catch-22”: by the time an employee is harmed and has standing to bring a claim, the statutory time period for challenging the policy will often have expired. Indeed, in some cases, no current employee would ever be able to challenge a long-standing, but discriminatory employment policy or system.

This is clearly contrary to the purposes of the age discrimination laws. There is no justification for unfairly closing the doors of justice to victims of age discrimination.

Mr. KENNEDY. I concur with my colleague from Iowa. Before the Senate accedes to the House’s provision on tenured faculty, this issue should be discussed and hopefully resolved during the conference.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-5974. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Last-In, First-Out Inventories” (Rev. Rul. 98-35) received on July 9, 1998; to the Committee on Finance.

EC-5975. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Election Not to Apply Look-Back Method in De Minimis Cases” (RIN1545-AV79) received on July 9, 1998; to the Committee on Finance.

EC-5976. A communication from the Assistant Chief Financial Officer of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank’s report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-5977. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the Authority’s report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-5978. A communication from the Executive Director of the Assassination Records Review Board, transmitting, pursuant to law, notice that the Board will cease its operations as of September 30, 1998; to the Committee on Governmental Affairs.

EC-5979. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium” (Docket 90F-0220) received on July 9, 1998; to the Committee on Labor and Human Resources.

EC-5980. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits” received on July 9, 1998; to the Committee on Labor and Human Resources.

EC-5981. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Update of Documents Incorporated by Reference” (RIN1010-46) received on July 8, 1998; to the Committee on Energy and Natural Resources.

EC-5982. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pur-

suant to law, notice of refunds or recoupments made under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC-5983. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “West Virginia Regulatory Program” (Docket WV-078-FOR) received on July 9, 1998; to the Committee on Energy and Natural Resources.

EC-5984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Animal Welfare; Primary Enclosures for Dogs and Cats” (Docket 98-044-1) received on July 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5985. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report on the Administrations’s financial condition and performance for calendar year 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5986. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, a quarterly report on Development Assistance Program Allocations; to the Committee on Foreign Relations.

EC-5987. A communication from the Assistant Secretary of the Army for Research, Development and Acquisition, transmitting, pursuant to law, notice of a planned destruction of lethal chemical agents; to the Committee on Armed Services.

EC-5988. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Army, transmitting, pursuant to law, the report of a cost comparison on the operation of base supply functions at F. E. Warren Air Force Base, Wyoming; to the Committee on Armed Services.

EC-5989. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule regarding amplifiers utilized in home entertainment products received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5990. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule regarding energy consumption and water use of certain products received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5991. A communication from the Acting Under Secretary for Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Experimental Program to Stimulate Competitive Technology” (RIN0692-ZA01) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5992. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule relative to permit transfers and other regulations on Pacific Coast groundfish fishery (RIN0648-AJ20) received on July 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-5993. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes” (Docket