

nor the Administrator may award a grant for an airport-related project unless the grant agreement specifies that, subject to paragraph (2)—

(A) competitive procedures shall be used for awarding any contract in an amount greater than or equal to \$5,000,000 that is funded in whole or in part with funds made available by the grant; and

(B) the reporting requirements under subsection (b) shall apply to any contract funded in whole or in part with such funds that is awarded without using competitive procedures.

(2) EXCEPTIONS.—The exclusion of a particular source by a contractor for reasons described in subsection (b) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and a failure to use competitive procedures for reasons that, under subsection (c) of such section, would justify a failure of the head of an executive agency to use competitive procedures shall not be considered a violation of a clause included in a grant agreement under paragraph (1) and shall not necessitate a report under that paragraph.

(3) APPLICABILITY.—Paragraph (1) shall apply to grants referred to in this paragraph that are awarded on or after the date of enactment of this Act.

(b) CONTENT OF REPORT.—A report submitted under this section shall state—

(1) the number of bids from qualified bidders that were in amounts lower than the amount specified in the bid submitted by the bidder awarded the contract;

(2) for each bid referred to in paragraph (1) (other than the bid submitted by the bidder awarded the contract)—

(A) the amount by which the bid submitted by the bidder awarded the contract exceeded the lower bid;

(B) a description of any qualitative differences between the property or services that were the subject of the lower bid and the property or services that are the subject of the bid submitted by the bidder awarded the contract; and

(C) a justification for rejecting the lower bid, including any exception under applicable law.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) COMPETITIVE PROCEDURES.—The term “competitive procedures” —

(A) with respect to the awarding of a contract by the Secretary or the Administrator, has the meaning provided that term in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)); and

(B) with respect to the awarding of a contract or subcontract by a contractor, contracting procedures that the Secretary or the Administrator (as the case may be) determines are substantially similar to the competitive procedures used by the Secretary for the acquisition of the same or similar property or services.

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

#### SIMPSON AMENDMENT NO. 5376

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill, S. 1994, supra; as follows:

At the appropriate place, insert the following new section:

#### SEC. . PILOT AGE RESTRICTION.

The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall—

(1) determine criteria for granting exemptions to the regulations of the Federal Aviation Administration that restrict commercial pilots who have attained the age of 60; and

(2) revise to the regulations of the Federal Aviation Administration to provide for exemptions referred to in paragraph (1).

#### HELMS AMENDMENT NO. 5377

Mr. MCCAIN (for Mr. HELMS) proposed an amendment to the bill, S. 1994, supra; as follows:

On page 39, line 20, insert the following:

#### SEC. 41 . TRANSFER OF AIR TRAFFIC CONTROL TOWER; CLOSING OF FLIGHT SERVICE STATIONS.

(a) HICKORY, NORTH CAROLINA TOWER.—

(1) TRANSFER.—The Administrator of the Federal Aviation Administration may transfer any title, right, or interest the United States has in the air traffic control tower located at the Hickory Regional Airport to the City of Hickory, North Carolina, for the purpose of enabling the city to provide air traffic control services to operators of aircraft.

#### BROWN AMENDMENT NO. 5378

Mr. MCCAIN (for Mr. BROWN) proposed an amendment to the bill, S. 1994, supra; as follows:

At the appropriate place insert the following:

#### SEC. . REPORTING FOR PROCUREMENT CONTRACTS.

Section 47112 is amended by adding at the end the following new subsection:

“(d) REPORTING FOR PROCUREMENT CONTRACTS.—(1) The Secretary of Transportation shall promulgate regulations to require that each grant agreement that includes the awarding of any contract that includes Federal funds in an amount greater than or equal to \$5,000,000 under this subchapter provides for a report to the Secretary that states—

“(A) the number of bids from qualified, responsive and reasonable bidders that were in amounts lower than the amount specified in the bid submitted by the bidder awarded the contract;

“(B) for each bid referred to in subparagraph A (other than the bid submitted by the bidder awarded the contract) the amount by which the bid submitted by the bidder awarded the contract exceeded the lower bid.

“(2) APPLICABILITY.—This subsection shall apply to grants referred to in this paragraph that are awarded on or after the date of enactment of this Act.”.

#### MCCAIN AMENDMENT NO. 5379

Mr. MCCAIN proposed an amendment to the bill, S. 1994, supra; as follows:

On page 2, in the item relating to title III, strike “AIRPORT” and insert “AVIATION”.

On page 14, line 11, strike “AIRPORT” and insert “AVIATION”.

#### THE DEPARTMENT OF JUSTICE APPROPRIATIONS ACT, 1997

#### FAIRCLOTH (AND OTHERS) AMENDMENT NO. 5380

(Ordered to lie on the table.)

Mr. FAIRCLOTH (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the

bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place, insert the following new section:

#### EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES

SEC. . (a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H-1A VISA.—

(1) Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a);

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(A) of the Immigration and Nationality Act or to authorize the re-entry of any person outside the United States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

#### THE SUSTAINABLE FISHERIES ACT FISHERIES STOCK RECOVERY FINANCING ACT

#### SNOWE (AND COHEN) AMENDMENT NO. 5381

Ms. SNOWE (for herself and Mr. COHEN) proposed an amendment to the bill (S. 39) to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes; as follows:

On page 161, line 21, strike “810 and 811,” and insert “811 and 812.”.

On page 163, line 4, strike the closing quotation marks and the second period.

On page 163, between lines 4 and 5, insert the following:

#### “SEC. 810. TRANSITION TO MANAGEMENT OF AMERICAN LOBSTER FISHERY BY COMMISSION.

“(a) TEMPORARY LIMITS.—Notwithstanding any other provision of this Act or of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), if no