

(B) RECOMMENDATIONS.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise provided special treatment under the provisions; and

(II) a recommendation on whether additional protections should be provided, including additional protections for employees of public agencies.

(C) SPECIAL RULE.—The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

(d) COMPENSATION AND POWERS.—The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of the Family and Medical Leave Act of 1993 (29 U.S.C. 2634 and 2635).

(e) TRAVEL EXPENSES.—The members of the Commission shall be allowed reasonable travel expenses in accordance with section 304(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2634(b)).

(f) TERMINATION.—The Commission shall terminate 4 years after the date of enactment of this Act.

SEC. 5. CESSATION OF EFFECTIVENESS.

This Act, and the amendments made by this Act, cease to be effective 4 years after the date of enactment of this Act.

AMENDMENT NO. 269

On page 10, strike lines 4 through 7 and insert the following:

“(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

“(11)(A) The term ‘compensatory time off’ means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

“(B) The term ‘monetary overtime compensation’ means the compensation required by subsection (a).”

AMENDMENT NO. 270

On page 10, strike line 4, and insert the following:

“(10) The entire liquidated value of an employee’s accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual as of—

“(A) the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time; or

“(B) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, the date of ceasing to do business.

“(11) The terms ‘monetary overtime compensation’”.

AMENDMENT NO. 271

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

AMENDMENT NO. 272

Beginning on page 26, strike line 19 and all that follows through page 28, line 16.

AMENDMENT NO. 273

Beginning on page 3, strike lines 15 through 23 and insert the following:

“(B) In this subsection:

“(i) The term ‘employee’ does not include—

“(I) an employee of a public agency;

“(II) an employee who is a part-time employee;

“(III) an employee who is a temporary employee; and

“(IV) an employee who is a seasonal employee.

“(ii) The term ‘employer’ does not include—

“(I) a public agency; and

“(II) an employer in the garment industry.

“(iii) The term ‘employer in the garment industry’ means an employer who is involved in the manufacture of apparel.

“(iv) The term ‘part-time employee’ means an employee whose regular workweek for the employer involved is less than 35 hours per week.

“(v) The term ‘seasonal employee’ means an employee in—

“(I) the construction industry;

“(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

“(III) any other industry that the Secretary by regulation determines is a seasonal industry.

“(vi) The term ‘temporary employee’ means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer.”

AMENDMENT NO. 274

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

DODD AMENDMENTS NOS. 275–276

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 275

On page 5, line 12, strike “240” and insert “80”.

AMENDMENT NO. 276

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

KENNEDY AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

On page 7, strike line 13 and insert the following:

“(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

“(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

“(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

“(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

“(III) the employee has requested the use of compensatory time off at a specific time of the employee’s choice;

“(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

“(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

“(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

“(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

“(C) An agreement or understanding that is entered”.

SPECTER AMENDMENT NO. 278

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

On page 7, after line 12, insert

“(iii) UNLAWFUL DISCRIMINATION.—It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation, or to qualify the availability of work for which overtime compensation is required upon employee’s request for or acceptance of compensatory time off in lieu of monetary overtime compensation.”

THE FLANK DOCUMENT TO THE CONVENTIONAL FORCES IN EUROPE TREATY

KERRY (AND OTHERS) EXECUTIVE AMENDMENT NO. 279

Mr. KERRY (for himself, Mr. SARBANES, Mr. ABRAHAM, Mrs. FEINSTEIN, and Mr. BIDEN) proposed an executive amendment to condition No. 5 of the Resolution of Ratification (Treaty Doc. No. 105–5); as follows:

Strike subparagraph (F) of section 2(5) and insert the following:

(F) COMPLIANCE REPORT ON ARMENIA AND OTHER STATES PARTIES IN THE CAUCASUS REGION.—Not later than August 1, 1997, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether Armenia was in compliance with the Treaty in allowing the transfer of conventional armaments and equipment limited by the Treaty through Armenian territory to the secessionist movement in Azerbaijan;

(ii) whether other States Parties located in the Caucasus region are in compliance with the Treaty; and

(iii) if Armenia is found not to have been in compliance under clause (i) or, if any other State Party is found not to be in compliance under clause (ii), what actions the President has taken to implement sanctions as required by chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance to the independent states of the former Soviet Union) or other provisions of law.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate