TITLE X—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. 1001. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(1) inserting in subsection (a) after ''necessary, and'', ''except as provided in subsection (j)'', and

(2) inserting a new subsection (j) as follows:

''(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A State agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding section 3302(b) of title 31, United States Code, payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

''(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

''(3) A State agency shall not issue benefits under this subsection—

''(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

''(B) in any area of the State where an electronic benefit transfer system has been implemented.

''(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

''(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

''(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

''(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).''.

CONFORMING AMENDMENT

SEC. 1002. Section 17(b)(I)(B)(iv) of the Food Stamp Act of 1977 is amended by—

(1) striking ''or'' in subclause (V);

(2) striking the period at the end of subclause (VI) and inserting ''; or''; and

(3) inserting a new subclause (VII) as follows—

''(VII) waives a provision of section 7(j).''.

This Act may be cited as the ''Supplemental Appropriations and Rescissions Act of 1997''.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House and the Chair is authorized to appoint conferees.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. MURRAY, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

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

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

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that my legislative assistant, Annie Billings, be given privilege of the floor today, and during the pendency of the debate on the Family Friendly Workplace Act.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FAMILY FRIENDLY WORKPLACE ACT

Mr. MCCONNELL. Mr. President, the American workplace has changed drastically since the enactment of the Fair Labor Standards Act—nearly 60 years ago. In those days, for example, a small percentage of working mothers toiled in the fields, factories, and general stores. Today, nearly 70 percent of mothers with children under the age of 6 are now working.

The constant refrain of both mothers and fathers in the nineties is: ''There's just not enough hours in the day.''

Well, the U.S. Senate can't put more hours in a day, but we can give workers more choices on how to spend those hours each day.

The time has come to amend the Fair Labor Standards Act of 1938. I am proud to be a cosponsor of S. 4, the Family Friendly Workplace Act.

Taking a look at this bill that Senator ASHCROFT has so skillfully put together and advocated. I think that the Family Friendly Workplace Act is one of the best opportunities we've had in a long time to make a substantial contribution to America's working families. This bill is based on the comments and experiences of men and women who know the difficulty of balancing work and family.

Recently, a good friend of mine, Bill Stone, from Louisville, KY, my hometown, testified in support of S. 4 at a hearing before the Employment and Training Subcommittee of the Labor Committee upon which I serve. Bill runs the Louisville Plate Glass Co. Approximately three-fourths of this company's Louisville work force is paid on an hourly basis and would be directly impacted by S. 4.

As Bill explained to our subcommittee, he said, ''S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also,'' Bill stated, ''be a huge benefit to our employees who are pursuing training or educational activities.''

Now, let us take a look, Mr. President, at the compensatory time off provided for under the bill. If an employee at the Louisville Plate Glass Co. has to work overtime, then compensatory time off allows him to choose if he wants to be compensated with time-and-a-half pay or time-and-a-half time off.

A recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off than in hourly wages. And an astonishing 82 percent of people support legislation to allow workers to have this type of choice and flexibility.

The findings of this survey point to one conclusion, as explained by Ann Reilly Dowd of Money magazine. She put it this way. She said, ''People are considering time much more precious than money right now.'' And that is an enormous change in our society, Mr. President. Moreover, as Ms. Dowd concluded, ''it seems that people are working so hard and being so torn between the mounting demands of their job and their family life that they really, really want more free time and they, particularly, want more flexible schedules.''

The Senate has a responsibility to respond to this overwhelming national need for choice and flexibility in the workplace.

Passing comptime legislation is just the first step in our response. Unfortunately, comptime alone is not enough. A bill that only includes comptime provisions will only include a small percentage of workers who actually work overtime.

S. 4 also includes two important provisions for workers who typically do not get the opportunity to work overtime. In most cases these workers are women.

For example, nearly three out of four workers reporting overtime pay are

men. In order to accommodate working mothers, as well as other employees who do not regularly work overtime, S. 4 includes the biweekly work program and the flexible credit hours program.

If a working mother chooses to work 45 hours in week 1 so that she can work 35 hours the next week and have 5 hours to spend on a school field trip with her children, then the biweekly work program allows her to do that without sacrificing either pay or vacation time. Or if an employee chooses to work extra time in any one workweek, then flexible credit hours allows him or her to put those additional hours in the bank, so to speak, and take paid time off at a later date.

Compensatory time off, the biweekly work program and flexible credit hours have two things in common: choice and paid time off. Simply put, this bill just makes good sense. It is about nothing more than giving options to employees.

The Family Friendly Workplace Act gives employees the opportunity to get paid time off at virtually no cost to the employer. Everybody wins.

The opponents of the Family Friendly Workplace Act argue that our country's employees will not be able to handle this flexibility. The skeptics argue that the employees will be coerced.

First, let me say, Government employees have had comp and flextime privileges for years—Government employees have had that right—and there is virtually no hard evidence to support the potential horror stories conjured up by opponents of S. 4.

Second, our bill contains strong penalties for any employer who forces an employee to accept time over money.

Diane Buster, an hourly employee from my hometown of Louisville, KY, recently spoke very passionately to the need for S. 4. She explained that

> . . . for the last 15 years I have been in the full-time work force bound by an archaic law, the Fair Labor Standards Act, passed in 1938 when only about 20 percent of women worked . . . [Under this law], the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal Government.

Ms. Buster ultimately concluded that ''this seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order.''

The Paducah Sun in my State issued a similar statement a few weeks ago in an editorial that concluded that ''the comp time bill ought to be passed * * * The language guarantees the right of workers to take overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking.''

Finally, I would like to point out that in Government settings union leaders routinely demand that employers allow flexible scheduling provisions as part of a collective bargaining agreement. I must confess that it strikes me as a little bit odd that union leaders are now fighting to block all hourly employees from receiving the very benefit they seek for their own union employees.

In the words of The Courier-Journal, which is our largest State newspaper, ''[Comptime] looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate. What's Bill Clinton scared of?'' said the Courier-Journal.

The answer to that newspaper's question, sadly enough, may be that the President and the union bosses are simply playing politics at the expense of the American worker.

The presidents of the UAW, the Steelworkers, and the Machinists wrote a letter to President Clinton on April 28 of this year that sums up the politics which threaten to block S. 4. I would like to quote from that letter. This is what the union bosses had to say:

> Politically, any compromise with Senate Republicans on the comp time legislation . . . would undermine the Democratic Party's political base among working men and women, and jeopardize our ability to energize workers to achieve the goal of electing a Democratic House and Senate [in 1998].

That pretty well says it all, Mr. President. That pretty well says it all. You have to give them points for candor.

Mr. President, there may be some valid arguments out there for genuine debate on S. 4, but it is surely not those arguments. We should not block legislation that is good for the American worker and the American workplace simply because it may ''undermine the Democratic Party's political base'' and ''jeopardize [the] ability to energize [campaign] workers.''

Mr. President, I ask unanimous consent that the statements of Bill Stone and Diane Buster and the editorials of the Paducah Sunday and the Courier Journal be printed in the RECORD. ±

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

STATEMENT BY WILLIAM A. STONE BEFORE THE SUBCOMMITTEE ON EMPLOYMENT AND TRAINING, FEBRUARY 13, 1997

My name is William A. Stone, I am President of Louisville Plate Glass Company in Louisville, Kentucky. We are the majority stockholder in two Atlanta glass manufacturing firms, Tempered Glass, Inc. and Insulating Glass of Georgia. I am the Chief Executive Officer of both Atlanta companies. Louisville Plate Glass is a member of the U.S. Chamber of Commerce, the world's largest business federation representing an underlying membership of more than three million businesses and organizations of every size, sector, and region. I am a member and former Chairman of the Chamber's Labor Relations Committee. I also served on the Chamber's Small Business Council and Board of Directors for five years.

Our companies manufacture architectural glass products primarily for commercial buildings and employ about 116 people in three locations. I purchased the Louisville Plate Glass Company 25 years ago. We had only 19 employees at the time. Now, approximately 110 people are employed by these companies, with about 40 working in Louisville and the others in Atlanta. Approximately three-fourths of the Louisville workforce are paid on an hourly basis and record their work hours on a time clock. They are primarily production workers, truck drivers, and shipping personnel.

The average Louisville employee usually works about 10 overtime hours per week. The truck drivers usually work more overtime hours than the employees in the plant. Our hourly employees are scheduled to work five days per week and, when extra work is necessary, they prefer to work longer days during the week than to work on Saturday. However, sometimes it is necessary to schedule some employees to work on a Saturday. If an employee is unable to report for work, he or she must use accumulated vacation time or other paid time off, if any is available.

We have had few, employees ask to take time off without pay, and instead be scheduled or allowed to work extra hours during the same pay period as their absence in order to earn the pay they would have received had they not missed work. They do not even bother to ask for this arrangement because they know that in most cases, the necessary arrangements cannot be made within the well-known restrictions of the Fair Labor Standards Act (FLSA).

Today you are considering The Family Friendly Workplace Act (S. 4). This bill provides that hourly employees can, with their employers' agreement, earn time off instead of overtime pay so they can take time off to attend to personal or family business. I am here to tell you that passage of this bill will provide many employees, like those of Louisville Plate Glass, with what they perceive as a new and very valuable benefit. If this bill becomes law, my company will immediately make every effort to allow our employees to earn compensatory or ''comp'' time. I have no doubt at all that almost all, if not all, of our employees will ask to be able to earn time off instead of, or in addition to, overtime pay for the extra hours that they work. They will quickly see that with even modest amounts of accrued comp time, they will be able to attend to personal and family business without suffering a loss in pay because of their absence.

Of course, it would be not only unwise but essentially unworkable to allow employees with accrued comp time to use that accrued time whenever they pleased. Our production and shipping schedules, with our limited staff, will not permit extended or frequent worker absences without reasonable notice and arrangements. I am confidant that we will be able to make the necessary arrangements for most employees to use their accrued time off most of the time.

The comp time arrangement envisioned in S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also be a huge benefit to our employees who are pursuing training or education activities. In fact, with the FLSA changes embodied in S. 4, especially comp time, there would little or no need for most of the provisions of the Family and Medical Leave Act (FMLA). Few employees would opt for partially paid leave under the FMLA when they could use accumulated compt time and receive their normal paychecks even though they were absent.

Employees in the public sector have been able to use comp time for over ten years. I understand that federal government employees have had this benefit for even longer. There is absolutely no reason that private-sector workers, like those at Louisville Plate

Glass and other businesses large and small, should not have the comp time benefit that the government saw fit to provide to its own employees long ago. It's time that family-friendly employers in the private sector be permitted to have the flexibility to work with employees to meet not only their workforce needs but the needs of their employees as well.

In my years of involvement in public policy, I have always been able to see that, no matter how contentious the issue, the other side had legitimate points. However, in this case there does not seem to be any legitimate reason not to allow private-sector employees the same opportunity for flexibility that their brothers and sisters in the public sector enjoy.

Thank you for the privilege of allowing me to speak on behalf of the U.S. Chamber of Commerce on this important issue. I would be happy to answer any questions.

STATEMENT BY DIANE BUSTER

My name is Diane Buster, I reside in Louisville, Kentucky where I work as Administrative Assistant to the Executive Director of a small, local, not-for profit corporation. Why, you may wonder, would I get up at 4:00 a.m., take a day off without pay and travel here to speak on the issue of workplace flexibility? Why? Because I am passionate about the need for the passage of the Work and Family Integration Act.

As part of the labor force in this country for almost thirty years, always in position where I have been paid an hourly wage, I have lobbied in every position I have had for flexibility to manage my home, family and personal life. Always the price I paid for that flexibility was a lesser wage and less responsibility as I settled for part-time work to enable me to manage the demands of my responsibilities as homemaker and mother in addition to my work duties.

For the last 15 years I have been in the full-time work force bound by an archaic law, The Fair Labor Standard Act, passed in 1938 when only about 20% of women worked as compared to the almost 60% of women currently in the labor force. This act mandates that I may only work 40 hours per week and that, should I exceed that amount of hours in any seven contiguous days, my employer is required to pay me one and one half times my normal wage, even though I would prefer to be allowed time off in lieu of the overtime pay. This law, I'm told, applies to hourly workers whose duties are not self directed. Tell me I'm not self directed when I am the only one left in the office when the non-classified staff, privileged to direct their own schedule, has all left early to attend family functions, shop, play golf or indulge in some similar recreation!

As a working mother and grandmother, with family all residing out of state, helping out in emergency situations and caring for the needs of my immediate family members would be infinitely more possible with a bank of compensatory time to draw on to use for such emergency care needs. The meager budget of the small non-profit corporation where I work, whose staffing needs fluctuate, would quite obviously be better off not having to pay me overtime wages, permitting me compensatory time when the workload is less. In know I am not alone, but one of thousands of workers for whom the stress of balancing the demands of work, home, personal and family needs would be greatly alleviated by having more control over my work schedule. Small businesses, the backbone of our communities, who are being choked to death, forced to adhere to laws and restrictions which make no sense for their time and place in our economy today, would also be enormously helped by being able to predicate their work schedules on the specific demands of their particular business.

As the law currently stands, the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal government. This seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order.

Passage of the Work and Family Integration Act will, I believe, immensely help to alleviate stress for the working population and greatly assist small businesses.

[From the Paducah Sun, Feb. 7, 1997]

PASS COMP BILL

Opposition by some congressional Democrats and their supporters in organized labor to a plan to allow compensatory time off for hourly workers in lieu of overtime pay has an odd ring to it.

The bill pushed by the GOP Congress, and endorsed by President Clinton, would give employees the option of taking the time, at the rate of 1½ hours for each overtime hour, if the employer agrees. Workers would be able to bank time for personal use, as many obviously would prefer. Many companies also would rather give the employees time off instead of the extra money.

Unions have criticized the idea as an attack on the traditional 40-hour work week. The don't trust employers not to pressure their employees to take the time off rather than the overtime compensation.

But the real reason for the political opposition to the plan is revealed in this statement by Rep. Lynn Woolsey, Democrat of California: ''It will be flexible for the employer. We must ensure that the employee has 100 percent choice.'' Translation: The legislation is wrong because it doesn't force the employer to do anything. Never mind that the bill would give the worker a potential choice the existing law denies him completely.

The family leave issue, it is recalled, was enthusiastically embraced by Democrats as a great step forward for working families. The law gives workers the option of taking 12 weeks unpaid leave to deal with family needs. In other words, they voluntarily give up money in exchange for time off and flexibility, just as the comp time bill would do.

So what's the difference? It is the mandate issue. Under family leave, the company has no choice but to allow the absence. To liberals, providing an avenue where an employee and his boss can work out a mutually satisfactory arrangement is not good enough. In fact, the whole idea apparently is so obnoxious to them they would rather leave matters as they are and give the worker no legal option for a more flexible work schedule.

The comp time bill clearly ought to be passed. Salaried and government employees already have the privilege, so why not extend it to hourly workers? The language guarantees the right of workers to take the overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking.

The late Paul Tsongas once made a trenchant observation to the effect that too many of his fellow Democrats love jobs but hate employers. Rep. Woolsey and others have done their part in proving him right.

[From the Courier-Journal, Mar. 22, 1997]

IT'S ''COMPTIME'' TIME

What's so scary about ''comptime''?

In the debate leading up to its passage by the U.S. House of Representatives this week, a bill offering new flexibility on wages and working hours was denounced by some opponents as a threat to freedom, fairness and the American way.

And President Clinton has warned that he'll veto it in its present form. That's a formidable threat since the bill passed by only 12 votes in the House. (All five of Kentucky's Republican members voted for it. Democrat Scotty Baesler voted against.)

We're puzzled by Mr. Clinton's opposition. The bill doesn't endanger the 40-hour work week at the heart of the Fair Labor Standards Act of 1938. All it says is that, if workers and their employers agree, comptime can be substituted for overtime pay. An employee who works, say, 45 hours in a week would have the option of getting paid time-and-a-half for the five hours or of getting 7½ hours of comp time.

At the end of the year, any accrued comptime would be converted to overtime pay. And the total amount of comptime during a year couldn't exceed 160 hours.

Employers could choose not to participate in a compensatory time agreement or, if they were in one, could withdraw after 30 days notice. Workers could withdraw at any time by submitting a written request. (In unionized work places, work schedules and rules for overtime would be set by contract.)

This looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate.

What's Bill Clinton scared of?

Mr. McCONNELL. I challenge my colleagues to enact this simple, sensible legislation. The family friendly workplace is about nothing more than choice and paid time off. S. 4 is the Federal Government at its best—benefits for working families with no Federal mandates and no excessive costs for small businesses. I also particularly commend Senator ASHCROFT for his leadership in developing this important legislation.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized for up to 10 minutes by previous order.

Mr. COVERDELL. I thank the Chair.

COUNTERDRUG COOPERATION BETWEEN THE UNITED STATES AND MEXICO

Mr. COVERDELL. Mr. President, on May 14, 1997, I along with my colleague, Senator FEINSTEIN of California, received a communique from President Clinton that I would like to read at this point. It says:

DEAR SENATOR COVERDELL: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.

President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form