Drug Products for Over-the-Counter Human Use; to the Committee on Labor and Human Resources.

EC–2585. A communication from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting, pursuant to law, the report of rule (RIN1218–AA71); to the Committee on Labor and Human Resources.

EC–2586. A communication from the Director of the ADEA Division of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a final rule; to the Committee on Labor and Human Resources.

EC–2587. A communication from the Labor Member of the Railroad Retirement Board, transmitting, the report of Dissent of Labor of the Board concerning majority of the Board's proposal to amend the Railroad Retirement Act to change the state of limitations that applies to the creditability of compensation under the Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs, with amendments:

S. 1579. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the ''Single Audit Act'') (Rept. No. 104–266).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1745. An original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 104–267).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1025. A bill to provide for the exchange of certain federally owned lands and mineral interests therein, and for other purposes (Rept. No. 104–268).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1624) to reauthorize the Hate Crime Statistics Act, and for other purposes (Rpt. 104–269).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 3074. A bill to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone (Rept. No. 104–270).

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. BINGAMAN (for himself, Mr. DOMENICI, and Mr. DASCHLE):

S. 1743. A bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1744. A bill to permit duty free treatment for certain structures, parts, and components used in the Gemini Telescope Project; to the Committee on Finance.

By Mr. THURMOND:

S. 1745. An original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. GRAMM:

S. 1746. A bill to correct the marking requirements for American-made hand tools; to the Committee on Finance.

By Mr. GRAMM (for himself and Ms. MOSELEY-BRAUN):

S. 1747. A bill to correct the marking requirements for American-made feather and down-filled products; to the Committee on Finance.

By Mr. SIMPSON (by request):

S. 1748. A bill to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

S. 1749. A bill to amend title 38, sections 8101(2) and 8109(h)(3)(B), United States Code, to delete the references therein to ''working drawings'' and substitute therefor the words ''construction documents,'' and to further delete the references therein to ''preliminary plans'' and to substitute therefor the words ''design development.''; to the Committee on Veterans' Affairs.

S. 1750. A bill to amend title 38, United States Code, to modify disbursement agreement authority to include residents and interns serving in any Department facility providing hospital care or medical services; to the Committee on Veterans' Affairs.

S. 1751. A bill to amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans' service organizations as their representatives in claims before the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

S. 1752. A bill to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

S. 1753. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to suspend a special pay agreement for physicians and dentists who enter residency training programs; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. DASCHLE):

S. 1743. A bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TEMPORARY EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1996

Mr. BINGAMAN. Mr. President, my home State of New Mexico is currently experiencing a very severe drought, as is much of the Southwest. As with any drought, many of my State's citizens are experiencing severe hardships.

Saturday, 2 days ago, I saw what fire had done to the Carson National Forest in my State. This is one of several major fires that New Mexico has experienced this year. The fire in the Carson National Forest was designated the Hondo fire. To date, over 20,000 acres have burned in our State. People have been burned out of their homes, Bandelier National Monument, Questa, Red River, NM, have all had their existence threatened, and the community of La Lama in northern New Mexico has been utterly destroyed.

The size of these fires can be directly attributed to the lack of rain in our State for a very long period of time. And if the current weather conditions continue and no relief is in sight, the rest of this year will be tense and dangerous.

Mr. President, I am here today to talk about another danger that is posed by this same lack of rain, and it is a threat to the finances and the livelihood of those who depend on the rain to make the grass that feeds their herds.

The bill that I am introducing today along with my cosponsors, Senator DOMENICI and Senator DASCHLE, is entitled the ''Temporary Emergency Livestock Feed Assistance Act of 1996.'' It is intended to help those ranchers who otherwise cannot afford to feed their cattle during this time of drought. With terrible range conditions, the options available to a rancher have become very limited.

The rancher can either buy feed or he can sell the livestock that he owns at market prices. Neither option is very desirable at this time. Feed prices are extremely high, and cattle prices are the lowest that they have been for over a decade. The situation places the rancher in dire straits. In Lea County in southeastern New Mexico, ranchers usually budget about $125 to raise a cow. Now the cost has risen to about $250 to $300 per head because of the high cost of feed.

In Curry County on the eastern side of New Mexico, the local paper reported that winter wheat crop faces an 80 to 90 percent loss. That crop is usually about 2.5 million bushels that are harvested. All parts of New Mexico are suffering. For the third year in a row, we have had less than our average rainfall in the northwest part of the State. Near Window Rock, AZ, we had 2.1 inches of precipitation during the period from October to March, the driest for that period since the year 1904. In the western part of our State, in Quay County, we have reported much less than average amounts of rainfall. In the south, Las Cruces usually receives about 8.5 inches a year, which I know would be a drought for most parts of the country even if we were to receive that, but for the past 3 years Las Cruces has consistently received less than that amount.

This bill, this Temporary Emergency Livestock Feed Assistance Act of 1996, is not meant to be a permanent solution to the current problem. The bill revives the livestock feed program for a 1-year period. That is 1996. The program was suspended in the recently enacted farm bill. Under the provisions of this act, those who raise cattle or sheep or goats would be eligible for assistance.

Funding for the old program was through the Commodity Credit Corporation, and this bill changes that funding mechanism. It restricts the program to $18 million, specifically identifies a fund that already has 1996 appropriations dedicated to it.

If market conditions remain, the funds that are targeted for use by this particular bill we are introducing today will otherwise remain unspent at the end of the fiscal year. So given the current crisis, it is clear to me that this money will be best utilized in helping the ranchers to survive the situation they face.

Several provisions have been placed into the bill to ensure against abuses of the program. For example, a rancher will have to have owned or leased the livestock for at least 180 days. If the rancher has not owned or leased the livestock for the required time, there are certain exceptions that the Secretary of Agriculture will have to approve. This will ensure that additional livestock are not purchased for the sole purpose of benefiting from this program we are proposing to enact.

Also, there is language that allows the Secretary to determine the quantities of forage sufficient to maintain livestock, based on the normal carrying capacity of the land. This language is intended to discourage a person from overstocking the land above the carrying capacity and receiving assistance for that effort. This will help to ensure that long-term damage to the land does not occur.

Another important provision concerns the commodities reserve program. The bill asks the Secretary to examine using the Department's millions of bushels of stored grain for the emergency that we now face. The Secretary is asked to report back to Congress within 30 days of enactment of this bill. If the reserve can be used, the ranchers will be able to receive grain at lower than market prices.

After examining the facts, I am confident that my colleagues here in Congress will agree that the current emergency situation demands immediate action. This legislation extends the program—for only 1 year—that was suspended permanently by the farm bill. Consistently in times of need, the rancher has turned to this program. Clearly, ranchers are in need of this program one more time.

The reintroduction of this program will not dramatically alter the budget that was agreed upon in the farm bill. Instead, this legislation will spend funds that have already been appropriated for fiscal year 1996 and in all likelihood will go unspent this year if this bill is not enacted.

Mr. President, a former Member of this Senate and a former President, Harry Truman, used to state that the facts should determine the conclusion that we reach. In this matter, the severe conditions of the drought warrant immediate action by Congress. I urge serious consideration of this legislation and expeditious passage of this legislation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1744. A bill to permit duty free treatment for certain structures, parts, and components used in the Gemini telescope project; to the Committee on Finance.

THE GEMINI TELESCOPE PROJECT ACT OF 1996

Mr. INOUYE. Mr. President, I rise today to introduce legislation that is of great importance to the entire international scientific community and to the State of Hawaii. This legislation grants tariff relief to the Gemini project, an international astronomical project.

The Gemini project, which is run by the Association of Universities for Research in Astronomy [AURA] on behalf of the National Science Foundation [NSF] and several foreign nations, consists of two 8-meter optical telescopes to be constructed over the next few years on Mauna Kea, HI, and on Cerro Pachon, Chile.

AURA is a private, nonprofit consortium of United States and foreign affiliated education and other nonprofit institutions that operate several world-class astronomical observatories throughout the world. The Gemini project is an international partnership and draws funding from the Governments of the United States, the United Kingdom, Canada, Chile, Argentina, and Brazil. Fifty percent of the project's cost is borne by the United States and 50 percent by the project's foreign partners.

Because of the international cooperation involved in the Gemini project, the specific partner countries have been assigned work packages and bids for components of the telescope have been requested from both United States and international suppliers. For example, Corning Glass Works in New York produced the 8-meter mirrors required for the telescopes and then shipped them to France for polishing. Once this polishing is completed, the mirrors will be sent to Hawaii for installation.

Gemini's international cooperation is a model for major scientific projects in the future. We all realize that we must reduce the Federal deficit, and that will mean belt-tightening across Government. The Gemini model offers an innovative way to do significant scientific research in such a climate because the United States and its international partners share the cost of construction, and, in turn, benefit by shared use of the telescopes once they are constructed.

However, this international cooperation has presented a problem for AURA. Although all non-U.S. partner countries have already waived all taxes and duties related to the Gemini project, the U.S. Customs Service has initially ruled that the mirror is subject to duties upon reentry into the United States. The Customs Service classifies the mirror as a component of the telescope. This initial ruling appears to negate the terms of the ''Florence Agreement,'' an international trade agreement from the 1950's which permits scientific instruments duty-free entry when used by a nonprofit organization.

The customs duties for the importation of all Gemini project, components basically means that one Federal Government agency—the NSF—will end up paying another Federal Government agency—the U.S. Customs Service—for an import duty which, I believe, clearly violates the terms of the ''Florence Agreement.''

Not only will the Customs Service's tariff ruling cause a problem with cost and schedule for the Gemini project, but it will also threaten future international scientific collaborations because of the potential problem it poses to such a project's cost. It would appear that as these international partnerships become more crucial in this era of ever-tightening budgets, the Customs Service's position will undermine the viability of these kinds of scientific arrangements.

Mr. President, I am pleased to advise my colleagues that there is a strong precedent for the Congress to enact legislation that would provide relief for the Gemini project. In the Omnibus Trade and Competitiveness Act of 1988—Public Law 100–418, the Congress agreed with the same arguments I have described here today and provided tariff relief for the W.M. Keck Observatory project administered by the California Association for Research in Astronomy. This legislation is comparable in scope to the 1988 provision, except for the fact that the Keck Observatory was a privately funded telescope whereas the Gemini project carries an official designation as a U.S.-owned and operated facility.

Time is critical to the successful completion of the Gemini project. Key components of the telescope are scheduled for arrival in the United States early next year, and it does not appear that the U.S. Customs Service will provide any specific relief for the Gemini project. As a result, this legislation is vital to avoiding serious cost or schedule disruption to the Gemini Program.

I urge my colleagues on the Finance Committee to take up this important legislation at the earliest possible opportunity so that the Gemini project may proceed on schedule and within budget.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN STRUCTURES, PARTS AND COMPONENTS USED IN THE GEMINI TELESCOPES PROJECT, MAUNA KEA, HAWAII.

(a) IN GENERAL.—The Secretary of the Treasury is authorized and directed to admit free of duty after March 31, 1997, the following articles for the use of the Association of Universities for Research in Astronomy, Inc. in the construction of the Gemini North Telescope, Mauna Kea, Hawaii, as part of the international Gemini 8-Meter Telescopes Project:

(1) The telescope enclosure, produced by Coast Steel Fabricators, Ltd., Port Coquitlam, British Columbia, Canada.

(2) The telescope structure assemblies, produced by G.I.E. Telas, Cannes le Bocca, France.

(3) The telescope mirror coating plant, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(4) The telescope primary mirror, polished by REOSC, Saint-Pierre-du-Perray, France.

(5) The telescope secondary mirror, produced by Carl Zeiss, Oberkochen, Germany.

(6) The telescope acquisition, guiding, and wavefront sensing equipment, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(b) RELIQUIDATION.—If the liquidation of the entry of any article described in subsection (a) has become final before April 1, 1997, the entry shall, notwithstanding any other provision of law, be reliquidated on April 1, 1997, in accordance with the provisions of this section and the appropriate refund of duty made at time of such reliquidation.

By Mr. SIMPSON (by request):

S. 1748. A bill to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the organization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

• Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1748, a bill to facilitate the reorganization of the headquarters of the Veterans Health Administration [VHA], Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 22, 1995. That letter was referred to the Committee on Veterans' Affairs on July 20, 1995.

This measure, Mr. President, also requests that the Congress authorize a VHA reorganization notwithstanding the notice and wait provisions of section 510 of title 38, United States Code. By the time that this request had been referred to the Committee on Veterans' Affairs, July 20, 1995, the waiting period specified under section 510 of title 38, United States Code, had nearly expired and, thus, those provisions were, for practical purposes, moot at the time the committee received this request. Nonetheless, I have introduced this bill in its entirety today since it contains provisions which are not related directly to the reorganization which is now being implemented.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) The Secretary of Veterans Affairs may proceed with the reorganization described in subsection (b) of this section without regard to section 510 of title 38, United States Code.

(b) The administrative reorganization referred to in subsection (a) is the reorganization of the Veterans Health Administration of the Department of Veterans Affairs as that reorganization and related activity are described in a letter dated March 17, 1995, and the detailed plan and justification enclosed therewith, submitted by the Secretary to the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to section 510 of title 38, United States Code.

SEC. 3. Section 7305 is amended to read as follows:

''The Veterans Health Administration shall include the Office of the Under Secretary for Health and such professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.''.

SEC. 4. Section 7306 is amended—

(a) in subsection (a)—

(1) by striking ''and who shall be a qualified doctor of medicine'' in paragraph (2);

(2) by striking paragraphs (5) and (6) and redesignating paragraphs (7), (8), and (9) as paragraphs (5), (6), and (7).

(b) by amending subsection (b) to read as follows:

''(b) Of the Assistant Under Secretaries for Health appointed under subsection (a)(3), not more than two may be persons qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicines.''.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, June 22, 1995.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, ''To permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration.'' We request that it be referred to the appropriate committee for prompt consideration and enactment.

The draft bill contains several provisions intended to assist VA in its reorganization of the Veterans Health Administration (VHA). The first provision would waive the waiting period otherwise required by 38 U.S.C. §510 for the planned VHA reorganization which the Department reported to its oversight committees on March 17, 1995. Enactment would permit the Department to begin implementing the reorganization immediately, and would assist the Under Secretary for Health to more rapidly achieve the improvements and advantages of that plan, as discussed extensively in our report. By sending a signal of Congressional support for this new direction for the VA health-care system, enactment would give strong impetus to implementation of the plan, and would assist the Under Secretary to achieve the ''culture change'' within VHA which is essential to fully realize its benefits.

The other provisions in the draft bill are aimed at facilitating the reorganization of VHA's headquarters. The current centralized management model for VHA, which is in part required by statute, impedes the system's ability to adapt to the rapidly changing health-care environment. The statutory structure limits the Department's flexibility to establish functions and offices in the organizational structure that are most necessary, and that are located in the geographic setting that best supports the goals of the health-care system.

To enhance organizational flexibility in VHA headquarters, the draft bill would eliminate the statutory requirement that VHA have a centralized Medical Service, Dental Service, Podiatric Service, Optometric Service, and Nursing Service. It would also eliminate a legal requirement that VHA have Directors for each of those services. The bill would additionally eliminate statutory requirements that VHA have an Assistant Under Secretary for Health who is a dentist, and an Assistant Under Secretary for Health with expertise and training in geriatrics. The Department does not plan to eliminate the functions of those offices and positions. Rather, the Department seeks the flexibility to determine which office and which position in the organization can best provide management direction to assure that those functions are appropriately carried out.

As a final matter, the draft bill would eliminate the requirement that the Associate Deputy Under Secretary for Health be a doctor of medicine. That change would provide the Veterans Health Administration with greater management flexibility by allowing the appointment to that position of an individual whose training and experience may be primarily in management, budgeting, or some other administrative area, rather than in medicine.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

SECTION-BY-SECTION ANALYSIS

Section 2 would waive the notice and wait requirements of 38 U.S.C. §510 with respect

to an administrative reorganization of the Veterans Health Administration. The reorganization is one described in a letter dated March 17, 1995, and the detailed plan and justification enclosed therewith, submitted by the Secretary to the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to section 510 of title 38, United States Code.

Section 3 would amend 38 U.S.C. §7305 to delete the current statutory requirement that the Veterans Health Administration include a centralized Medical Service, Dental Service, Podiatric Service, Optometric Service, and Nursing Service. It would provide the Administration with greater flexibility to provide the functions those services now provide in the most appropriate setting and geographic location.

Section 4 would amend 38 U.S.C. §7306. It would first eliminate the legal requirement that the Veterans Health Administration have Directors for each of the services deleted from 38 U.S.C. §7305 by section 3 of the draft bill. Section 4 would also eliminate a requirement in section 7306 that the Veterans Health Administration have an Assistant Under Secretary for Health who is a dentist, and an Assistant Under Secretary for Health with expertise and training in geriatrics. Finally, section 4 would delete the requirement in section 7306 that the Associate Deputy Under Secretary for Health be a doctor of medicine. The proposed amendments would all facilitate reorganization of the headquarters of the Veterans Health Administration.●

By Mr. SIMPSON (by request):

S. 1749. A bill to amend title 38, sections 8101(2) and 8109(h)(3)(B), United States Code, to delete the references therein to ''working drawings'' and substitute therefor the words ''construction documents,'' and to further delete the references therein to ''preliminary plans'' and to substitute therefor the words ''design development.''; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1749, a bill to amend certain provisions of title 38, United States Code, first, to delete references to ''working drawings'' and substitute therefor the words ''construction documents;'' and second, to delete references to ''preliminary plans'' and substitute therefor the words ''design development.'' The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 18, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8101(2) and section 8109(h)(3)(B) of title 38, United States Code, are amended—

SEC. 2. By striking the words ''working drawings'' each time they appear and to substitute therefor in each instance the words ''construction documents.''

SEC. 3. By striking the words ''preliminary plans'' each time they appear to substitute therefor in each instance the words ''design development.''

THE SECRETARY OF VETERANS AFFAIRS,
Washington, September 18, 1995.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, ''To amend title 38, sections 8101(2) and 8109(h)(3)(B), United States Code, to delete the references therein to ''working drawings'' and substitute therefor the words ''construction documents,'' and to further delete the references therein to ''preliminary plans'' and to substitute therefor the words ''design development.'' It is requested that the bill be referred to the appropriate committee and that it be favorably considered for enactment.

This draft bill would simply change terminology used in reference to design activities to bring the Department of Veterans Affairs in line with the terminology used in the private design and construction industry. These proposed changes are a result of the Department's Office of Construction Management's restructuring its design activities to follow those used by private industry.

This proposal will not result in any additional costs to, or savings for, the Department. The requested changes will result only in greater uniformity of construction project terminology between the Department and private industry.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

Enclosures.

SECTION-BY-SECTION ANALYSIS

Section 1 of the draft bill provides that section 8101(2) and section 8109(h)(3)(B) of title 38 shall be amended.

Section 2 of the draft bill would change the design document references in sections 8101(2) and 8109(h)(3)(B), from ''working drawings'' to ''construction documents.'' Enactment of this change would represent a terminology change only, which would result in terminology used within the Department of Veterans Affairs paralleling that used within the private design industry.

Section 3 of the draft bill would change the design document references in section 8101(2) from ''preliminary plans'' to ''design development.'' Enactment of this change would represent a terminology change only, which would result in terminology used within the Department of Veterans Affairs paralleling that used within the private design industry.●

By Mr. SIMPSON (by request):

S. 1750. A bill to amend title 38, United States Code, to modify disbursement agreement authority to include residents and interns serving in any Department facility providing hospital care or medical services; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1750, a bill to modify the disbursement agreement authority to the Department of Veterans Affairs [VA] to include residents and interns who are serving in any VA facility providing hospital care or medical services. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 26, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1750

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 7406(c) is amended—

(a) by striking ''Department hospital'' wherever it appears and inserting in lieu thereof ''Department facility furnishing hospital care or medical services''.

(b) in paragraph 4(C) by striking ''hospital'' after ''participating'' and inserting in lieu thereof ''facility''.

(c) in paragraph 5 by striking ''hospital'' both places it appears and inserting in lieu thereof ''facility''.

DEPARTMENT OF VETERANS AFFAIRS,
September 26, 1995.

The Honorable AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, ''To amend title 38, United States Code, to modify disbursement agreement authority to include residents and intense serving in any Department facility providing hospital care or medical services.'' We request that it be referred to the appropriate committee for prompt consideration and enactment.

Typically, residents and interns are trained at a number of medical institutions and each institution is individually responsible for paying the residents and interns

serving there. As a result, residents and interns often receive differing levels of pay and fringe benefits from institution to institution, which sometimes creates confusion and morale problems. Under disbursement agreements, medical institutions that participate in training residents and interns designate one institution to pay all residents and interns a set amount. Thus, pay and fringe benefits do not change when residents and interns rotate among participating institutions.

The enclosed draft bill would authorize VA to enter into disbursement agreements with participating medical institutions for the centralized administration of pay and other employee benefits to residents and interns training at any Department facility providing hospital care or medical services. Section 7406(c) of title 38, United States Code, currently provides for such agreements only ''for the period that such intern or resident serves in a Department hospital.'' The law does not authorize VA to enter into such agreements to provide pay and fringe benefits for residents and interns serving in VA outpatient clinics, nursing homes or other VA medical facilities.

This draft bill would allow VA facilities which are not hospitals, such as outpatient clinics and nursing homes, to receive the cost saving and other benefits provided by disbursement agreements. These facilities are an increasingly important component of the VA health care delivery system. With greater emphasis being placed on primary care, the training of residents and interns takes place in nonhospital settings such as outpatient clinics and nursing homes. This draft bill is particularly important in the case of two of our hospitals in California (Martinez and Sepulveda) which, due to earthquakes, have been modified into clinics. Both facilities have had long-standing academic affiliates and residency training programs with disbursement agreements. There are not costs to VA associated with this draft bill.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF PROPOSED BILL

The bill would expand VA authority to enter into disbursement agreements with participating medical institutions for the central administration of pay and other employee benefits for residents and interns who train at Department facilities. Currently, the law authorizes the use of disbursement agreements only for residents and interns serving in Department hospitals, but not those serving in outpatient clinics, nursing homes or other Department medical facilities. The bill would eliminate this restriction and provide authority for VA to enter into disbursement agreements for the central administration of pay and other employee benefits for interns and residents serving in any Department facility providing hospital care or medical services, including outpatient clinics and nursing homes.●

By Mr. SIMPSON (by request):

S. 1751. A bill to amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans' service organizations as their representatives in claims before the Department of Veterans Affairs; to the Committee on Veterans Affairs''.

VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1751, a bill to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans service organizations as their representatives in claims before the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated October 11, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter.

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

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

(a) PROVIDING THE DECISIONS.—Section 7104(e) of title 38, United States Code, is amended by—

(1) striking out ''mail'' and inserting in lieu thereof ''send''; and

(2) adding at the end of that subsection the following:

''For the purposes of this subsection, the Board may send a copy of its written decision by any means reasonably calculated to provide the claimant and the claimant's authorized representative (if any) with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them.''.

(b) BEGINNING OF THE APPEAL PERIOD.—Section 7266(a)(1) of title 38, United States Code, is amended by—

(1) striking out ''person'' and inserting in lieu thereof ''claimant'';

(2) striking out ''mailed'' and inserting in lieu thereof ''sent''; and

(3) inserting ''to the claimant's authorized representative or, if none, to the claimant'' following ''title''.

SEC. 2. APPOINTMENT OF A VETERANS SERVICE ORGANIZATION AS A CLAIMANT'S REPRESENTATIVE.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 of title 38, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting the following new subsection (c):

''(c)(1) Unless a claimant specifically indicates his or her desire to appoint only a recognized representative of an organization listed in or approved under subsection (a) of this section, the Secretary may, for any purpose, treat a claimant's power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as an appointment of the entire organization.

''(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a) of this section, a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving each kind of notification.''.

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs regardless of the date of its execution.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, October 11, 1995.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals (Board) decisions and to protect the right of claimants to appoint veterans service organizations as their representatives in claims before the Department of Veterans Affairs (VA). This legislation would permit the Board to provide copies of its appellate decisions to claimants' representatives reasonably and efficiently. It would also permit VA to continue a longstanding method of claimant representation which has proven efficient and beneficial to claimants. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

PROVISION OF COPIES OF BOARD DECISIONS

Section 7104(e) of title 38, United States Code, specifies that ''the Board shall promptly mail a copy of its written decision to the claimant and the claimant's authorized representative (if any).'' In the past, the Board's method of representative (if any).'' In the past, the Board's method of ''mailing'' a copy of a decision to a representative depended on where the representative was located. For a representative at the Board's offices in Washington, D.C., a contractor hand-delivered the Board decision to the representative. For a representative at a VA regional office, the Board gave the decision to the contractor, who ''bundled'' mail for the 58 VA regional offices and delivered the bundles to the United States Postal Service. After the United States Postal Service delivered the bundles to the VA regional offices, each regional office sorted its bundled mail and distributed any Board decision to the appropriate representative at that regional office. For a representative not at an office at a VA facility, the Board mailed its decision directly to the representative.

This past practice made sense considering the number of Board decisions and the number of representatives who have offices at VA facilities. The Board decides more than 25,000 cases per year. In more than 85 percent of those cases, one of the various veterans service organizations represents the claimant. Often, as authorized by 38 U.S.C. §5902(a)(2), the service organization occupies free office space in either a VA regional office or at the Board's offices in Washington, D.C. Thus, the

Board's past practice of distributing decisions to representatives was flexible and efficient.

This past practice, however, was invalidated by the Court of Veterans Appeals. In *Trammell* v. *Brown*, 6 Vet. App. 181 (1994), the Court of Veterans Appeals held that an apparently late notice of appeal was timely filed because the Board's decision-distribution procedure did not accord with 38 U.S.C. §7104(e). In *Davis* v. *Brown*, 7 Vet. App. 298 (1995), the court held that the phrase ''the Board shall promptly mail'' in section 7104(e) means that the Board decision ''must be correctly addressed, stamped with the proper postage, and delivered directly by the [Board] into the custody of the U.S. Postal Service.'' Id. at 303. The court then concluded that the apparently late notice of appeal in Davis was timely filed. Id. at 304.

The court's interpretation of section 7104(e) creates problems with logistical solutions the Board has developed over the years to provide representatives with copies of its decisions. Indeed, it leads to some absurd results. For example, instead of a Board employee (or a contractor) simply walking down the hall to deliver a Board decision to a service organization representative on the same floor, now the employee, not a contractor, must place the decision in an envelope, affix proper postage, and deliver it directly into the United States Postal Service's custody. We understand that the Postal Service takes this mail to Maryland for sorting, then returns it to the District of Columbia for delivery. The Postal Service delivers VA mail to the VA building across the street from the Board's offices, where a contractor sorts it for international delivery. The contractor must then carry the Board decision across the street to the building housing the Board and the service organization representative and deliver it to the representative.

The Board should be permitted to provide representatives with copies of its decisions sensibly. Thus, we propose this legislation to permit the Board to ''send'' its decisions to claimants and their representatives by any means reasonably calculated to provide them with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them.

Section 1(b) of this draft bill would also make a corresponding change to 38 U.S.C. §7266(a)(1), which currently provides that, to obtain review by the Court of Veterans Appeals, a person adversely affected by a final Board decision must file a notice of appeal within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e). Our proposed amendment would require that a notice of appeal be filed within 120 days after the date on which notice of the Board decision is sent pursuant to section 7104(e) to the representative or, if none, to the claimant.

APPOINTMENT OF A VETERANS SERVICE ORGANIZATION AS A CLAIMANT'S REPRESENTATIVE

Current law authorizes the Secretary to recognize individuals to prepare, present, and prosecute claims for VA benefits on behalf of claimants. Section 5904(a) of title 38, United States Code, authorizes the Secretary to recognize any individual as an agent or attorney for the preparation, presentation, and prosecution of VA benefit claims. Section 5903 of title 38, United States Code, authorizes the Secretary to recognize any individual for the preparation, presentation, and prosecution of any particular VA benefit claim. In addition, section 5902(a)(1) of title 38, United States Code, authorizes the Secretary to recognize representatives of certain veterans service organizations in the preparation, presentation, and prosecution of VA benefit claims.

With respect to representatives of veterans service organizations, VA's policy and practice has been to recognize any accredited representative of an approved service organization if a claimant files a power of attorney in favor of the organization itself, a specific office of the organization, or a particular representative of the organization. This practice affords several advantages. First, it allows different representatives of an organization to handle a particular claim at different stages of the claim, without the claimant having to file a separate power of attorney for each representative. For example, a representative of an organization at a VA field office can prosecute a claim there and initiate an appeal. Another representative of the same organization at the organization's national office can then argue the claim on appeal before the Board in Washington, D.C. Second, it allows different representatives of the organization to handle a particular claim at different locations and times, without the claimant having to file another power of attorney. For example, if a claimant moves from New York to Los Angeles while his or her claim is pending, a representative of an organization at a local office in New York can initially handle the claim there, and another representative of the organization at a local office in Los Angeles can subsequently pursue the claim at the location. Similarly, a second representative of an organization can assume responsibility for the prosecution of a claim if the original representative of that organization moves, becomes incapacitated, or leaves the organization. Third, the practice allows VA to notify a claimant's representative in a manner best suited to assure notice is received. For example, the Board can mail a copy of its decision to a representative of a given organization in Washington, D.C., as well as to a local representative at a field station, thereby doubling the likelihood that the claimant's representative will actually receive notice.

Cases pending before or recently decided by the Court of Veterans Appeals are imperiling VA's longstanding practice of recognizing any accredited representative of a veterans service organization in a particular claim. In *Leo v. Brown*, U.S. Vet. App. No. 93–844 (June 16, 1995), the court again held that an apparently late notice of appeal was timely filed because the Board's decision-distribution procedure did not accord with 39 U.S.C. §7104(e). In this case, the claimant executed a power of attorney in which, in the space for designation of a representative, he entered the American Legion and the address of the Greenville, South Carolina, Veterans Affairs Office, where the American Legion had a local representative. The Greenville office stated that it had no record of having received a copy of the Board's decision on the veteran's claim. The court ruled that actual receipt of a copy of the decision by the American Legion's national office in Washington, D.C., did not cure the failure to mail a copy to the claimant's designated representative, ''i.e., the Greenville, South Carolina, office.''

Based on inquiries from the court in cases currently pending, we are concerned that the court may go further and hold that, based on the plain meaning of 38 U.S.C. §5902(A)(1), a claimant may appoint only an individual, not an organization, to prepare, present, and prosecute a claim before VA on the claimant's behalf. Such a holding would play havoc with the traditional role of veterans service organizations in the claim process and inject additional technical demands into that process. If a claimant could appoint only an individual, the claimant would have to file another power of attorney each time it became necessary or expedient for another accredited representative to assist with his or her claim. VA could not allow another representative of the same organization access to the claimant's files or mail another representative a copy of a Board decision without risking violation of the Privacy Act. Under the Leo decision, similar problems would frequently arise in the cases of claimants who designate a particular office of an organization on their power-of-attorney forms.

A recent survey at the Board showed that 79 percent of appellants who designated a veterans service organization on their power-of-attorney form (which, as noted above, occurs in more than 85 percent of the 25,000 cases that pass through the Board each year) designated only the organization, not a specific office or an individual representative of the organization. Thus, if the court were to invalidate VA's practice of recognizing organizations rather than individuals, it would cast doubt on the validity and meaning of nearly 16,800 powers of attorney in cases coming before the Board alone over one year. It would delay decisions on numerous claims while VA tried to clarify what individual representative, if any, each appellant wanted to represent him or her.

The impact on the Compensation and Pension Service (C&P) would be even greater. Last year, C&P completed action on 2,127,265 compensation and pension claims. As of December 31, 1994, national veterans service organizations represented approximately 36 percent of the beneficiaries receiving monthly compensation or pension payments from C&P. It would be fair to conclude that veterans service organizations represented approximately 36 percent of the compensation or pension claimants whose cases were handled in 1994. Although C&P does not have statistics on the number of claimants who designate only an organization (as opposed to a specific office or recognized representative of an organization), let us assume that, as at the Board, approximately 79 percent of claimants represented by service organizations designated only an organization on their powers of attorney. Thus, an ''individuals only'' holding by the court would cast doubt on the validity and meaning of nearly 605,000 powers of attorney coming before C&P during one year.

An ''individuals only'' rule would require extensive and costly reprogramming of the Veterans Benefits Administration's (VBA) automated data processing system and greatly increase VBA's annual postage costs. In connection with claim development, award notification, and routine communications concerning awards, VBA's regional offices annually produce more than 3 million letters for veterans service organizations representing claimants or beneficiaries. Currently, the Hines, Illinois, computer center prepares and mails one copy of each letter to the claimant or beneficiary and ships three copies to the appropriate regional office, where one copy is filed in the claim folder and two are delivered through internal mail to the organization. If required to notify individual representatives of organizations by mail, VBA would have to reprogram the computer system and, most likely, mail the representatives' copies from Hines. Postage costs alone could approach $1 million annually. We think that such a procedure would waste limited resources, particularly since the current procedure provides an efficient means of notifying organizations.

An ''individuals only'' rule would also probably force VBA to curtail or eliminate veterans service organizations' access to veterans' computer records. Currently, an accredited representative of an organization may access the records of any veteran represented by that organization. Under an ''individuals only'' system, however, VBA would

have to restrict a representative's access to only the files of those veterans whose powers of attorney designate that representative. The cost of establishing appropriate security for the computer files in a system that includes over 6,000 individual representatives would probably be too great to justify continued access to the records. The Board would also face a similar problem with access it provides veterans service organizations to its computer records.

Section 2 of the draft bill would address these problems. Section 2(a) would authorize the Secretary to treat a power of attorney naming an organization, a specific office of an organization, or a recognized representative of an organization as an appointment of the entire organization, unless the claimant specifically indicated his or her desire to appoint only a recognized representative of the organization. Under this amendment, whether a claimant's power of attorney is executed in favor of an approved organization, a local office of that organization, or an individual representative of the organization, the claimant could rest assured of the assistance of an accredited representative of the organization at every stage of the claim or appeal before VA, regardless of location or the inability of a particular individual to continue representation, without having to file additional powers of attorney.

Section 2(a) of the draft bill would also require the Secretary, when required or permitted to notify a claimant's representative, and when the claimant has in effect appointed a veterans service organization as representative, to notify the organization at the address designated by the organization for the purpose of receiving each kind of notification.

Under section 2(b) of the draft bill, the amendments made by section 2(a) would apply to any power of attorney filed with VA regardless of the date of its execution.

COSTS AND SAVINGS

We estimate that the savings from enactment of the provision authorizing the sending of Board decisions would be insignificant, i.e., administrative savings of less than $100,000 per year. Depending on how the Court of Veterans Appeals interprets current 38 U.S.C. §5902(a), enactment of the provision regarding the appointment of veterans service organizations as claimants' representatives could result in cost avoidance in excess of $1 million annually.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress from the standpoint of the Administration's program.

Sincerely yours,

JESSE BROWN.●

By Mr. SIMPSON (by request):

S. 1752. A bill to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1752, a bill to amend certain provisions of title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated February 21, 1996.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 7423 is amended—

(a) in subsection (b) by striking paragraph (1) and redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5);

(b) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g); and

(b) by inserting after subsection (b) the following new subsection (c):

''(c) A physician, dentist, podiatrist, or optometrist appointed as a full-time employee under this title (other than an intern or resident appointed pursuant to section 7406 of this title) may not assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the appointee, upon request and with the approval of the Under Secretary for Health, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be met for a period not to exceed 180 calendar days, which may be extended by the Under Secretary for Health for additional periods not to exceed 180 calendar days each.''.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, February 21, 1996.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, ''To amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities.'' We request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would amend section 7423 to exempt VHA full-time registered nurses, physician assistants (PA's) , and expanded-function dental auxiliaries (EFDA's) from the restriction on moonlighting applicable to all title 38 employees. Specifically, the draft bill would exempt these professional groups from the prohibition in subsection (b) of that section against assuming responsibility for the medical care of any patient not admitted to a VA facility. The registered nurses, PA's, and EFDA's would continue to be subject to conflict of interest restrictions on outside remuneration for the performance of official duties. In addition, the draft bill would correct a technical flaw in the recodification of title 38 by reimposing the remunerated outside activity restriction on VA Central Office executive physicians, dentists, podiatrists and optometrists.

Congress enacted the outside professional activities restrictions to assure the availability of health care professionals who are responsible for around the clock care of VA patients. This availability primarily concerns physicians, who must be on-call 24 hours a day, 7 days a week, to meet patient care needs. The moonlighting restriction is unnecessary as to nurses, PA's and EFDA's because VA has considerable flexibility to assure adequate coverage by these professional groups without it.

* * * * *

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill and that its enactment would be consistent with the Administration's program.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF DRAFT BILL

The draft bill would amend section 7423 by: 1. adding a new subsection (c); 2. in subsection (b), deleting paragraph (1), and redesignating paragraphs (2), (3), (4), (5), and (6), as paragraphs (1), (2), (3), (4), and (5), and respectively; and 3. redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively.

The new subsection (c) would exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional employment. Instead, new subsection (c) would apply the restrictions on remunerated outside professional employment only to physicians, dentists, podiatrists and optometrists. The registered nurses would continue to be subject to restrictions on outside remuneration for the performance of official duties. New subsection (c) also would correct a technical flaw in the recodification of title 38 by reimposing these restrictions on VA Central Office executive physicians, dentists, podiatrists and optometrists, by broadening its application so as to cover all title 38 Veterans Health Medical Administration professionals. Current law limits the restrictions to Veterans Health Administration professionals appointed under Chapter 74. Executive medical professionals are appointed under Chapters 3 and 73.●

By Mr. SIMPSON (by request):

S. 1753. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to suspend a special pay agreement for physicians and dentists who enter residency training programs; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1753, a bill to expand the authority of the Secretary of Veterans' Affairs to suspend special pay agreements for physicians and dentists who enter residency training programs. The

Secretary of Veterans' Affairs submitted this legislation to the President of the Senate by letter dated October 18, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Subsection 7432 (b)(2) is amended:

(a) by inserting ''A'' after ''(2)'' before ''The'', and

(b) adding a new subsection to read as follows:

''(B) The Secretary may, in the case of physician or dentist who enters a residency training program, suspend the special pay agreement. When the physician or dentist completes, withdraws from or is no longer a participant in the program, the special pay agreement shall be reinstated. During such suspension the physician or dentist shall not be subject to the refund requirement of paragraph 1.

SECRETARY OF VETERANS AFFAIRS,
Washington, October 18, 1995.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill ''To amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to suspend special pay agreements for physicians and dentists who enter residency training programs.'' We request that it be referred to the appropriate committee for prompt consideration and enactment.

Under current law, in order to recruit and retain highly qualified physicians and dentists in the Veterans Health Administration, the Secretary is authorized to provide them special pay. This special pay is provided under an agreement that stipulates a period of service in return for receipt of special pay and, in the event of a breach, the amount of special pay paid to the recipient under the agreement must be refunded. The special pay is in addition to any other pay and allowances the recipient of the special pay is entitled to receive.

However, a physician or dentist entering a residency training program must convert to a special appointment category that is excluded from receipt of special pay. Therefore, accepting a residency training position or entering a non-VA sponsored residency program prior to the expiration of the terms of the special pay agreement constitutes a breach of the agreement triggering an obligation to repay the special pay received in that year.

This proposal would amend subsection 7432(b)(2) of title 38, United States Code to authorize VA to suspend the special pay agreement of a physician or dentist who enters a residency training program, VA sponsored or not. When the physician or dentist completes, withdraws from or is no longer a participant in the program, the special pay agreement shall be reinstated. During such suspension the physician or dentist shall not be subject to the refund requirement of paragraph 1.

The refund requirement penalty fixed in law for those choosing to enter residency training programs is punitive and counterproductive to VA's medical mission to provide veterans the services of highly qualified and trained health care professionals. In keeping with VA's mission, this proposal would remove the imposition of adverse financial consequences for those wishing to enter residency training programs and would allow them to pursue educational opportunities designed to increase and develop their professional knowledge and skills.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF DRAFT BILL

This draft bill would amend subsection 7432(b)(2) of title 38, United States Code by adding a new subsection ''B'' that would expand the authority of the Secretary of Veterans Affairs to suspend a special pay agreement for physicians and dentists who enter residency training programs. When they complete, withdraw from or are no longer participants in the program, the special pay agreement shall be reinstated. During such suspension the physician or dentist shall not be subject to the refund requirement of paragraph 1.

Under existing law, a physician or dentist who enters a residency training program is converted to a special appointment category that is excluded from receipt of special pay. Entering a residency training position constitutes a breach of the agreement and triggers the obligation to repay the special pay the recipient received in that year.

The amendment would temporarily suspend the special pay agreement during residency training and allow the return of the physician or dentist to VA employment without incurring a special pay refund obligation. If the physician or dentist does not return, then a repayment obligation would arise.●

ADDITIONAL COSPONSORS

S. 722

At the request of Mr. DOMENICI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Virginia [Mr. WARNER], the Senator from Rhode Island [Mr. PELL], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1400

At the request of Mrs. KASSEBAUM, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1493

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1493, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. GRAMS] was withdrawn as a cosponsor of S. 1493, supra.

S. 1623

At the request of Mr. WARNER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1647

At the request of Mr. PRESSLER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1647, a bill to amend the Federal Land Policy and Management Act of 1976 to provide that forest management activities shall be subject to initial judicial review only in the United States district court for the district in which the affected land is located, and for other purposes.

S. 1661

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

S. 1724

At the request of Mr. THOMAS, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1724, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1729

At the request of Mrs. HUTCHISON, the names of the Senator from Maine [Ms. SNOWE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1729, a bill to amend