

The amendment (No. 5223) was agreed to as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the “Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006” or the “COMPETE Act of 2006”.

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

“(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

“(II) is a professional athlete, as defined in section 204(i)(2);

“(III) is a professional athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

“(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

“(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

“(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

“(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

“(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

“(I) as such an athlete with respect to a specific athletic competition; or

“(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.”.

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

“(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

“(ii) In this subparagraph, the term ‘state sponsor of international terrorism’ means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

“(iii) The laws specified in this clause are the following:

“(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

“(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

“(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).”.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

“(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).”.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

“(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.”.

The bill (S. 3821) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

ADMONISHING THE STATEMENTS MADE BY PRESIDENT HUGO CHAVEZ AT THE UNITED NATIONS GENERAL ASSEMBLY

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PROMOTE THE ADOPTION OF A RESOLUTION PROTECTING LIVING RESOURCES OF THE HIGH SEAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate proceed to the immediate consideration of S. Res. 607 and S. Res. 610 en bloc.

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

The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 607) admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez.

A resolution (S. Res. 610) expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

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

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 607

Whereas President Chavez referred to the President of the United States as “the devil”, and referred to the President as “the spokesman of imperialism” for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government;

Whereas President Chavez made unsubstantiated claims that the United States had set in motion a coup in Venezuela on April 11, 2002, and continues to support coup attempts in Venezuela and elsewhere;

Whereas, to consolidate his powers, President Chavez—

(1) continues to weaken the separation of powers and democratic institutions of the Government of Venezuela;

(2) survived a recall vote in August 2004 through questionably undemocratic actions;

(3) decreed that all private property deemed “not in productive use” will be confiscated by the Government of Venezuela and redistributed to third parties;

(4) enacted a media responsibility law that—

(A) placed restrictions on broadcast media coverage; and

(B) imposed severe penalties for violators of that law;

(5) used other legal methods to silence media outlets that criticized his government; and

(6) changed the penal code of Venezuela—

(A) to restrict the rights of freedom of expression and freedom of association once enjoyed by the citizens of Venezuela; and

(B) to increase jail terms for those convicted of criticizing the government of that country;

Whereas, in an effort to destabilize the democratic governments of other countries in that region, President Chavez continues to support anti-democratic forces in Colombia, Ecuador, Peru, and Nicaragua, as well as radical and extremist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the people and interests of the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as state sponsors of terrorism; and

Whereas President Chavez has developed a close relationship with the totalitarian regime in Cuba, led by Fidel Castro, and has also associated himself with other authoritarian leaders, including Kim Jong Il of North Korea and Mahmoud Ahmadinejad in Iran: Now, therefore, be it

Resolved, That the Senate condemns—

(1) the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006; and

(2) the undemocratic actions of President Chavez.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 610

Whereas it is of paramount importance to the United States and all nations to ensure the protection, conservation, and sustainable management of high seas living marine resources;

Whereas fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of

jobs in the United States and its territories as well as nations throughout the world;

Whereas the high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases such as cancer and asthma;

Whereas the United Nations Food and Agriculture Organization reports that a growing number of high seas fish stocks important to the United States and the world are overfished or depleted;

Whereas the United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats;

Whereas destructive, illegal, unreported, and unregulated fishing by vessels flying non-United States flags threatens high seas fisheries and the habitats that support them;

Whereas nations whose fleets conduct destructive, illegal, unreported, and unregulated high seas fishing enjoy an unfair competitive advantage over United States fishermen, who must comply with the rigorous conservation and management requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other laws in order to conserve exhaustible natural resources; and

Whereas international cooperation is necessary to address destructive, illegal, unreported, and unregulated fishing which harms the sustainability of high seas living marine resources and the United States fishing industry: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should continue to demonstrate international leadership and responsibility regarding the conservation and sustainable use of high seas living marine resources by vigorously promoting the adoption of a resolution at this year's 61st session of the United Nations General Assembly calling on all nations to protect vulnerable marine habitats by prohibiting their vessels from engaging in destructive fishing activity in areas of the high seas where there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement, until such time as conservation and management measures consistent with the Magnuson-Stevens Act, the United Nations Fish Stocks Agreement, and other relevant instruments are adopted and implemented to regulate such vessels and fisheries; and

(2) the United States calls upon the member nations of the United Nations to adopt a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 668, S. 2322.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2322) to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

There being no objection, the Senate proceed to consider the bill which had

been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2322

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 "Consumer Assurance of Radiologic Excellence Act of 2006".]

SEC. 2. PURPOSE.

[The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.]

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

[Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

["Subpart 4—Medical Imaging and Radiation Therapy

["SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

["(a) ESTABLISHMENT OF STANDARDS.—

["(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

["(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

["(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

["(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

["(c) REQUIREMENTS.—

["(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

["(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

["(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

["(B) may vary in form for each of the covered disciplines; and

["(C) may exempt individual providers from meeting certain standards based on their scope of practice.

["(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

["(d) APPROVED BODIES.—

["(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

["(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

["(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

["(A) be a nonprofit organization;

["(B) comply with the standards described in paragraph (2);

["(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

["(D) provide such other information as the Secretary may require.

["(4) WITHDRAWAL OF APPROVAL.—

["(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

["(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

["(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

["(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section.

["(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy