authorizations of appropriations through fiscal year 2000, and for other purposes.

H.R. 2070. An act to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life''.

H.R. 2353. An act to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker signed the following enrolled bill:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 629. An act to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; to the Committee on Energy and Natural Resources.

H.R. 1743. An act to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes; to the Committee on the Environment and Public Works.

H.R. 2070. An act to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life''; to the Committee on Foreign Relations.

H.R. 2353. An act to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

S. 1322. A bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 1328. A bill to amend the commencement dates of certain temporary Federal judgeships.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1715. An act respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1516. A communication from the Director the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the annual Federal Financial Management Report and Five-Year Plan; to the Committee on Governmental Affairs.

EC–1517. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Department of Human Services' Foster Care Reimbursement Efforts''; to the Committee on Governmental Affairs.

EC–1518. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Financial Review of the District of Columbia's Drug Asset Forfeiture Program''; to the Committee on Governmental Affairs.

EC–1519. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of the District of Columbia's Recycling Program''; to the Committee on Governmental Affairs.

EC–1520. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report entitled, ''To Assure the Free Appropriate Public Education of All Children with Disabilities''; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–358. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–359. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–360. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–361. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–362. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–363. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–364. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–365. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–366. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–367. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–368. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–369. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–370. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–371. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–372. A petition from a citizen of the State of Georgia for a redress of grievance; to the Committee on the Judiciary.

POM–373. A petition from a citizen of the State of Nebraska for a redress of grievance; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN:

S. 1330. A bill to make available without fiscal year limitation the offsetting collections of the Federal Communications Commission for electromagnetic spectrum auctions; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1331. A bill to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes; to the Committee on the Judiciary.

S. 1332. A bill to clarify the application of certain Federal criminal laws to territories, possessions, and commonwealths, and for other purposes; to the Committee on the Judiciary.

S. 1333. A bill to provide for a reduction of sentence for providing useful investigative information, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST:

S. 1334. A bill to amend chapter 28 of title 35, United States Code, to provide for noninfringing uses of patents on medical and surgical procedures; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1330. A bill to make available without fiscal year limitation the offsetting collections of the Federal Communications Commission for electromagnetic spectrum auctions; to the Committee on Commerce, Science, and Transportation.

THE SPECTRUM AUCTION OFFSETTING COLLECTION AVAILABILITY ACT

● Mr. MCCAIN. Mr. President, today I am introducing the Spectrum Auction Offsetting Collection Availability Act. This bill is simple and would save a fiscal problem currently being faced by the Federal Communications Commission [FCC].

The FCC currently must expend funds in order to conduct spectrum auctions. When such auctions occur, the Commission is authorized to retain from the auction proceeds to offset the overhead costs of conducting the auction. This plan is logical and clearly benefits all concerned—especially the taxpayers.

However, it has been brought to my attention that when an auction is conducted late in the fiscal year, and the revenues come in too late to be expended during that fiscal year, the Commission does not have the authority to use the funds collected. This creates an unintentional monetary crisis at the collected. This creates an unintentional monetary crisis at the FCC. Clearly, the FCC should be able to keep this money for more than 1 year in order to support spectrum auctions.

Currently there is much debate as to whether we should cut the FCC's funding or not. That is a debate for another

day and quick passage of this bill should not be interpreted by any as an indication as to a Member's view on overall FCC funding levels. This bill simply allows the FCC to continue to conduct its auctions in a manner that does not require the use of appropriated funds.

Similar language has already been added to both H.R. 1869, the FCC Authorization Act of 1995 and the proposed House Reconciliation bill. It is not controversial and makes common sense.

I would hope that it would be passed by the Senate in the very near future or that it could be added to the first appropriate legislative vehicle moving on the Senate floor. I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1330

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 ''Spectrum Auction Offsetting Collection Availability Act''.

SEC. 2. AVAILABILITY OF FUNDS FROM SPECTRUM AUCTIONS.

Section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) is amended by inserting after the second sentence the following new sentence: ''Such offsetting collections shall remain available until expended.''.●

By Mr. HATCH:

S. 1331. A bill to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes; to the Committee on the Judiciary.

TITLE 18 UNIFORMITY ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce the Title 18 Uniformity Act of 1995 and urge my colleagues' support for this bill.

This bill makes technical adjustments to make uniform the dollar amounts used in title 18 to distinguish between grades of offenses.

This bill raises the dollar threshold that triggers more severe punishment of certain unlawful acts. This change allows the punishment to better fit the crime by raising the threshold to a reasonable level before the extended imprisonment option becomes effective. This bill furthers our interest in applying equal justice and better utilization of incarceration space. I urge its passage.

By Mr. HATCH:

S. 1333. A bill to clarify the application of certain Federal criminal laws to territories, possessions, and commonwealths, and for other purposes; to the Committee on the Judiciary.

THE POSSESSIONS AND TERRITORIES CRIMINAL LAW CLARIFICATION ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce the Possessions and Territories Criminal Law Clarification Act.

This law, which is purely technical in nature, is needed to clarify an ambiguity in a number of Federal statutes as to their coverage of crimes occurring in the territories, possessions, and commonwealths of the United States. This ambiguity arises because these statutes contain references to State law, without any indication of whether they are to be applied to territories or other entities which are not States.

My bill would clarify that these ambiguous Federal criminal statutes apply to the territories, possessions, and commonwealths of the United States, as well as to the 50 States. I ask my colleagues to support this legislation, and urge its swift approval.

By Mr. HATCH:

S. 1333. A bill to provide for a reduction of sentence for providing useful investigative information, and for other purposes; to the Committee on the Judiciary.

THE SUBSTANTIAL ASSISTANCE CLARIFICATION AMENDMENT ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce the Substantial Assistance Clarification Amendment Act of 1995. This amendment to Federal sentencing procedures clarifies the procedures by which the Government may move that the court sentence a defendant below a statutory minimum sentence based on the defendant's cooperation with the Government.

My bill removes the requirement that a substantial assistance reduction be based on information relating to a particular person being investigated or prosecuted. Instead, under my bill, such a reduction could be given in exchange for substantial assistance in the investigation or prosecution of any offense, even if the defendant is unaware of the specific person or persons involved.

My bill will assist Federal prosecutors in their task of bringing criminals to justice by giving them additional leverage with which to uncover needed evidence. It will also provide incentives to defendants to come clean, and mitigate their crimes by cooperating with the prosecution.

This bill does nothing to lessen the punishment for truly culpable defendants who deserve the full measure of punishment the law provides. It simply strengthens a tool in the prosecution's toolbox. It furthers the interests of justice, and I urge its passage.

By Mr. FRIST:

S. 1334. A bill to amend chapter 28 of title 35, United States Code, to provide for noninfringing uses of patents on medical and surgical procedures; to the Committee on the Judiciary.

THE MEDICAL PROCEDURES INNOVATION AND AFFORDABILITY ACT

● Mr. FRIST. Mr. President, I rise today to introduce legislation that will address what I believe is a growing problem in the medical community. It may come as a surprise to my colleagues in the Senate, to health care consumers, and even to some physicians, that the U.S. Patent and Trademark Office issues patents for purely medical procedures.

Most physicians are unaware that patents can be issued for medical procedures, and even if they were, few would seek to limit the ability of other physicians to use the most up-to-date and effective procedures in providing health care. Yet, an alarming trend of obtaining and enforcing medical procedure patents is on the rise in the medical community, and I strongly believe that a legislative solution is necessary.

Mr. President, for most of our history, advancements in medical procedures, independent of a new medical device or pharmaceutical, were not considered patentable. In 1954, the Patent Office reversed its prior rulings and issued a decision which has been interpreted to provide broad authority for the issuance of medical method patents. The increasing incidence of the issuance of these patents is in conflict with broader health policy goals.

Mr. President, advances in health care are encouraged and fostered in an atmosphere where professionals share their research and publish the results of their work. Physician specialties conduct annual meetings to discuss the latest techniques, and important discoveries are published and subject to the critical peer review process. There is simply an element of unfairness if doctors are allowed to claim ownership of procedures which were developed based on years of cooperative clinical experience and research.

A recent lawsuit, and increasing demand for the payment of royalties on patented medical procedures, has caused a growing concern that the issuance of medical method patents will increase the cost of health care, and quite possibly, keep physicians from providing the best treatment available. For example, in 1993, Dr. Samuel Pallin, an Arizona ophthalmic surgeon, sued Dr. Jack Singer, a Dartmouth Medical School professor of ophthalmology, for patent infringement involving a technique for stitchless cataract surgery. Dr. Pallin sought a patent on the technique, even though many ophthalmic surgeons, including Dartmouth's Dr. Singer, were using this technique before Dr. Pallin sought his patent.

And this is not an isolated example. Medical method patents issued in recent months include patents relating to implanting a knee prosthesis, closing an incision in muscle tissue, calculating the risk of coronary heart disease, using donor plasma for ear infections, diagnosing Alzheimer's disease, treating rheumatoid arthritis, performing laser surgery without damaging nearby tissue, treating bone disorders, treating aneurysms, and the list goes on and on. Obviously, doctors and others have begun to realize that if the practice of granting and enforcing medical method patents continues to spiral, they must protect themselves

by seeking patents on procedures they use. That prospect is frightening.

Mr. President, the practice of enforcing medical patents against physicians and other health care providers has profoundly negative implications for the entire health care field. And that is why I am introducing legislation that would provide an exception from the definition of patent infringement for medical and surgical procedures. With this approach, physicians and others will still be entitled to seek and obtain a medical method patent, but there will be no infringement if the procedure is used by other physicians or other licensed health care practitioners. And because the legislation does not impose a ban on the issuance of medical method patents, there should be no concern that the legislation would prohibit biotechnology companies from enforcing their patent rights against commercial users with respect to any patentable advancements in areas such as gene therapy, cell therapy, or with respect to new uses for well-known drugs. Additionally, Mr. President, there is an explicit exemption for the commercial manufacture of drugs, medical devices and any other products regulated by the Food and Drug Administration, which should also provide substantial protection for the biotechnology industry.

Mr. President, more than 80 nations, including Japan, Germany, Great Britain, and France, prohibit the issuance of medical method patents. Increased enforcement of medical method patents will increase health care costs, limit access to quality health care, and ultimately put patient privacy at risk. The legislation I am introducing will limit the enforcement of medical method patents against physicians, while preserving the rights of the biotechnology industry. I believe this legislation is both balanced and necessary, and I urge my colleagues to support its passage.●

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1027

At the request of Mr. BROWN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1027, a bill to eliminate the quota and price support programs for peanuts, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

AMENDMENTS SUBMITTED

THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

HELMS AMENDMENT NO. 2938

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to proposed by him to amendment No. 2898 proposed by Mr. DOLE to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; as follows:

At the end, add the following:

( ) Notwithstanding any other provision of this Act, but for purposes of Title III, any person or entity, including any agency or instrumentality of a foreign state, shall be deemed to have received the notices described in subsections (B)(I) and (B)(ii) with respect to any claim certified prior to the effective date hereof by the Foreign Claims Settlement Commission.

( ) Notwithstanding any other provision of this Act, but for purposes of Title III, an action may be brought under Title III by a United States national only where the amount in controversy exceeds $100,000, exclusive of costs, attorneys' fees, and exclusive of interest under sections 302(a)(I)(I), (II), and (III), and exclusive of any additional sums under section 302(a)(3)(B).

( ) Notwithstanding any other provision of this Act, but for purposes of Title III, a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under Title V of the International Claims Settlement Act of 1949 but did not so file the claim may not bring an action under this Title.

( ) Notwithstanding any other provision of this Act, but for purposes of Title III, in the event some or all actions or claims filed under this section are consolidated by judicial or other action in such manner as to create a pool of assets available to satisfy such claims, including a pool of assets in a proceeding in bankruptcy, every certified claimant who filed such an action or claim which is consolidated in such manner with other claims shall be entitled to payment in full of its claim from the assets in such pool prior to any payment from the assets in such pool with respect to any claim not certified by the Foreign Claims Settlement Commission.

( ) Notwithstanding any other provision of this Act, but for purposes of Title III, in the case of any action brought under this Title by a United States national whose underlying claim in the action was timely filed with the Foreign Claims Settlement Commission under Title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court shall accept the findings of the Commission on the claim as conclusive in the action under this Title.

( ) Notwithstanding any other provision of this Act, any provisions in this Act related to the import of sugar or sugar products shall be deemed ''sense of the Congress'' language.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will hold a hearing on S. 1327, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian community and the city of Scottsdale, AZ. The hearing will take place on Thursday, October 26, 1995, beginning at 9:30 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet twice during the Wednesday, October 18, 1995, session of the Senate for the purpose of conducting an oversight hearing on the Amateur Sports Act and a hearing on S. 1043, the Natural Disaster Protection and Insurance Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 18, 1995, at 10 a.m.