United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, MAY 13, 1997 No. 62

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, help us to pray what we mean and mean what we pray. May our prayers never be perfunctory. We ask You to fill this Chamber with Your holy presence and glory and acknowledge that all we do and say today, as well as our attitudes and our relationships, will be observed by You. We pray for Your inspiration for the quality of life of the Senate and realize that we are accountable to You for the depth of caring we express to one another beyond party loyalties. We intercede for our Nation and You give us vision that will require united, bipartisan support of legislation to solve problems and grasp Your larger plan. We ask for strength to work creatively and energetically and You impinge on our minds waiting for our invitation for You to empower us with Your spirit. Dear God, help us to pray with expectancy. In the name of our Lord who taught us to ask, seek, and knock in prayer, knowing that with You nothing is impossible. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. ASHCROFT. I thank the Chair.

SCHEDULE

Mr. ASHCROFT. On behalf of the majority leader, I announce that this morning the Senate will turn to the consideration of S. 4, the Family Friendly Workplace Act. It is also hoped that the Senate will be able to return to S. 717, the IDEA, Individuals With Disabilities Education Act, legislation and complete action on that bill today. As always, all Members will be notified as to when to anticipate any rollcall votes on either of these two matters. In addition, the Senate may also consider any other legislative or executive items that can be cleared for action. I remind all Members that the Senate will be in recess from 12:30 to 2:15 for the weekly policy luncheons to meet.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, leadership time is reserved.

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER. Under the previous order, the Senate now will proceed to the consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 4

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Friendly Workplace Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to assist working people in the United States;

(2) to balance the demands of workplaces with the needs of families;

(3) to provide such assistance and balance such demands by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate; and

(4) to give private sector employees the same benefits of compensatory time off, biweekly work schedules, and flexible credit hours as have been enjoyed by Federal Government employees since 1978.

SEC. 3. WORKPLACE FLEXIBILITY OPTIONS.

[(a) COMPENSATORY TIME OFF.—

[(1) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

[''(r) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

[''(1) GENERAL RULE.—

[''(A) COMPENSATORY TIME OFF.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

[''(B) DEFINITION.—For purposes of this subsection, the term 'employee' does not include an employee of a public agency.

[''(2) CONDITIONS.—An employer may provide compensatory time off to employees under paragraph (1)(A) only pursuant to the following:

[''(A) Such time may be provided only in accordance with—

[''(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employees recognized as provided in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

[''(ii) in the case of employees who are not represented by a labor organization recognized as provided in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper containing 100% post consumer waste