

hour program would allow an employee to bank—"to bank"—up to 50 hours over his or her regularly scheduled hours. The employee under this bill may use those banked hours at any future date to reduce the workday or a workweek.

Mr. President, when used, the flexible credit hours represent time off from work at the employee's regular rate of pay. An employee must be allowed to use accrued credit hours within a reasonable period of time following his or her request, so long as doing so will not unduly disrupt the workplace.

As is true with comptime and biweekly programs, an employer has the initial decision of whether to offer the flexible credit hour program at all. Then participation in a flexible credit hour program is, of course, voluntary on the employer's part and on the employee's part. An interested employee must elect to participate. If he or she does not, then the status quo under current law would be in effect.

Mr. President, union employees can do this in accordance with their collective bargaining agreements. Nonunion employees must submit a written or otherwise verifiable statement acknowledging his or her participation in the program. The anticoercion remedy sanctions provision which we talked about before are applicable to the comptime and biweekly schedules and are also applicable to this flexible credit hour program as well.

Mr. President, let me turn now to the fourth major provision of the bill clarifying Federal law.

I have talked about the three chief options provided by the bill.

Let me also point out in the interest of completeness that S. 4 also makes important clarifications in the regulations delineating the salary basis test. The bill makes it clear that the fact that a particular employee is subject to a deduction in pay for absence of less than a full workday or less than a full workweek may not be considered in determining whether that employee enjoys exempt status. Only actual reductions in pay may be considered.

Mr. President, for more than five decades the "subject to" language generated little or no controversy. However, in recent years courts have begun to reinterpret the salary basis test. Seizing on the phrase "subject to" in the regulations, large groups of employees have won multimillion-dollar judgments. These awards have been given in spite of the fact that many of the plaintiff employees have never actually experienced a pay reduction of any kind and have never expected to receive overtime pay in addition to their executive, administrative, or professional salaries.

Mr. President, included in this bill—in part to stop the large number of cases that are being brought against State and local governments—it is true that the Department of Labor attempted to solve this problem through regulations as they applied to State

and local employees in 1992. This legislation in no way preempts those regulations.

The legislation also clarifies that employers may give bonuses and may give overtime payments to salaried employees without destroying their exemption from FLSA.

In summary, Mr. President, let me talk again briefly about the four provisions.

Comptime, first of all, allows workers to voluntarily choose to take their overtime pay as time off instead of as overtime pay.

Biweekly schedules, the second provision, allows workers to choose to work their 80 hours for 2 weeks in any combination that they so elect and if they agree with their employer.

Flexible credit hours, the third provision, allows workers to choose to work additional hours and to bank these hours for use as time off at some point in the future.

All of these flexible workplace options are designed to expand the choices available to working families. They are, Mr. President, completely voluntary. No employee can be forced to participate in a flexible workplace option. No employer can be forced to offer one. If any employer directly or indirectly coerces employees to participate in a particular option, the employer can be punished under the Fair Labor Standards Act, be forced to pay back wages, and maybe even face imprisonment.

Mr. President, that is what the bill would accomplish.

This bill would accomplish a real change for the betterment of the lives of working families, and the American people absolutely agree with this. A national poll conducted in September 1995 shows that the American work force endorses flexible work options. When asked, Mr. President, about a proposal to allow hourly employees the choice of time and a half in wages or time off with pay, 75 percent of the workers agree with that proposal; 65 percent said they favored more flexible work schedules.

Mr. President, according to a poll recently taken, 88 percent of all workers want more flexibility, either through scheduling flexibility or choice of compensatory time in lieu of traditional overtime pay. In that same poll, 75 percent of the workers favored changes in the law that would permit hourly workers such a choice. The evidence is overwhelming about what the American workers want.

I think these poll results square with what most of us know, frankly, intuitively. As both the economy and the American family and life grow more and more complex, the men and women in America's work force want greater flexibility to be able to cope with all of the changes that we have in life today. I think that this consensus presents us, this Senate, with a remarkable opportunity.

I look forward to working with my colleagues as we work on what should be a bipartisan approach to this bill.

Mr. President, this bill is about equity. It is about equality. It is about families such as this that are pictured behind us. Families want options. They want flexibility. This is what this bill gives them.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent for 10 additional minutes. I advise my colleagues, I do not believe I will use 10 minutes, but I ask for that in a unanimous consent at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I say to my friend from Ohio, I am in a bit of a time crunch. I need 5 minutes. I do not know what your schedule is like.

Mr. DEWINE. My colleague can proceed and I will come back at an appropriate time to finish my remarks.

Mr. DODD. I thank the Senator.

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

The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Mr. President, I would urge my colleague not to travel too far. I was about to talk about a bill we are working on together.

Let me begin by thanking my colleague from Ohio. I will be only a few minutes here. I will try to be brief.

COMMENDING SENATOR BYRD

Mr. DODD. Mr. President, I join my colleague in commending our colleague from West Virginia. For those of us who were here on the floor of the Senate, we had the privilege once again to listen to our distinguished colleague, the senior Senator from West Virginia, eloquently describe the great institution of motherhood and its great contribution made to this great Nation.

I recommend everyone in this country, if they did not hear the Senator from West Virginia, that they might read the CONGRESSIONAL RECORD and enjoy the benefit of his remarks.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise here this morning to comment on a piece of legislation that my colleague from Ohio, Senator DEWINE, and I introduced actually a few days ago, but because of the pressing nature of the business on the floor of the Senate, did not get a chance to actually discuss it here.

I would like to describe what we have introduced and urge our colleagues to