

project. In exchange for debt forgiveness under this paragraph, the project shall remain affordable to low-income families for a period of 20 years, unless otherwise provided by the Secretary.

(8) **BUDGET-BASED RENTS.**—During fiscal year 1997, the Secretary or designee may renew an expiring contract, for a period of not more than 1 year, at a budget-based rent that covers debt service, reasonable operating expenses (including all reasonable and appropriate services), and a reasonable return on equity, as determined solely by the Secretary, but that does not exceed the rent levels under the expiring contract. The Secretary may establish a preference under the demonstration program for budget-based rents for unique housing projects, such as projects designated for occupancy by elderly families in rural areas.

(i) **COMMUNITY AND TENANT INPUT.**—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice, including an opportunity for comment, to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(j) **LIMITATION ON DEMONSTRATION AUTHORITY.**—The Secretary shall carry out the demonstration program with respect to mortgages not to exceed 50,000 units.

(k) **PRIORITY FOR PARTICIPATION.**—The Secretary or designee shall give priority for participation in the demonstration program to any owner of an eligible multifamily housing project with an expiring contract for project-based assistance.

(l) **FUNDING.**—In addition to the \$30,000,000 made available under section 210 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (110 Stat. 1321), for the costs (including any credit subsidy costs associated with providing direct loans or mortgage insurance) of modifying and restructuring loans held or guaranteed by the Federal Housing Administration, as authorized under this section, \$10,000,000, are hereby appropriated, to remain available until September 30, 1998.

(m) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—

(A) **BIANNUAL REPORTS.**—Not less than biannually, the Secretary shall submit to the Congress a report describing and assessing the programs carried out under the demonstration program.

(B) **FINAL REPORT.**—Not later than 6 months after the end of the demonstration program, the Secretary shall submit to the Congress a final report on the demonstration program.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) any findings and recommendations for legislative action; and

(B) a description of the status of each multifamily housing project selected for the demonstration program.

(3) **CONTENTS OF FINAL REPORT.**—The report submitted under paragraph (1)(B) may include—

(A) with respect to each multifamily housing project participating in the demonstration program, information relating to—

(i) the size of the project;

(ii) the geographic locations of the project, by State and region;

(iii) the physical and financial condition of the project;

(iv) the occupancy profile of the project, including the income, family size, race, and ethnic origin of the tenants, and the rents paid by those tenants;

(v) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and

any impediments to the transfer or sale of the projects;

(vi) a description of the extent to which the demonstration program has displaced tenants of the project;

(vii) a description of the impact to which the demonstration program has affected the localities and communities in which the projects are located; and

(viii) a description of the extent to which the demonstration program has affected the owners of the projects; and

(B) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to State entities.

THE DEFENSE OF MARRIAGE ACT

NICKLES AMENDMENT NO. 5168–5170

(Ordered to lie on the table.)

Mr. NICKLES submitted three amendments intended to be proposed by him to the bill (H.R. 3396) to define and protect the institution of marriage; as follows:

AMENDMENT NO. 5168

At the appropriate place in the bill, insert the following new sections:

SEC. . REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) **IN GENERAL.**—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) **VERIFICATION REQUIRED.**—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) **NO INFERENCE OF LIABILITY.**—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. . LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. . REDUCTION.

The amount paid pursuant to this Act to an individual for attorneys fees and costs described in section shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. . PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section , shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

AMENDMENT NO. 5169

At the appropriate place in the bill, insert the following new sections:

SEC. . SHORT TITLE.

This Act may be cited as the "Workers Political Freedom Act of 1996".

SEC. . WORKERS' POLITICAL RIGHTS.

(a) **UNFAIR LABOR PRACTICES BY EMPLOYEES PROHIBITED.**—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by—

(1) striking the period at the end of paragraph (5) and inserting in lieu thereof "; or"; and

(2) adding after paragraph (5) the following new paragraph:

"(6) to receive from an employee dues, initiation fees, assessments, or other payments as a condition of employment for use for political activities in which the employer is engaged unless with the prior written voluntary authorization of the employee."

(b) **UNFAIR LABOR PRACTICES BY LABOR ORGANIZATIONS PROHIBITED.**—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended by—

(1) striking "and" at the end of paragraph (6);

(2) striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) adding after paragraph (7) the following new paragraph:

"(8) to receive from a member or non-member dues, initiation fees, assessments, or other payments as a condition of membership in the labor organization or as a condition of employment for use for political activities in which the labor organization is engaged unless with the prior written voluntary authorization of the member or non-member: *Provided*, That nothing in this paragraph shall be construed to deprive the courts of their concurrent jurisdiction over claims that a labor organization's use of the monies specified in this paragraph, or over the procedures for objecting to such spending, breaches the duty of fair representation."

AMENDMENT NO. 5170

At the appropriate place in the bill, insert the following new section:

SEC. . REQUIREMENT TO COMPLY WITH 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

(a) **IN GENERAL.**—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall rescind approval of the waiver described in subsection (b). Upon such rescission, the Secretary shall immediately approve such waiver in accordance with subsection (c).

(b) **WAIVER DESCRIBED.**—The waiver described in this subsection is the approval by the Secretary on August 19, 1996, of the District of Columbia's Welfare Reform Demonstration Special Application for waivers, which was submitted under section 1115 of the Social Security Act, and entitled the District of Columbia's Project on Work, Employment, and Responsibility (POWER).

(c) **CONDITION FOR WAIVER APPROVAL.**—The Secretary of Health and Human Services shall not approve any part of the waiver described in subsection (b) that relates to a time limit on receipt of assistance.

KENNEDY (AND OTHERS) AMENDMENT NO. 5171

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. JEFFORDS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 3396, supra; as follows:

Insert before section 1 the following:

TITLE I—DEFENSE OF MARRIAGE

In section 1, strike “This Act” and insert “This title”.

At the end of the bill, add the following new title:

**TITLE —EMPLOYMENT
NONDISCRIMINATION**

SEC. 01. SHORT TITLE.

This title may be cited as the “Employment Nondiscrimination Act of 1996”.

SEC. 02. PURPOSES.

It is the purpose of this title—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 03. DEFINITIONS.

As used in this title:

(1) **COMMISSION.**—The term “Commission” means the Equal Employment Opportunity Commission.

(2) **COVERED ENTITY.**—The term “covered entity” means an employer, employment agency, labor organization, joint labor management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing authority to which section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) applies.

(3) **EMPLOYEE.**—The term “employee” means an employee, as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)), an employee or applicant to whom section 717(a) of the Civil Rights Act of 1964 applies, a Presidential appointee or State employee to whom section 302(a)(1) of the Government Employee Rights Act of 1991 applies, and a covered employee to whom section 201(a)(1) of the Congressional Accountability Act of 1995 applies. The term “employee” does not include an individual who volunteers to perform services if the individual receives no compensation for such services.

(4) **EMPLOYER.**—the term “employer” means a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(5) **EMPLOYMENT AGENCY.**—The term “employment agency” has the meaning given such term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(6) **EMPLOYMENT OR EMPLOYMENT OPPORTUNITIES.**—Except as provided in section 09(a)(1), the term “employment or employment opportunities” includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment.

(7) **INDIVIDUAL.**—The term “individual” includes an employee.

(8) **LABOR ORGANIZATION.**—The term “labor organization” has the meaning given such

term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(9) **PERSON.**—The term “person” has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(10) **RELIGIOUS ORGANIZATION.**—The term “religious organization” means—

(A) a religious corporation, association, or society; or

(B) a college, school, university, or other educational institution, not otherwise a religious organization, if—

(i) it is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association, or society; or

(ii) its curriculum is directed toward the propagation of a particular religion.

(11) **SEXUAL ORIENTATION.**—The term “sexual orientation” means homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived.

(12) **STATE.**—The term “State” has the meaning given such term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

SEC. 04. DISCRIMINATION PROHIBITED.

A covered entity shall not, with respect to the employment or employment opportunities of an individual—

(1) subject the individual to a different standard or different treatment on the basis of sexual orientation;

(2) discriminate against the individual based on the sexual orientation of a person with whom the individual is believed to associate or to have associated; or

(3) otherwise discriminate against the individual on the basis of sexual orientation.

SEC. 05. BENEFITS.

This title does not apply to the provision of employee benefits to an individual for the benefit of such individual’s partner.

SEC. 06. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term “disparate impact” is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this title.

SEC. 07. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(a) **QUOTAS.**—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) **PREFERENTIAL TREATMENT.**—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

SEC. 08. RELIGIOUS EXEMPTION.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title shall not apply to a religious organization.

(b) **FOR-PROFIT ACTIVITIES.**—This title shall apply with respect to employment and employment opportunities that relate to any employment position that pertains solely to a religious organization’s for-profit activities subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 09. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS’ PREFERENCES.

(a) **ARMED FORCES.**—

(1) **EMPLOYMENT OR EMPLOYMENT OPPORTUNITIES.**—For purposes of this title, the term “employment or employment opportunities” does not apply to the relationship between the United States and members of the Armed Forces.

(2) **ARMED FORCES.**—As used in paragraph (1), the term “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) **VETERANS’ PREFERENCES.**—This title does not repeal or modify any Federal, State,

territorial, or local law creating a special right or preference for a veteran.

SEC. 10. CONSTRUCTION.

Nothing in this title shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if such rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

SEC. 11. ENFORCEMENT.

(a) **ENFORCEMENT POWERS.**—With respect to the administration and enforcement of this title in the case of a claim alleged by an individual for a violation of this title—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, and 1204);

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, and 1204);

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively; and

(5) a court of the United States shall have the same jurisdiction and powers as such court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, and 1204) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act; and

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act.

(b) **PROCEDURES AND REMEDIES.**—The procedures and remedies applicable to a claim alleged by an individual for a violation of this title are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2

U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to claims alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this title, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act.

SEC. 12. FEDERAL AND STATE IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in a Federal court of competent jurisdiction for a violation of this title. In an action against a State for a violation of this title, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies are available in an action against any public or private entity other than a State.

(b) LIABILITY OF THE UNITED STATES.—The United States shall be liable for all remedies (excluding punitive damages) under this title to the same extent as a private person and shall be liable to the same extent as a non-public party for interest to compensate for delay in payment.

SEC. 13. ATTORNEYS' FEES.

In any action or administrative proceeding commenced pursuant to this title, an entity described in section 11(a), in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including expert fees and other litigation expenses, and costs. The United States shall be liable for the fees, expenses and costs described in the preceding sentence to the same extent as a private person.

SEC. 14. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this title or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual's having exercised, enjoyed, assisted, or encouraged the exercise or enjoyment of, any right granted or protected by this title.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members describing the applicable provisions of this title in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

SEC. 16. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Commission shall have authority to issue regulations to carry out this title.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this title with respect to employees of the Library of Congress.

(c) BOARD.—The Board referred to in section 11(a)(3) shall have authority to issue regulations to carry out this title, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees to which section 201(a)(1) of such Act applies (2 U.S.C. 1311(a)(1)).

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This title shall not invalidate or limit the rights, remedies, or procedures available to

an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected by such invalidity.

SEC. 19. EFFECTIVE DATE.

This title shall take effect 60 days after the date of enactment of this title and shall not apply to conduct occurring before such effective date.

FEINSTEIN (AND WYDEN)
AMENDMENT NO. 5172

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 3396, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . FEDERALLY PROTECTED ACTIVITIES.

Section 245(b) of title 18, United States Code, is amended—

(1) in paragraph (2) in the matter before subparagraph (A), by inserting “, sexual orientation,” after “religion”; and

(2) in paragraph (4)(A), by inserting “, sexual orientation,” after “religion”.

LAUTENBERG AMENDMENT NO.
5173

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, H.R. 3396, supra; as follows:

At the appropriate place _____, insert the following:

SEC. . GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(33) The term ‘crime involving domestic violence’ means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.”

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking “or” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; or”; and

(C) by inserting after paragraph (8) the following new paragraph:

“(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.”;

(2) in subsection (g)—

(A) by striking “or” at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting “; or”; and

(C) by inserting after paragraph (8) the following new paragraph:

“(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.”; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: “and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel”.

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.”.

BRADLEY (AND OTHERS)
AMENDMENT NO. 5174

(Ordered to lie on the table.)

Mr. BRADLEY (for himself, Mrs. KASSEBAUM, and Mr. FRIST) submitted an amendment intended to be proposed by them to the bill, H.R. 3396, supra; as follows:

At the appropriate place, add the following:

TITLE —NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

SEC. 1. SHORT TITLE.

This title may be cited as the “Newborns' and Mothers' Health Protection Act of 1996”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the length of post-delivery inpatient care should be based on the unique characteristics of each mother and her newborn child, taking into consideration the health of the mother, the health and stability of the newborn, the ability and confidence of the mother and father to care for the newborn, the adequacy of support systems at home, and the access of the mother and newborn to appropriate follow-up health care; and

(2) the timing of the discharge of a mother and her newborn child from the hospital should be made by the attending provider in consultation with the mother.

SEC. 3. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOLLOWING BIRTH.

(a) IN GENERAL.—Except as provided in subsection (b), a health plan or an employee health benefit plan that provides maternity benefits, including benefits for childbirth, shall ensure that coverage is provided with respect to a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for a minimum of 48 hours of inpatient length of stay following a normal vaginal delivery, and a minimum of 96 hours of inpatient length of stay following a caesarean section, without requiring the attending provider to obtain authorization from the health plan or employee health benefit plan.

(b) EXCEPTION.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for post-delivery inpatient length of stay for a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for the period referred to in subsection (a) if—

(1) a decision to discharge the mother and her newborn child prior to the expiration of such period is made by the attending provider in consultation with the mother; and

(2) the health plan or employee health benefit plan provides coverage for post-delivery follow-up care as described in section 4.

SEC. 4. POST-DELIVERY FOLLOW-UP CARE.

(a) IN GENERAL.—

(1) GENERAL RULE.—In the case of a decision to discharge a mother and her newborn child from the inpatient setting prior to the expiration of 48 hours following a normal vaginal delivery or 96 hours following a caesarean section, the health plan or employee health benefit plan shall provide coverage for timely post-delivery care. Such health care shall be provided to a mother and her newborn child by a registered nurse, physician, nurse practitioner, nurse midwife or physician assistant experienced in maternal and child health in—

(A) the home, a provider's office, a hospital, a birthing center, an intermediate care facility, a federally qualified health center, a federally qualified rural health clinic, or a State health department maternity clinic; or

(B) another setting determined appropriate under regulations promulgated by the Secretary, in consultation with the Secretary of Health and Human Services;

except that such coverage shall ensure that the mother has the option to be provided with such care in the home. The attending provider in consultation with the mother shall decide the most appropriate location for follow-up care.

(2) CONSIDERATIONS BY SECRETARY.—In promulgating regulations under paragraph (1)(B), the Secretary shall consider telemedicine and other innovative means to provide follow-up care and shall consider care in both urban and rural settings.

(b) TIMELY CARE.—As used in subsection (a), the term "timely post-delivery care" means health care that is provided—

(1) following the discharge of a mother and her newborn child from the inpatient setting; and

(2) in a manner that meets the health care needs of the mother and her newborn child, that provides for the appropriate monitoring of the conditions of the mother and child, and that occurs not later than the 72-hour period immediately following discharge.

(c) CONSISTENCY WITH STATE LAW.—The Secretary shall, with respect to regulations promulgated under subsection (a) concerning appropriate post-delivery care settings, ensure that, to the extent practicable, such regulations are consistent with State licensing and practice laws.

SEC. 5. PROHIBITIONS.

In implementing the requirements of this title, a health plan or an employee health benefit plan may not—

(1) deny enrollment, renewal, or continued coverage to a mother and her newborn child who are participants, beneficiaries or policyholders based on compliance with this title;

(2) provide monetary payments or rebates to mothers to encourage such mothers to request less than the minimum coverage required under this title;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided treatment in accordance with this title; or

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide treatment to an individual policyholder, participant, or beneficiary in a manner inconsistent with this title.

SEC. 6. NOTICE.

(a) EMPLOYEE HEALTH BENEFIT PLAN.—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this title, and as part of its summary plan description.

(b) HEALTH PLAN.—A health plan shall provide notice to each policyholder regarding coverage required under this title. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days of the date of enactment of this title by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. 7. APPLICABILITY.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed under this title on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this title shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title.

(2) LIMITATION.—Except as provided in section 8(c), the Secretary shall not enforce the requirements or standards of this title as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this title as they relate to employee health benefit plans.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

(c) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to require that a mother who is a participant, beneficiary, or policyholder covered under this title—

(1) give birth in a hospital; or

(2) stay in the hospital for a fixed period of time following the birth of her child.

SEC. 8. ENFORCEMENT.

(a) HEALTH PLAN ISSUERS.—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this title. A State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this title.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—With respect to employee health benefit plans, the standards established under this title shall be enforced in the same manner as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) FAILURE TO ENFORCE.—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this title with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this title in such State. In the case of a State that fails to substantially enforce the standards set forth in this title, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties

contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this title.

SEC. 9. DEFINITIONS.

As used in this title:

(1) ATTENDING PROVIDER.—The term "attending provider" shall include—

(A) the obstetrician-gynecologists, pediatricians, family physicians, and other physicians primarily responsible for the care of a mother and newborn; and

(B) the nurse midwives and nurse practitioners primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws.

(2) BENEFICIARY.—The term "beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(8)).

(3) EMPLOYEE HEALTH BENEFIT PLAN.—

(A) IN GENERAL.—The term "employee health benefit plan" means any employee welfare benefit plan, governmental plan, or church plan (as defined under paragraphs (1), (32), and (33) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002 (1), (32), and (33))) that provides or pays for health benefits (such as provider and hospital benefits) for participants and beneficiaries whether—

(i) directly;

(ii) through a health plan offered by a health plan issuer as defined in paragraph (4); or

(iii) otherwise.

(B) RULE OF CONSTRUCTION.—An employee health benefit plan shall not be construed to be a health plan or a health plan issuer.

(C) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(4) GROUP PURCHASER.—The term "group purchaser" means any person (as defined under paragraph (9) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(9)) or entity that purchases or pays for health benefits (such as provider or hospital benefits) on behalf of participants or beneficiaries in connection with an employee health benefit plan.

(5) HEALTH PLAN.—

(A) IN GENERAL.—The term “health plan” means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term “group health plan” means any contract, policy, certificate or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term “individual health plan” means any contract, policy, certificate or other arrangement offered to individuals by a health plan issuer that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(E) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) which provides for benefit payments, on a periodic basis, for—

(i) a specified disease or illness, or

(ii) a period of hospitalization,

without regard to the costs incurred or services rendered during the period to which the payments relate.

(6) HEALTH PLAN ISSUER.—The term “health plan issuer” means any entity that is licensed (prior to or after the date of enactment of this title) by a State to offer a health plan.

(7) PARTICIPANT.—The term “participant” has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term “Secretary” unless otherwise specified means the Secretary of Labor.

SEC. 10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections 3, 5, and 6 relating to inpatient care shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this title;

(2) that requires health plans to provide coverage for at least 48 hours of inpatient length of stay following a normal vaginal delivery, and at least 96 hours of inpatient length of stay following a caesarean section;

(3) that requires health plans to provide coverage for maternity and pediatric care in accordance with guidelines established by the American College of Obstetricians and Gynecologists, the American Academy of Pe-

diatrics, or other established professional medical associations; or

(4) that leaves decisions regarding appropriate length of stay entirely to the attending provider, in consultation with the mother.

(b) FOLLOW-UP CARE.—The provisions of section 4 relating to follow-up care shall not preempt those provisions of State law or regulation that provide comparable or greater protection to patients or policyholders than those required under this title or that provide mothers and newborns with an option of timely post delivery follow-up care (as defined in section 4(b)) in the home.

(c) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this title to employee health benefit plans, as defined in section 9(3).

SEC. 11. REPORTS TO CONGRESS CONCERNING CHILDBIRTH.

(a) FINDINGS.—Congress finds that—

(1) childbirth is one part of a continuum of experience that includes prepregnancy, pregnancy and prenatal care, labor and delivery, the immediate postpartum period, and a longer period of adjustment for the newborn, the mother, and the family;

(2) health care practices across this continuum are changing in response to health care financing and delivery system changes, science and clinical research, and patient preferences; and

(3) there is a need to—

(A) examine the issues and consequences associated with the length of hospital stays following childbirth;

(B) examine the follow-up practices for mothers and newborns used in conjunction with shorter hospital stays;

(C) identify appropriate health care practices and procedures with regard to the hospital discharge of newborns and mothers;

(D) examine the extent to which such care is affected by family and environmental factors; and

(E) examine the content of care during hospital stays following childbirth.

(b) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this title, the Secretary of Health and Human Services shall establish an advisory panel (hereafter referred to in this section as the “advisory panel”) to—

(A) guide and review methods, procedures, and data collection necessary to conduct the study described in subsection (c) that is intended to enhance the quality, safety, and effectiveness of health care services provided to mothers and newborns;

(B) develop a consensus among the members of the advisory panel regarding the appropriateness of the specific requirements of this title; and

(C) prepare and submit to the Secretary of Health and Human Services, as part of the report of the Secretary submitted under subsection (d), a report summarizing the consensus developed under subparagraph (B) if any, including the reasons for not reaching such a consensus.

(2) PARTICIPATION.—

(A) DEPARTMENT REPRESENTATIVES.—The Secretary of Health and Human Services shall ensure that representatives from within the Department of Health and Human Services that have expertise in the area of maternal and child health or in outcomes research are appointed to the advisory panel established under paragraph (1).

(B) REPRESENTATIVES OF PUBLIC AND PRIVATE SECTOR ENTITIES.—

(i) IN GENERAL.—The Secretary of Health and Human Services shall ensure that members of the advisory panel include representatives of public and private sector entities

having knowledge or experience in one or more of the following areas:

(I) Patient care.

(II) Patient education.

(III) Quality assurance.

(IV) Outcomes research.

(V) Consumer issues.

(ii) REQUIREMENT.—The panel shall include representatives from each of the following categories:

(I) Health care practitioners.

(II) Health plans.

(III) Hospitals.

(IV) Employers.

(V) States.

(VI) Consumers.

(c) STUDIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of—

(A) the factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth;

(B) the factors determining the length of hospital stay following childbirth;

(C) the diversity of negative or positive outcomes affecting mothers, infants, and families;

(D) the manner in which post natal care has changed over time and the manner in which that care has adapted or related to changes in the length of hospital stay, taking into account—

(i) the types of post natal care available and the extent to which such care is accessed; and

(ii) the challenges associated with providing post natal care to all populations, including vulnerable populations, and solutions for overcoming these challenges; and

(E) the financial incentives that may—

(i) impact the health of newborns and mothers; and

(ii) influence the clinical decisionmaking of health care providers.

(2) RESOURCES.—The Secretary of Health and Human Services shall provide to the advisory panel the resources necessary to carry out the duties of the advisory panel.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains—

(A) a summary of the study conducted under subsection (c);

(B) a summary of the best practices used in the public and private sectors for the care of newborns and mothers;

(C) recommendations for improvements in prenatal care, post natal care, delivery and follow-up care, and whether the implementation of such improvements should be accomplished by the private health care sector, Federal or State governments, or any combination thereof; and

(D) limitations on the databases in existence on the date of enactment of this title.

(2) SUBMISSION OF REPORTS.—The Secretary of Health and Human Services shall prepare and submit to the Committees referred to in paragraph (1)—

(A) an initial report concerning the study conducted under subsection (c) and the report required under subsection (d), not later than 18 months after the date of enactment of this title;

(B) an interim report concerning such study and report not later than 3 years after the date of enactment of this title; and

(C) a final report concerning such study and report not later than 5 years after the date of enactment of this title.

(e) **TERMINATION OF PANEL.**—The advisory panel shall terminate on the date that occurs 60 days after the date on which the last report is submitted under this section.

SEC. 12. SALE OF GOVERNORS ISLAND, NEW YORK.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of General Services shall dispose of by sale at fair market value all rights, title, and interests of the United States in and to the land of, and improvements to, Governors Island, New York.

(b) **RIGHT OF FIRST REFUSAL.**—Before a sale is made under subsection (a) to any other parties, the State of New York and the city of New York shall be given the right of first refusal to purchase all or part of Governors Island. Such right may be exercised by either the State of New York or the city of New York or by both parties acting jointly.

(c) **PROCEEDS.**—Proceeds from the disposal of Governors Island under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

SEC. 13. SALE OF AIR RIGHTS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of General Services shall sell, at fair market value and in a manner to be determined by the Administrator, the air rights adjacent to Washington Union Station described in subsection (b), including air rights conveyed to the Administrator under subsection (d). The Administrator shall complete the sale by such date as is necessary to ensure that the proceeds from the sale will be deposited in accordance with subsection (c).

(b) **DESCRIPTION.**—The air rights referred to in subsection (a) total approximately 16.5 acres and are depicted on the plat map of the District of Columbia as follows:

- (1) Part of lot 172, square 720.
- (2) Part of lots 172 and 823, square 720.
- (3) Part of lot 811, square 717.

(c) **PROCEEDS.**—Before September 30, 1997, proceeds from the sale of air rights under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

(d) **CONVEYANCE OF AMTRAK AIR RIGHTS.**—

(1) **GENERAL RULE.**—As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1996, at no charge, all of the air rights of Amtrak described in subsection (b).

(2) **FAILURE TO COMPLY.**—If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1997.

SEC. 14. EFFECTIVE DATE.

Except as otherwise provided for in this title, the provisions of this title shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after January 1, 1998.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after January 1, 1998.

THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

BOND AMENDMENT NO. 5175

Mr. BOND proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 59, after line 2, insert the following:

SEC. . In order to avoid or minimize the need for involuntary separations due to a reduction in force, departmental restructuring, reorganization, transfer of function, or similar action affecting the Department of Housing and Urban Development, the Secretary shall establish a program under which separation pay, subject to the availability of appropriated funds, may be offered to encourage employees to separate from service voluntarily, whether by retirement or resignation: *Provided*, That payments to individual employees shall not exceed \$25,000: *Provided further*, That in addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, HUD shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom a voluntary separation incentive has been paid under this paragraph".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources to receive testimony on the issue of U.S. climate change policy.

The hearing will take place on Tuesday, September 17, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

Those who wish to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact David Garman at (202) 224-8115.

CANCELLATION OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a hearing before the Committee on Energy and Natural Resources to receive testimony on S. 1852, the Department of Energy Class Action Lawsuit Act, has been canceled.

The hearing was scheduled to take place Wednesday, September 5, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

There are no plans to reschedule this hearing. For further information, please contact Kelly Johnson or Jo Meuse at (202) 224-6730.

BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 1996

The text of the bill (S. 1559) to make technical corrections to title 11, United States Code, and for other purposes, as passed by the Senate on August 2, 1996, is as follows:

S. 1559

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 "Bankruptcy Technical Corrections Act of 1996".

SEC. 2. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in paragraph (51B)—

(A) by inserting "family farms or" after "other than"; and

(B) by striking all after "thereto" and inserting a semicolon;

(3) by reordering the paragraphs so that the terms defined in the section are in alphabetical order and redesignating the paragraphs accordingly;

(4) in paragraph (37)(B) (defining insured depository institution), as redesignated by paragraph (3) of this section, by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)(A)";

(5) in each paragraph, by inserting a heading, the text of which is comprised of the term defined in the paragraph;

(6) by inserting "The term" after each paragraph heading; and

(7) by striking the semicolon at the end of each paragraph and "and" at the end of paragraphs (35) and (38) and inserting a period.

SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 4. COMPENSATION TO OFFICERS.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "or the debtor's attorney" after "1103"; and

(2) in paragraph (3), by striking "(3)(A) In" and inserting "(3) In".

SEC. 5. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by adding "or" at the end;

(B) in paragraph (3), by striking "or" at the end and inserting a period; and

(C) by striking paragraph (4);

(2) in subsection (d), by striking paragraphs (5) through (9); and

(3) in subsection (f)(1), by striking "except that" and all that follows through the end of the paragraph and inserting a period.

SEC. 7. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 8. PRIORITIES.

Section 507(a)(7) of title 11, United States Code, is amended by inserting "unsecured" after "allowed".

SEC. 9. EXEMPTIONS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (f)(1)(A)—

(A) in the matter preceding clause (i), by striking "or" at the end; and

(B) in clause (ii), by striking the period at the end and inserting "or"; and

(2) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".