

advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.

“(f) RECOMMENDATIONS TO CONGRESS.—Any member of the Joint Intelligence Community Council may make such recommendations to Congress relating to the intelligence community as such member considers appropriate.”

Ms. COLLINS. 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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators able to speak for up to 10 minutes each.

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

#### TRIBUTE TO IRVING B. HARRIS

Mr. DURBIN. Mr. President, last Saturday, on September 25, the city of Chicago, the State of Illinois, and our Nation, lost a great man. Irving Harris died at the age of 94 in the city of Chicago. He was my friend and my inspiration.

I have been called on many times to give commencement speeches at colleges and universities, medical schools and law schools. When I speak to the young students about what they can make of their lives, I never fail to tell them the story of Irving Harris and his life. It is a great story, and one that I would like to share with my colleagues in the Senate.

Irving Harris was born and raised in Saint Paul, MN. He and his two brothers were raised by a father, who was a merchant, and a mother who inspired him and his two brothers, in their words, “to always be No. 1 in your class.” They listened carefully to their parents and they succeeded in almost unimaginable ways.

The two Harris brothers, Neison and Irving, joined a friend and started a company in 1946, the Toni Home Permanent Company. Within 2 years, Tony home permanents had become so popular across the United States that they sold this company to Gillette for \$20 million. The year was 1948; \$20 million was a huge sum of money.

If you followed his business career, Irving Harris went on to do many things—to be the director of a mutual fund, to start another company in North Brook, IL, the Pittway Corporation, which he ultimately sold for some \$2 billion. Just those facts and those stories alone tell you of the business

success of Irving Harris. But if you were to stop with those stories, you would not understand his greatness, nor would you understand the real measure of this man.

Unlike some people who were given great gifts of wealth and skill and then used them to make their own lives more comfortable, Irving Harris saw life much differently. He was a man who was constantly looking for ways to help others, particularly ways to help children. And for over 60 years, he took his wealth and his business success and devoted it to helping other people in so many different ways.

He helped create the Yale Child Study Center at Yale University to honor his alma mater but also to try to find ways to help children born in poverty have a full and successful life.

He provided the funds that launched the center for the University of Chicago’s Graduate School of Public Policy Studies, which bears his name, and the Erikson Institute for Advanced Studies in Child Development.

Irving Harris believed that children, if given the right nurturing experience and the right chance, could succeed. A lot of people believe that. But he invested his money in that belief.

He started the Ounce of Prevention Fund in the city of Chicago in the State of Illinois to prove that point again. He was one of the early people pushing for Head Start.

Let me read to you what Irving Harris said in one of his books. The book is entitled, “Children in Jeopardy: Can We Break the Cycle of Poverty?” Irving Harris wrote in 1996, “I believe that God’s gift of brain potential is not discriminatory.

“Kindergarten is much too late to worry if a child is ready to learn. We must begin in the first days and weeks and months of life to get children ready to learn.”

That was his passion and that was his belief. That fueled his life and his interest.

The many times that we would sit down and talk about policies, he would come back to these points about how many wasted lives of children there are in America because we didn’t start soon enough and we didn’t do well enough and we didn’t understand the complexity of the challenges facing these children.

So this man so successful in business focused so much of his life and time on children and helping them in so many different ways.

He was certainly good at business—one of the best. But he took that success and he took that money and tried to improve the lives of others.

His philanthropy didn’t end there. There is hardly a place you can turn in Chicago without seeing Irving Harris’s name or the name of his wife Joan. They left their mark in our city as they left it in our Nation.

Joan, Irving Harris’s wife of 30 years, whom I met just the other day, recounted her frustration when she was

trying to build a new theater in downtown Chicago for music and dance to make it part of Mayor Daley’s hugely successful Millennium Park. She turned to Irving one day and said: I just think we are going to have to give up. I don’t think I can come up with money to build the theater.

I will not quote him exactly, but Irving basically said: I feel like that myself, and I don’t think I am ever going to get the promised land. We are going to do it.

He told Joan they were going to do it, and they did. They made a massive investment in that theater—some \$39 million of the \$52 million price tag to build that theater. That theater is going to endure in his name and in the name of Joan Harris. It is going to entertain, and it is going to remind a lot of people of the good in culture, in music, in art that really lifts us all.

They did the same thing, incidentally, in Aspen, CO. If you go to Aspen, CO, where they used to spend some time, they decided they needed a special place—an outdoor gathering place for music festivals—you will find that Harris music gathering place, the Harris Music Center, just another part of his legacy.

The University of Chicago President, Don Michael Randel, called Mr. Harris “one of those extraordinary and too-rare individuals whose passion and humanity made a real difference in the lives of others.”

Mr. Randel said:

Because of his foresight and his generosity, countless disadvantaged children have been able to fulfill their potential and to become productive citizens. And many of the most fundamental social problems suffered by children and families now have some hope of resolution thanks to the research he has so generously supported.

In addition to his wife Joan, Irving Harris is survived by his daughters, Virginia Polsky and Roxanne Frank; a son Bill, who is a close friend as well, a person who has devoted his life to many important causes such as the global AIDS epidemic and children’s causes; a stepdaughter, Louise Frank; stepsons, Daniel and Jonathan Frank; a sister, June Barrows; 10 grandchildren and 26 great-grandchildren.

His legacy goes beyond his family. His legacy will be realized by others for generations to come. Irving Harris’s life will not be measured in the number of dollars he earned but the number of lives that he touched, not in the assets he accumulated but in the fact that he was such an asset to Chicago and to America. The pillars of American business know of his success, but Irving Harris was a pillar of strength and hope for the poor, and in that effort he made his life a model for us all.

It is my good fortune in this business to meet many people and to meet many wonderful people. I count on one hand the most amazing people I have ever met, and Irving Harris will be in that number.

I will miss Irving Harris, but I am grateful to have known him and to be

inspired by his lifetime of caring and hope.

#### OFFICE OF COMPLIANCE NOTICE

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(1)).

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

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

Implementing Certain Substantive Rights and Protections of the Fair Labor Standards Act of 1938, as Required by Section 203 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1313.

#### NOTICE OF PROPOSED RULEMAKING

Background: The purpose of this Notice is to initiate the process for replacing existing overtime pay eligibility regulations with new regulations which will substantially mirror the new overtime exemption regulations recently promulgated by the Secretary of Labor.

Do FLSA overtime pay requirements apply via the CAA to Legislative Branch employing offices? Yes. One of the regulatory statutes incorporated in part through the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1301 et seq., is the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. 201 et seq. Section 203(a)(1) of the CAA states: “[t]he rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the [FLSA] . . . (29 U.S.C. 206(a)(1), 207, 212(c)) shall apply to covered employees.” Section 7 of the FLSA, 29 U.S.C. 207, includes the requirements regarding the payment of time and one half overtime pay to employees.

Are there existing overtime exemption regulations already in force under the CAA? Yes. In 1996, the Board of Directors of the Office of Compliance promulgated the existing CAA overtime exemption regulations based on the “old” 29 CFR Part 541 regulations which were in force until August 23, 2004. These regulations were adopted pursuant to the CAA section 304 procedure outlined herein below. Those regulations are found at Parts H541 (applicable to the House of Representatives), S541 (applicable to the Senate), and C541 (applicable to the other employing offices covered by section 203 of the CAA) of the FLSA Regulations of the Office of Compliance. These regulations remain in force until replaced by new regulations. Office of Compliance regulations can be accessed via our web site: [www.compliance.gov](http://www.compliance.gov).

Why is this Notice being issued? This Notice of Proposed Rulemaking is occasioned by the recent promulgation of new overtime exemption regulations by the Secretary of Labor at Vol. 69 of the Federal Register, No. 79, at pp. 22122 et seq., on August 23, 2004. The new regulations of the Secretary of Labor are set out at 29 U.S.C. Part 541, and replace the regulations which had been in effect prior to August 23, 2004. The Secretary of Labor’s regulations do not apply to employing offices and employees covered by the CAA.

Why are there separate sets of existing FLSA regulations for the House of Representatives, the Senate, and the other employing offices covered by the CAA? Section 304(a)(2)(B) of the CAA, 2 U.S.C. 1384(a)(2)(B), requires that the substantive rules of the Board of Directors of the Office of Compli-

ance “shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—(i) the Senate and employees of the Senate; (ii) the House of Representatives and employees of the House of Representatives; and (iii) the other covered employees and employing offices.” In 1996, the House of Representatives (H. Res. 400) and the Senate (S. Res. 242) each adopted by resolution the FLSA regulations applicable to each body. The Senate and House of Representatives adopted by concurrent resolution (S. Con. Res. 51) the regulations applicable to other employing offices and employees.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? No. While there are some differences in other parts of the existing FLSA regulations applicable to the Senate, the House of Representatives, and the other employing offices (chiefly related to the mandate at section 203(c)(3) of the CAA, 2 U.S.C. 1313(c)(3), regarding “covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate . . .”), the Board of Directors has identified no “good cause” for varying the text of these regulations. Therefore, if the proposed part 541 regulations are adopted, the prefixes “H”, “S”, and “C” will be affixed to each of the sets of regulations for the House, for the Senate, and for the other employing offices, but the text of the part 541 regulations will be identical.

How are substantive regulations proposed and approved under the CAA? Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements which are “the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for the implementation of the rights and protections under this section.” Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors adopt proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record; (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record; (4) committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and (5) final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication. For more detail, please reference the text of 2 U.S.C. 1384. This Notice of Proposed Rulemaking is step (1) of the outline set forth above.

How does the Board of Directors recommend that Congress approve these proposed regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to “include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolu-

tion.” The Board of Directors recommends that the procedure used in 1996 be used to adopt these proposed overtime exemption regulations: the House of Representatives adopted the “H” version of the regulations by resolution; the Senate adopted the “S” version of the regulations by resolution; and the House and Senate adopted the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are these proposed regulations also recommended by the Office of Compliance’s Executive Director, the Deputy Executive Director for the House of Representatives, and the Deputy Executive Director for the Senate? Yes, as required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations is also recommended by the Executive Director and Deputy Executive Directors of the Office of Compliance.

How are the Secretary of Labor’s new overtime exemption regulations different than the old Secretary of Labor regulations at 29 CFR Part 541? The Secretary of Labor has substantially rewritten Part 541. Much of the regulatory framework for determining whether a particular employee should or should not receive overtime pay at time and one-half of that employee’s regular rate of pay has been restructured under the new Part 541. For the Secretary of Labor’s explanation of the substance of the changes, see the Department of Labor’s discussion of the new regulations found at: [www.dol.gov/fairpay/](http://www.dol.gov/fairpay/).

How similar are the proposed CAA regulations with the new Secretary of Labor regulations? Except for certain required changes, which are shown in the accompanying proposed regulations, the Board of Directors has repeated the text of the regulations at 29 CFR Part 541. “Good cause” for modification of the existing regulations of the Secretary of Labor, as required by section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), consists of those changes needed to reflect the authority of the CAA as the enabling statute for these regulations, the requirement at section 225(d)(3) of the CAA, 2 U.S.C. 1361(d)(3), that the CAA “shall not be construed to authorize enforcement by the executive branch of this Act. . . .” If there is any additional good cause for a particular proposed variation from the Secretary of Labor’s regulations, it is set out adjacent to that provision of the proposed regulation.

Are these proposed CAA regulations available to persons with disabilities in an alternate format? This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, [www.compliance.gov](http://www.compliance.gov) which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9225; TDD: 202-426-1912; FAX: 202-426-1913.

#### 30-DAY COMMENT PERIOD REGARDING THE PROPOSED REGULATIONS

How can I submit comments regarding the proposed regulations? Comments regarding the proposed new overtime exemption regulations of the Office of Compliance set forth in this NOTICE are invited for a period of thirty (30) days following the date of the appearance of this NOTICE in the Congressional Record. In addition to being posted on the Office of Compliance’s section 508 compliant web site ([www.compliance.gov](http://www.compliance.gov)) this