

genuinely want to provide family-friendly arrangements, they are free to do so under current law. The key is the 40-hour week. Employers can schedule workers for four 10-hour days a week with the fifth day off, and pay them the regular hourly rate for each hour. No overtime pay is required.

Employers can also arrange a work schedule of four 9-hour days plus a 4-hour day on the fifth day—again, without paying a dime of overtime. Under current law, some employees can even vary their hours enough to have a 3-day weekend every other week.

Employers also can offer genuine flex time. This allows employers to schedule an 8-hour day around core hours of 10 a.m. to 3 p.m., and let employees decide whether they want to work 7 a.m. to 3 p.m. or 10 a.m. to 6 p.m. This, too, costs employers not a penny more.

But only a tiny fraction of employers use these or the many other flexible arrangements available under current law. The Bureau of Labor Statistics found in 1991 that only 10 percent of hourly employees are offered flexible schedules.

Current law permits a host of family friendly, flexible schedules, but virtually no employers provide them. S. 4 has a different purpose. It would cut workers' wages. That is why employer groups support it unanimously. Obviously it is not just small businesses that wish to cut pay and substitute some less expensive benefit instead.

My colleagues made another point that cries out for response. They contend that S. 4 gives employees the choice when to use accumulated compensatory hours. Once again, this is incorrect. Under S. 4, the employer could deny a worker's request to take comptime and the employee would have no redress. Even if the employer failed to comply with the bill's stated standards governing the use of compensatory time, the employee would have no right to protest, and no remedy for any protest that was lodged nonetheless.

Contrary to my colleagues' contentions, the Democratic alternative that was offered on May 14 by Senators BAUCUS, KERREY, and LANDRIEU actually gives the employee the choice of when to use accrued compensatory time. My colleagues' statements to the contrary notwithstanding, it is not the Government that would make that decision under our alternative, nor is it the Secretary of Labor.

Instead, the Baucus-Kerrey-Landrieu amendment gives the worker the choice. If an employee wants to use compensatory time for any reason that would qualify for leave under the Family and Medical Leave Act, the employee has an absolute right to do so. This simply gives employees the ability to be paid for leave that they already have a right to take on an unpaid basis. Thus, an employee could in fact use comptime to care for a seriously ill child, or deal with a newborn or newly adopted child. Supporters of

S. 4 claim this is what they want their bill to accomplish. The Democratic alternative actually achieves that goal.

Under the Baucus-Kerrey-Landrieu amendment, if an employee gives more than 2 weeks' notice, the employee can use comptime for any reason as long as it does not cause substantial and grievous injury to the employer's operations. Thus, if a worker wants to use comptime 3 weeks from today to attend the school play, he or she can do so unless the business would suffer this acute level of disruption. Again, the proponents of S.4 allege that they want to give employees the ability to do this. But only the Democratic alternative actually gives employees the choice.

If an employee gives less than 2 weeks notice of a request to use comptime, under the Democratic alternative the employer must grant the request unless it would substantially disrupt the business. Once again, this supplies real choice to employees while protecting employers' ability to run their businesses. Flexibility in the workplace must run in both directions. The Republican bill gives all the flexibility to the employer, and gives the employee nothing but a pay cut.

One final point requires a response. My colleague from Missouri contends that S. 4 simply gives hourly employees the same benefits that State and local government workers have enjoyed since 1985. He argues that Democratic support for that earlier legislation is inconsistent with our opposition to S. 4.

But the facts belie this contention. As the Senator from Missouri well knows, the Fair Labor Standards Act was amended in 1985 to allow public sector comptime principally to allow State and local governments to avoid the costs of overtime pay. The Senator from Missouri was Governor of that State in 1985, and he testified in support of the changes before the Senate Labor Subcommittee.

Historically, State and local governments had not been subject to the overtime provisions of the Fair Labor Standards Act. When that was reversed by a Supreme Court decision, those governments were faced with substantial new costs. They immediately sought relief from Congress so that they could avoid the costs of overtime pay.

For example, the National League of Cities claimed that, without relief, "the cost of complying with the overtime provisions of the FLSA * * * will be in excess of \$1 billion for local governments." The National Association of Counties reported that "It will cost States and localities in the billions of dollars to maintain current service levels under this ruling. * * * We need flexibility to use compensatory time and volunteers as alternatives to meeting the public's demand for increased services when we are faced with budget shortfalls."

Such estimates, along with similar dire warnings from other States, led to

the enactment of comptime legislation for State and local government employees in 1985. As Senator HATCH put it, that legislation was meant "to prevent the taxpayers in every single city in America from suffering reduced services and higher taxes."

Deny it as they will, supporters of S. 4 have precisely the same motive. Saving money is precisely what the supporters of S. 4 want to accomplish. A representative of the National Federation of Independent Businesses testified before the Labor Committee in February that small businesses support S. 4 because they "cannot afford to pay their employees overtime." Cutting workers' wages is unacceptable to those on this side of the aisle. That is why we oppose S. 4.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 15, 1997, the Federal debt stood at \$5,344,063,176,240.27. (Five trillion, three hundred forty-four billion, sixty-three million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents)

One year ago, May 15, 1996, the Federal debt stood at \$5,115,694,000,000. (Five trillion, one hundred fifteen billion, six hundred ninety-four million)

Five years ago, May 15, 1992, the Federal debt stood at \$3,918,654,000,000. (Three trillion, nine hundred eighteen billion, six hundred fifty-four million)

Ten years ago, May 15, 1987, the Federal debt stood at \$2,290,946,000,000. (Two trillion, two hundred ninety billion, nine hundred forty-six million)

Twenty-five years ago, May 15, 1972, the Federal debt stood at \$427,283,000,000 (Four hundred twenty-seven billion, two hundred eighty-three million) which reflects a debt increase of nearly \$5 trillion—\$4,916,780,176,240.27 (Four trillion, nine hundred sixteen billion, seven hundred eighty million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which requests the concurrence of the Senate:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 16, 1997, during the adjournment of the Senate, received a message from the House of