

and accoutrements, and other supplies and appliances sold under this subsection, the Corporation shall use the average price for such items at a variety of retail gun stores nationwide."

SMITH AMENDMENT NO. 4269

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE CONCERNING USS LCS 102.

It is the sense of the Senate that the Secretary of Navy should use existing authorities in law to seek the expeditious return of the former USS LCS 102 from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

WARNER AMENDMENT NO. 4270

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II add the following:

SEC. 223. CYCLONE CLASS CRAFT SELF-DEFENSE.

(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(b) SOCOM INVOLVEMENT.—The Secretary shall carry out the study through the Commander of the Special Operations Command.

(c) SPECIFIC SYSTEM TO BE EVALUATED.—The study under subsection (a) shall include an evaluation of the BARAK ship self-defense missile system.

(d) FUNDING.—Of the amount authorized to be appropriated by section 104, \$2,000,000 is available for carrying out this section.

HATFIELD (AND WYDEN) AMENDMENT NO. 4271

(Ordered to lie on the table.)

Mr. HATFIELD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Insert at the appropriate place the following:

SEC. . OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON ON CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION.

(a) Except as provided in subsection (b), the Site Manager of the Hanford Reservation ("Site Manager") shall provide to the State of Oregon all written information required to be provided to the State of Washington on any matter covered by the Hanford Tri-Party Agreement.

(1) Any such information provided to the State of Washington shall be provided to the State of Oregon when it is provided to the State of Washington or as soon as practical thereafter.

(2) Except as provided in subsection (b), whenever an opportunity for review and comment is provided to the State of Washington on matters covered by the Hanford Tri-Party Agreement, the Site Manager shall also provide an opportunity for review and comment to the State of Oregon.

(b) Nothing in this section: (1) Requires the Site Manager to share enforcement sensitive information or information related to the negotiation, dispute resolution or State cost recovery provisions of the Hanford Tri-Party Agreement; (2) requires the Site Manager to provide confidential budget or procurement information under terms other than those provided in the Tri-Party Agreement for the transmission of such information to the State of Washington; (3) authorizes the State of Oregon to participate in enforcement, dispute resolution or negotiation actions conducted under provisions of the Hanford Tri-Party Agreement; (4) shall delay implementation of remedial or environmental management activities at the Hanford Reservation; or (5) obligates the Department of Energy to provide additional funds to the State of Oregon.

Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING

It is the sense of the Senate that the State of Oregon has the authority to and may enter into a joint memorandum of understanding with the State of Washington or a joint memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation in order to address issues of mutual concern to such States regarding the Hanford Reservation.

THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

BOND AMENDMENT NO. 4272

(Ordered to lie on the table.)

Mr. LOTT (for Mr. BOND) submitted an amendment intended to be proposed by him to the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes; as follows:

Strike title II and insert the following:

TITLE II—PAYMENT OF WAGES

SEC. 2101. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.

(a) SHORT TITLE.—This section may be cited as the "Employee Commuting Flexibility Act of 1996".

(b) USE OF EMPLOYER VEHICLES.—Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by adding at the end the following: "For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee."

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply in determining the application of section 4 of the Portal-to-Portal Act of 1947 to an employee in any civil action brought before such date of enactment but pending on such date.

SEC. 2102. MINIMUM WAGE INCREASE.

(a) SHORT TITLE.—This section may be cited as the "Minimum Wage Increase Act of 1996".

(b) AMENDMENT TO MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of

1938 (29 U.S.C. 206(a)) is amended by striking "(a) Every" and all that follows through "\$4.25 an hour after March 31, 1991;" and inserting the following: "(a) An employer shall pay to an employee of the employer the following wage rate in accordance with the requirements of this subsection:

"(1)(A) in the case of an employee who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than \$4.25 an hour during the period ending on December 31, 1996, not less than \$4.75 an hour during the year beginning on January 1, 1997, and not less than \$5.15 an hour after December 31, 1997;

"(B) in the case of an employee who in any workweek is engaged in commerce or in the production of goods for commerce, but is not employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than \$4.25 an hour;"

(c) CONSTRUCTION.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end thereof the following new subsection:

"(h) Nothing in this section shall be construed as affecting any exemption provided under section 13."

SEC. 2103. FAIR LABOR STANDARDS ACT AMENDMENTS.

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(A)) is amended—

(1) by striking the period at the end of paragraph (16) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(17) any employee—

"(A) who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker;

"(B) whose primary duty is—

"(i) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(ii) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(iii) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

"(iv) a combination of duties described in clauses (i), (ii), and (iv) the performance of which requires the same level of skills; and

"(C) who is compensated on an hourly basis and is compensated at a rate of not less than \$27.63."

(b) TIP CREDIT.—Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) by striking "(m) 'Wage' paid" and inserting "(m)(1) 'Wage' paid"; and

(2) by striking "In determining the war" and all that follows through "who customarily and regularly receive tips." and inserting the following:

"(2)(A) In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employer's employer shall be an amount equal to—

"(i) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the day preceding the date of enactment of this paragraph; and

"(ii) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in subclause (i) and the cash wage in effect under section 6(a)(1).

"(B) Subparagraph (A) shall not apply with respect to any tipped employee unless—

"(i) such employee has been informed by the employer of the provisions of this subsection; and

"(ii) all tips received by such employee have been retained by the employee, except that this subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips."

"(c) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by inserting after subsection (f) the following new subsection:

"(g) (1) In lieu of the rate prescribed by subsection (a)(1), any employer may pay any employee of such employer, during the first 180 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as a reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be deemed to have violated section 15(a)(3)."

KENNEDY AMENDMENT NO. 4273

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3448, supra; as follows:

Strike Title II and replace with the following:

TITLE II—LABOR PROVISIONS

SEC. 1. INCREASE IN THE MINIMUM WAGE RATE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending July 4, 1996, not less than \$4.70 an hour during the year beginning July 5, 1996, and not less than \$5.15 an hour after July 4, 1997;"

(b) EMPLOYEES WHO ARE YOUTHS.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended—

(1) in paragraph (4), by striking "; or" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end thereof and inserting "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(6) if the employee—

"(A) is not a migrant agricultural worker or a seasonal agricultural worker (as defined in paragraphs (8) and (10) of section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802 (8) and (10)) without regard to subparagraph (B) of such paragraphs and is not a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)); and

"(B) has not attained the age of 20 years, not less than \$4.25 an hour during the first 30 days in which the employee is employed by the employer, and, thereafter, not less than the applicable wage rate described in paragraph (1)."

(c) EMPLOYEES IN PUERTO RICO.—Section 6(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c)) is amended to read as follows:

"(c) The rate or rates provided by subsection (a)(1) shall be applicable in the case of any employee in Puerto Rico except an employee described in subsection (a)(2)."

SEC. 2. EXEMPTION OF COMPUTER PROFESSIONALS FROM CERTAIN WAGE REQUIREMENTS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(1) by striking the period at the end of paragraph (16) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, whose primary duty is—

"(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

(D) a combination of duties described in subparagraph (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than \$27.63 an hour."

SEC. 3. USE OF AN EMPLOYER-OWNED VEHICLE.

(a) IN GENERAL.—Section 4 of the Portal-to-Portal Act of 1947 (29 U.S.C. 254) is amended by inserting at the end the following:

"(e) For purposes of subsection (a), the use by an employee of an employer-owned vehicle to initially travel to the actual place of performance of the principal activity which such employee is employed to perform at the start of the workday and to ultimately travel to the home of the employee from the actual place of performance of the principal activity which such employee is employed to perform at the end of the workday shall not be considered an activity for which the employer is required to pay the minimum wage or overtime compensation if—

"(1) such employee has chosen to drive such vehicle pursuant to a knowing and voluntary agreement between such employer and such employee or the representative of such employee and such agreement is not a condition of employment;

"(2) such employee incurs no costs for driving, parking, or otherwise maintaining the vehicle of such employer;

"(3) the worksites to which such employee is commuting to or from are within the normal commuting area of the establishment of such employer; and

"(4) such vehicle is of a type that does not impose substantially greater difficulties to drive than the type of vehicle that is normally used by individuals for commuting."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply in determining the application of section 4 of the Portal-to-Portal Act of 1947 (29 U.S.C. 254) to an employee in any civil action brought before such date of enactment but pending on such date.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

BYRD AMENDMENT NO. 4274

Mr. BYRD proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VII add the following:

SEC. 708. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other

transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), \$10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term "Gulf War veteran" means a veteran of Gulf War service.

(B) The term "Gulf War service" means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term "child" means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms "congenital defect" and "catastrophic illness" for the purposes of this section.

BINGAMAN (AND OTHERS) AMENDMENT NO. 4275

Mr. BINGAMAN (for himself, Mr. BRADLEY, and Mr. FEINGOLD) proposed