''(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 then $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

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

On page 398, after line 23, insert the following:

SEC. 2828. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

BINGAMAN AMENDMENT NO. 4276

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

Strike out section 402 and insert in lieu thereof the following:

SEC. 402. REPEAL OF PERMANENT END STRENGTHS.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

GREGG AMENDMENT NO. 4277

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

At the appropriate place, insert the following:

SEC. . (a) the Congress finds that—

(1) Federal Bureau of Investigation background files contain highly sensitive and extremely private information;

(2) the White House is entrusted with Federal Bureau of Investigation background files for legitimate security purposes but it should ensure that any files requested are needed for such purposes and that these files remain confidential and private;

(3) the White House has admitted that the personnel security office headed by Mr. Livingstone inappropriately requested the files of over 400 former White House pass holders who worked under the past two Republican Presidents;

(4) Craig Livingstone, the director of the White House personnel security office, has been placed on paid administrative leave at his own request;

(5) the President has taken no action to reprimand those responsible for improperly collecting sensitive Federal Bureau of Investigation files; and

(6) the taxpayers of the United States should not bear the financial responsibility of paying Mr. Livingstone's salary.

(b) It is the sense of the Senate that the President should terminate Mr. Livingstone from his position at the White House immediately.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1678, a bill to abolish the Department of Energy, and for other purposes.

The hearing will be held on Tuesday, July 23, 1996, it will begin at 9:30 a.m., and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel or Betty Nevitt, staff assistant.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, June 25, 1996, session of the Senate for the purpose of conducting a closed hearing on broadcast spectrum reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 10 a.m., to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 2 p.m., to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 2 p.m. to hold a nominations hearing.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation at 10 a.m., on Tuesday, June 25, 1996. The markup will be held in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Commerce on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, June 25, 1996 to hold hearings on security in cyberspace.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct an oversight hearing Tuesday, June 25, at 9:30 a.m., hearing room (SD–406) on the impact of Federal streamlining efforts on GSA leasing activities.

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

ADDITIONAL STATEMENTS

TRIBUTE TO THE MILFORD MIDDLE SCHOOL FIFTH-GRADE STUDENTS FOR SUPPORTING THE SHRINERS HOSPITAL

● Mr. SMITH. Mr. President, I rise today to pay tribute to the 80 fifth-grade students in Pam Moreau's math classes at Milford Middle School in New Hampshire. Pam and her students organized an elaborate recycling system and donated 80,000 metal pull-tabs from soft drink cans to the Shriners hospital in Springfield, MA. The Shriners Hospital sells the tabs and uses the money to buy medical and nonmedical supplies for the hospital's burn victims and orthopaedic patients, all of whom are children. I congratulate the Milford students who worked for so many months to collect and recycle the tabs.

These 80 fifth-graders and the 80,000 tabs they collected are an example of the type of goodwill exemplified all across the country for the Shriners hospital. The Shriners hospital in Massachusetts is one of 22 Shriner hospitals in the United States that provides high-quality medical care absolutely free of charge. The Shriners hospital network is the only hospital system in the Nation that provides 100-percent charitable care, accepting no government or insurance reimbursement for treating hundreds of thousands of children. The only way the Shriners are able to help so many young patients is due to the generous support of the American people like the Milford fifth-graders.

Since 1922, when the first Shriner hospital was founded, the Shriner hospital network has helped over 500,000 children. Last year, the hospitals treated close to 20,000 orthopaedic cases and conducted over 200,000 outpatient and outreach clinic visits.

Money raised from the tabs collected by the Milford students will help pay for x-ray film, children's books, and VCR tapes for the patients at the Springfield Shriners Hospital. This hospital and other Shriner hospitals make the largest single contribution on a continuing basis to the care of disabled children in the United States.

I have always been impressed with the number of children the Shriners hospital helps each year and have worked with them over the years to promote and assist their efforts. I am particularly pleased that a group of young students in New Hampshire worked so diligently to contribute to this outstanding institution. These young fifth-graders will help make a difference in the lives of the sick and disabled children at the Shriners hospital. They should be very proud of their volunteer effort.

Mr. President, I ask that this recently published article from the Telegraph describing the students' hard work be inserted into the RECORD.